

Title 16

DEVELOPMENT CODE

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Chapter 16.12

ZONING

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16.12.010 **Content.**

A. Zoning Map. The location and boundaries of the districts designated in this chapter are established as shown on the map entitled the "Town of Wilson Creek Zoning Map." The zoning map shall be dated with the effective date of this code and signed by the mayor. The signed map shall be maintained on file with the town clerk, and is made a part of this code.

B. Zoning Map Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the official zoning maps, the following rules shall apply:

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 corporate limits shall be construed as following corporate limits.
3. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
4. Boundaries indicated as parallel to extensions of features in subdivisions 1 through 3 of this subsection shall be so construed.
5. Where physical or cultural features existing on the ground are at variance with those shown on the zoning map, or where other uncertainties exist, the district boundaries shall be determined by due process of law. Minor determinations may be made by the town council. (Ord. 333 § 1(3A), 1995)

16.12.020 **General regulations.**

The following regulations shall apply for all zones and uses:

- A. Setbacks. In calculating setbacks, the measurement shall be taken from the nearest point of the front wall of the primary building to the street or highway right-of-way.

B. Accessory Buildings—Standards. A detached accessory building(s) may occupy a side yard along an inside lot line if it meets these standards:

1. If the construction and/or installation costs of an accessory building exceeds four hundred dollars (\$400.00) a town building permit must be obtained prior to construction and/or installation of said building.

2. Accessory building(s) shall comply with all other provisions of this title, except where exempted by a variance or conditional use permit.

3. Accessory buildings shall not be physically connected to primary structures.

C. All dwellings within the corporate limits of the town shall be connected to the public electric system, the town water system, and a state of Washington Health Department approved septic system. Septic system holding tanks and drain fields may not be covered by buildings or impervious surfaces. (Ord. 333 § 1(3B), 1995)

16.12.030 Nonconforming uses and structures.

A. Nonconforming Structures.

1. Structures existing at the time of adoption of this code, although such structures do not conform to the provisions of this code, may be continued; however, if such nonconforming structures are demolished or destroyed through deliberate actions of the owner, any further use of those lands or premises shall conform to the provisions of this code.

2. Nothing in this code shall be deemed to prohibit the restoration of a structure damaged through no fault of the owner, or shall prevent the continuance of the use of such structure or part thereof. A nonconforming structure which is destroyed or damaged through accident or other cause not under the control of the owner may be rebuilt to its original dimensions, provided that construction for such rebuild begins within one year of the date of the damage.

3. Nothing in this code shall require any change in the plans, construction, designation or intended use of a structure, the construction of which was commenced and diligently prosecuted prior to the adoption of this code.

4. Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety and health upon the order of such official.

5. Where a lawful structure exists on the effective date of the ordinance codified in this title, which structure could not be built under the terms of this code, such structure may be continued as long as it remains otherwise lawful. However, no such structure shall be enlarged or altered in a way which increases its area of nonconformity unless a variance is first granted by the town council.

B. **Nonconforming Lots.** A structure and its customary accessory buildings may be erected on any lot created before the effective date of the ordinance codified in this title. This provision shall apply even though such lot fails to meet the dimensional requirements of the underlying zoning district; provided, that such structure is allowed within that zoning district and that the structure meets all setback and dimensional standards of the district, and all requirements for on-site septic systems.

C. **Nonconforming Uses.** The lawful use of the land or premises existing at the time of adoption of this code, although such use does not conform to the provisions of this code, may be continued; however, if such nonconforming use is discontinued for a period of six months or more, any further use of those lands or premises shall conform to the provisions of this code. (Ord. 333 § 1(3C), 1995)

16.12.040 Zones.

This section establishes the following zones:

- Agriculture
- Residential
- Commercial
- Ag-industrial
- Public use
- Airport

These zones are established in conformance with the designations of the future land use section of the town comprehensive land use plan.

A. Agriculture Zone.

1. **Purpose.** The agriculture zone is a land use classification that is generally suited to crop agriculture, agricultural-related industries, keeping of livestock as per Chapter 6.04 of the Wilson Creek Municipal Code, and public utility functions.

2. Uses Permitted.

a. Dwellings which meet current federal, state, county and local codes for owner(s), operator(s), and full-time seasonal laborers employed on the farm;

b. Cultivation of land for the production of agricultural products as long as such use does not create a public hazard;

c. Building and land uses necessary for government or public utility functions;

d. Maintenance, raising or grazing of livestock and/or poultry as per Chapter 6.04 of the Wilson Creek Municipal Code; provided that:

i. Animal runways or buildings are not less than five hundred (500) feet from the nearest existing dwellings,

ii. Feed racks, bunks or troughs within such farm-oriented lots must be located no less than one hundred (100) feet from the right-of-way of any public road or highway.

3. Uses Specifically Prohibited.

a. Uses not specifically related to agriculture, including commercial and industrial uses not specifically related to agriculture;

b. Nuclear or hazardous waste incinerators.

4. Uses Allowed by a Conditional Use Permit. Commercial and industrial uses related to agriculture, including storage and sale of agricultural fertilizer, pesticides, herbicides and soil sterilants. The following standards shall apply.

a. Lot area required: a minimum of ten thousand (10,000) square feet. This area shall be in addition to any area required for agricultural uses;

b. Front yard: a minimum of twenty-five (25) feet;

c. Minimum setback from other property lines: a minimum of fifty (50) feet;

d. All such facilities shall be designed and located with full consideration of their proximity to adjacent uses, their affect upon adjacent property, and to the reduction of nuisance factors;

e. The owner and/or operator of such a use shall furnish evidence that the obnoxious characteristics of the process or activity has been or shall be eliminated sufficiently as not to constitute a nuisance or be detrimental to the health, safety, comfort or general welfare of persons residing or working in or passing through the area;

f. The owner and/or operator of such a use shall have a continuous obligation to prevent the creation of a nuisance or hazard;

g. The requirements of Chapter 16.24, Public Hearing Procedure, shall be expanded to require that sixty (60) days prior to public hearing, all property owners within one thousand (1,000) feet of the proposed use shall be notified by mail of the proposal and the hearing date.

5. Restrictions.

a. Lot area required: a minimum of ten (10) acres;

b. Building Setbacks.

i. Front yard: not less than ten (10) feet deep if abutting a public road, highway or thoroughfare,

ii. Side yard: not less than fifteen (15) feet wide if abutting a side street,

iii. Rear yard: not less than fifteen (15) feet deep if abutting public road, highway, or thoroughfare;

c. Height restrictions: roof heights in this zone shall not exceed the average roof heights of structures in adjacent zones unless a variance is granted by the town council;

d. Parking: two off-street parking spaces, a minimum of nine feet wide and a minimum of eighteen (18) feet long shall be provided for each family dwelling.

B. Residential Zone.

1. Purpose. The residential zone is a land use classification for an area suitable for residential use which is or will become a single-family or a multiple-family unit living area.

2. Permitted Uses.

- a. Single-family and multiple-family dwellings;
- b. Greenhouses as an accessory use;
- c. Accessory structures such as carports, garages and barns;
- d. Buildings and land uses necessary for government or public utility functions;
- e. Crops primarily for the personal use of the occupants;
- f. Designated mobile and manufactured homes, as defined. All such units must show HUD certification prior to installation. Units which do not display such designation shall not be permitted or connected to town utilities;
- g. Family and mini day care homes, as defined, as required by RCW 35.63.185;
- h. Residential care facilities, as defined, as required by RCW 35.63.140;
- i. Bed and breakfasts.

3. Uses Specifically Prohibited.

- a. Travel trailers, campers, motor homes and/or recreational vehicles used as permanent residences;
- b. Kennels;
- c. Commercial uses, except as specified in subdivision (4)(b) of this subsection, Home Occupations;
- d. Industrial uses;
- e. Agricultural uses, excepting those listed in subdivision 2 of this subsection;
- f. Storage and/or incineration of hazardous waste;
- g. Mobile or manufactured homes which do not display HUD certification.

4. Uses Allowed by a Conditional Use Permit.

- a. Temporary use of trailers, campers, motor homes or recreational vehicles as residences: such use shall be allowed by conditional use permit provided that the following standards are met:
 - i. Such use shall not become permanent.
 - ii. Such use shall not violate applicable health and safety standards, and shall not, in the future become a hazard to the health, safety or welfare of town residents.

iii. Conditional use permits for such use shall be issued for a ninety (90) day period, and may be extended by the town council for additional ninety (90) day periods, provided that items (i) and (ii) above are met.

iv. Application for such permits shall be made by the property owner, owner of the vehicle to be used, and the occupant of the vehicle to be used (if different from the property owner or vehicle owner).

v. In issuing the conditional use permit, the town council shall follow the procedures of Section 16.12.060B, however, the requirement for a public hearing and posting of the proposed action shall be waived.

b. **Home Occupations.** Home occupations shall be allowed by conditional use permit provided they meet the following standards:

i. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes with not more than thirty-five (35) percent of the gross floor area of the entire structure being used for conducting the home occupation.

ii. The home occupation shall be fully enclosed within the primary residential structure or existing accessory buildings, with the exception of gardens and nurseries.

iii. A single advertising sign, not more than three square feet in area, shall be allowed for each home occupation. There shall be no exterior or window displays, storage of materials or sample commodities displayed outside buildings.

iv. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, smoke, dust, fumes, odors, heat or electrical interference with any radio or television receivers, or causes fluctuation in line voltage off the premises which would exceed that normally produced by a single-family residence.

v. No parking shall be allowed beyond that common to a residential area and no excessive vehicular or pedestrian traffic shall be present as a result of the home occupation.

vi. Delivery of materials shall be limited solely to between eight a.m. and six p.m., Monday through Saturday.

vii. Buffers or screens may be required by the town when deemed necessary to reduce potential impacts to adjacent properties.

viii. Home occupations shall conform to all other applicable requirements specified in this code as well as any special conditions imposed on the home occupation by the town council.

ix. The following uses shall be exempt from the provisions of this section.

(A) Family day care homes and mini-day care centers and as defined in this code;

(B) Newspaper delivery;

(C) Garage and yard sales, provided that such sales may not continue for more than three consecutive days in any calendar month.

5. Uses Allowed by a Binding Site Plan. Mobilehome Parks. A binding site plan shall be required as part of the development review process, which shall demonstrate that the following conditions are met:

- a. Site area required: a minimum of one acre;
 - b. Yards: setbacks from all site boundaries shall be a minimum of ten (10) feet, and from public rights-of-way a minimum of twenty-five (25) feet;
 - c. Off-street parking: as required by Section 16.12.050;
 - d. The site must be large enough to accommodate an on-site state of Washington Health Department approved sewage disposal system;
 - e. Individual lots must be a minimum of six thousand (6,000) square feet;
 - f. Access: the site shall have access on a public street or highway, for a distance to be determined by the town building department at the time of the site plan review;
 - g. Aboveground storage of flammable gases or liquids must be done according to federal, state, county, town and other applicable regulations; and with adequate safety precautions and full consideration for the safety of the mobilehome occupants and other buildings, structures and dwellings on adjoining sites;
 - h. Ingress and egress to the mobilehome park must be at controlled points acceptable to the town building department and must join the public street or highway at an angle less than seventy-five (75) degrees but no more than one hundred five (105) degrees; and must be at near-level slope sufficiently wide so that turning vehicles can remain in their own traffic lanes;
 - i. The mobilehome park must provide an internal traffic circulation system;
 - j. Water source(s) for fire control must meet the requirements of the town building department and the town fire department;
 - k. Playground space for children as established by the state of Washington, as required;
 - l. Landscaping: reviewed and deemed necessary by the town building department at the time of site plan review;
 - m. A storage area for recreational equipment and/or vehicles may be required in the town site plan.
6. Restrictions.
- a. Lot Area Required.
 - i. For single-family dwellings (including mobilehomes, factory-built housing, modular homes and manufactured homes), not less than six thousand (6,000) square

feet, with an average width of not less than fifty (50) feet, to allow for proper placement of septic systems;

ii. All multifamily dwellings must have six thousand (6,000) square feet for each dwelling unit to allow for proper placement of septic systems.

b. Building Setbacks.

i. Front yard: not less than ten (10) feet deep;

ii. Side yards: not less than eight feet wide. On a corner lot, the side yard along a flanking or side street shall not be less than ten (10) feet wide;

iii. Rear yard: not less than five feet.

c. Height restrictions: roof heights shall not exceed the average roof heights of adjacent structures;

d. Access: all lots in this zone shall abut a public street for a minimum of twenty-five (25) feet;

e. Parking: two off-street parking spaces a minimum of nine feet wide and eighteen (18) feet long shall be provided for each dwelling.

7. Recommendation. Due to federal and state elevation requirements for dwellings built on a floodplain, the federal government recommends two-story house construction on a floodplain; the first story to be a carport or a garage used for storage and parking with no restriction of potential floodwater flow, and the second story to be used as living quarters.

8. Other Regulations. Mobilehomes, factory-built housing, modular homes and manufactured homes shall:

a. Obtain a building permit from the town building department prior to installation or site development;

b. Pass an inspection by the town building department prior to installation;

c. Be placed only on state-approved foundations, shall be skirted, and shall have front and rear porches or decks installed prior to occupancy.

C. Commercial Zone.

1. Purpose. The purpose of this district is to provide for present and future retail and wholesale commercial activities.

2. Permitted Uses. Commercial uses with town business licenses, including, but not limited to the following:

Agricultural supplies and equipment;

Antique shop;

Art gallery;

Automobile repair shop;

Bakery;

Bank;
Barber;
Blacksmith shop;
Bowling alley;
Brewery;
Building materials sales yard;
Delicatessen, restaurant;
Department store;
Drugstore;
Dry good store;
Florist, garden supply shop;
Fruit and vegetable market;
Fuel sales;
Gift shop;
Hardware store, electrical appliance store;
Jewelry store;
Machine shop;
Manufacture of pottery or figurines;
Mini-day care centers and day care centers, as defined;
Mini-storage;
Mobilehome, camper, trailer, and RV sales and service;
Notions or variety store;
Offices, business and professional;
Parcel delivery service;
Passenger terminal for public transportation;
Photographer;
Printing, publishing firms;
Radio and television sales, service and studios;
Shoe repair, shoe sales;
Sign shop;
Stationery store;
Tailor shop;
Tavern;
Tire shop;
Wearing apparel store or manufacture;
Welding shop;
Wholesale offices, catalogue stores;

3. Uses Specifically Prohibited.
 - a. Nuclear and/or hazardous waste incinerators;
 - b. Residential uses;
 - c. Agricultural uses;
 - d. Industrial uses;
 - e. Kennels.
4. Uses Allowed by a Conditional Use Permit. Any businesses not specifically permitted or prohibited in this zone may apply for a conditional use permit (see Section 16.12.060).
5. Uses Allowed by a Binding Site Plan. Campgrounds and Short-Term Recreational Parks. A binding site plan is required to accompany the town application form and request to build a campground/ short-term recreational park. In order to obtain approval, the applicant must demonstrate that the following conditions have been met:
 - a. Overall Park Requirements.
 - i. There shall be a minimum of twenty (20) percent of the total park area exclusive of roads, buffer areas, office facilities, restroom facilities, etc., set aside for recreational use.
 - ii. A minimum of twenty-five (25) foot wide landscaped buffer area shall be established along that portion of the park which adjoins a public road right-of-way.
 - b. Camp Space Requirements.
 - i. Each camping space shall have a minimum size of one thousand two hundred (1,200) square feet.
 - ii. No permanent structures shall be allowed on any individual camping space.
 - iii. Each camping space shall be designed to allow towed vehicles to be positioned so as not to block access roads and to provide a minimum separation of ten (10) feet between individual recreational units.
 - iv. Each camping space shall be well marked and numbered in the English language.
 - c. Utilities and Sanitation.
 - i. Each camping space shall be provided with an easily accessible water supply.
 - ii. All utilities such as water, fire protection, electricity, etc. shall be installed by the developer in accordance with all applicable state, county and town guidelines.
 - iii. All solid waste storage, sewage collection and disposal systems shall be approved by the Grant County health district, and shall be regularly maintained by the park owner or operator.

d. Park Road System and Parking.

i. Access junctions with the public roads shall be approved by the town building department.

ii. All park roads and access roads shall be on an adequate base, graded and surfaced to provide a dust-free, all weather surface. All internal park roads shall be privately owned, constructed and maintained.

iii. All interior roads shall have no on-street parking, and shall have the following minimum constructed and maintained widths:

(A) One-way roads shall be twelve (12) feet wide;

(B) Two-way roads shall be twenty-five (25) feet wide.

iv. Off-street parking shall be at least one space per recreational unit. There shall also be at least four off-street parking spaces provided for the park office. In addition, a minimum of one additional parking space per each five recreational unit lots, or fraction thereof, shall be provided. Recreational unit check-in parking shall be provided as needed so as to prevent park access obstruction.

v. All interior roads shall provide for continuous forward movement so as to prevent dead ends, cul-de-sacs, barriers, etc. All changes in road alignment shall be accomplished with a horizontal curve having a minimum radius of sixty (60) feet.

vi. All park security systems shall be reviewed by local emergency response officials on a regular basis.

6. Restrictions.

a. Lot area required: not less than six thousand (6,000) square feet, with an average width of not less than fifty (50) feet, to allow for proper placement of a septic system, and required off-street parking. Additional square footage may be required to meet other provisions of this title;

b. Building setbacks: commercial uses shall have lot line setbacks as needed to provide access for emergency vehicles and loading and unloading zones. Determination shall be made by the town building department at the time of development review and prior to issuance of building permits;

c. Height restrictions: roof height of any commercial building adjacent to any residential zone shall not exceed the average roof height of adjacent dwellings;

d. Parking: see Section 16.12.050, Off-street parking requirements;

e. Access: all commercial uses shall be provided with suitable access to public thoroughfares.

7. Other Regulations.

a. Travel trailers, campers, motor homes and/or recreational vehicles shall not be used for business operations in this zone.

b. Landscaping. Visual screening of trash areas and other service areas shall be provided through landscape plantings, fencing, or other methods which provide for visual screening and which prevent blowing of trash. Parking areas and buildings shall be provided with landscaping which breaks up the visual impact of the development from adjacent properties, and which prevents the occurrence of noxious weeds. If parking is to be located in the front yard area of the lot, then landscaped buffers must be included between the street and such parking areas. Such landscaping must commence immediately upon completion of construction. Landscaping must be maintained to assure long-term viability of plantings; underground or timed water systems may be required for water conservation. Landscape plans shall be submitted as part of the development application process and shall be reviewed by the town building department prior to issuance of any building permits or business licenses.

c. Prior to the start of operations, all businesses in this zone must obtain a town business license, as outlined in Chapter 16.36.

D. Ag-Industrial Zone.

1. Purpose. The purpose of the ag-industrial zone is to preserve areas for industrial uses that do not create serious problems of compatibility with other land uses, and to make provisions for certain commercial uses which are most appropriately located within industrial zones.

2. Permitted Uses.

a. Industrial uses which have obtained a town business license, including the following, shall be permitted. Such uses shall be conducted wholly within a completely enclosed building except for off-street parking and loading facilities:

Assembly and fabrication of sheet metal products;
 Blacksmith shop;
 Boat building, small;
 Building materials sales yard, including rock, sand and gravel;
 Kennels and other animal boarding facilities;
 Draying or freight yard or terminal;
 Electroplating shop;
 Enameling or metal coating (galvanizing);
 Express or car loading terminals;
 Fuel oil distributor, retail;
 Grain elevators and flour milling;
 Manufacture of clothing or shoes;
 Manufacture and maintenance of electric and neon signs;
 Manufacture of musical instruments, toys, novelties, rubber goods;

Manufacture of optical goods, scientific and precision instruments and equipment;
 Manufacture of artificial limbs, hearing aids, dentures, surgical instruments and dressings, and other devices used by the medical and dental professions;
 Outdoor storage areas;
 Parcel delivery service;
 Processing or assembling various material such as wood, stone, clay and glass;
 Spinning or knitting of fibrous materials;
 Stone, marble and granite works;
 Terminal and yard for produce;
 Veterinary hospital;
 Warehouses;
 Welding shop and forge;

b. Agricultural uses.

3. Uses Specifically Prohibited.

a. The storage, and/or treatment, and/or incineration of hazardous and/or nuclear waste;

b. Residential uses;

c. Commercial uses, except as specified in subdivision (2)(a) of this subsection.

4. Uses Allowed by a Conditional Use Permit. Any use not specifically allowed nor specifically prohibited may apply for a conditional use permit prior to the start of operations.

5. Restrictions.

a. Lot area required: not less than six thousand (6,000) square feet with an average width of not less than fifty (50) feet. Additional square footage may be required by the town council to allow for proper placement of a state of Washington Health Department approved sewage disposal system, required off-street parking (see Section 16.12.050), or to meet other provisions of this code;

b. Building Setbacks.

i. Front yard: a minimum of forty (40) feet from the right-of-way of all public roads,

ii. Side yards: a minimum of twenty (20) feet from the side lot lines. If the property is on the corner of two intersecting public road rights-of-way, then a minimum of forty (40) feet from the right-of-way,

iii. Rear yard: a minimum of twenty (20) feet from the rear property line;

c. Height restrictions: roof height of any industrial or commercial building adjacent to a residential zone shall not exceed the average roof heights of adjacent dwellings;

- d. Access: all uses shall be provided with suitable access to public roads;
- e. Parking: see Section 16.12.050.
- 6. Other Regulations.
 - a. All structures built after the effective date of the ordinance codified in this title shall comply with Chapter 15.08 of the Wilson Creek Municipal Code, where applicable.
 - b. Travel trailers, campers, motor homes and/or recreational vehicles shall not be used for permanent business operations in this zone.
 - c. Landscaping. Visual screening of trash areas and other service areas shall be provided through landscape plantings, fencing, or other methods which provide for visual screening and which prevent blowing of trash. Parking areas and buildings shall be provided with landscaping which breaks up the visual impact of the development from adjacent properties, and which prevents the occurrence of noxious weeds. If parking is to be located in the front yard area of the lot, then landscaped buffers must be included between the street and such parking areas. Such landscaping must commence immediately upon completion of construction. Landscaping must be maintained to assure long-term viability of plantings; underground or timed water systems may be required for water conservation. Landscape plans shall be submitted as part of the development application process and shall be reviewed by the town building department.
 - d. The town council must be satisfied that a given industry or business will not produce noxious odor, smoke or gases, excessive dust, noise, glare, heat, vibration, industrial waste, radiation or other conditions which would adversely affect neighboring property or occupants of such property as well as the general public before the use is allowed and a town business license is issued.
 - e. Prior to the start of operations, all businesses in this zone must obtain a town business license, as outlined in Chapter 16.36.
- E. Public Use Zone.
 - 1. Purpose. The purpose of the public use zone is to provide for uses related to the general public good such as schools, parks, and other uses under public ownership. The use of the land and structures, the location and erection of new structures; and the alteration, enlargement or moving of existing structures shall conform in all respects to the following regulations.
 - 2. Uses Permitted.
 - a. Governmental buildings and uses: federal, state, county and town;
 - b. Municipal, or other governmental subdivisions;
 - c. Libraries, art galleries and museums;
 - d. Parks, playgrounds, tennis courts, and like recreational uses;

- e. Sites of historical interests;
- f. Public parking lots;
- g. Public forest lands and wetlands;
- h. Public schools;
- i. Public utilities.
- 3. Uses Specifically Prohibited.
 - a. Residential uses;
 - b. Commercial uses, excepting minor concessions associated with public events;
 - c. Industrial uses.
- 4. Uses Allowed by a Conditional Use Permit. Any use not specifically prohibited or not specifically allowed may apply for a conditional use permit, provided that it meets the intent of the zone.
- 5. Restrictions.
 - a. Lot area required: to be determined by the town building department at the time of the site plan review;
 - b. Setbacks: to be determined by the town building department at the time of the site plan review;
 - c. Height restrictions: Roof heights of buildings in this zone adjacent to a residential zone shall not exceed average roof heights of adjacent dwellings;
 - d. Off-street parking: to be determined by the town building department at the time of the site plan review.
- 6. Other Regulations.
 - a. Landscaping: to be reviewed and deemed necessary by the town building department at the time of the site plan review;
 - b. A state of Washington Department of Health approved sewage disposal system shall be provided to public areas where deemed necessary and appropriate by the town building department, or required by law.
- F. **Airport Development Zone.**
 - 1. Purpose.
 - a. This zone relates to the property within the boundary of the Wilson Creek Airport. The primary purpose of the Wilson Creek Airport Development zone is to assure that the property comprising Wilson Creek Airport will continue to be used in a manner that is compatible with general aviation airport and aircraft operations. This section provides for both aviation-related and compatible non-aviation-related commercial and light industrial development within the airport zone. It is intended that aviation-related businesses and activities have priority over other types of development at the Wilson Creek Airport.

b. Development standards are included in this section to assure the orderly and appropriate use of airport property. These standards identify and protect the operating spaces necessary for aircraft. They also set regulations for commercial and light industrial/manufacturing development that may occur on airport property.

c. This section is in compliance with RCW 14.12 short titled the "Airport Zoning Act" which is part of RCW Title 14 "Aeronautics." It is also consistent with Federal Air Regulation Part 77 "Objects Affecting Navigable Airspace" and Federal Aviation Administration Advisory Circular 150/5300-13 "Airport Design."

2. Uses Permitted.

a. Aviation uses including, but not limited to, the following types of activities provided they comply with the development standards of this code.

i. Runways, taxiways, navigational equipment, aircraft parking areas and other facilities, features and uses normally associated with a general aviation airport;

ii. Aircraft sales; repair, rebuild, maintenance service and storage and the facilities essential for or important to their operation;

iii. Schools related to aircraft and flight operations and the facilities essential for or important to their operation;

iv. Hangars intended for the storage of aircraft;

v. Fixed base operations providing aviation and/or aircraft services to the general public;

vi. Aviation fuel and oil storage;

vii. Air terminal facilities including those used for both cargo and passengers;

viii. Public and semipublic buildings, structures and uses essential to the welfare of the town such as a fire station, pump station and water storage.

b. Commercial uses including, but not limited to, the following types of activities provided they comply with the development standards of this code.

i. Grocery, wholesale and retail;

ii. Machinery, equipment and supplies, wholesale and retail;

iii. Hardware and metals, wholesale and retail;

iv. Building and lumber materials, wholesale and retail;

v. Furniture and home furnishings, wholesale and retail;

vi. Agriculture supplies and equipment, wholesale and retail;

vii. Professional offices;

viii. Banks and other financial institutions;

ix. Electrical repair shops.

c. Light industrial/manufacturing uses include, but are not limited to, the following types of activities provided they comply with the development standards of this code.

- i. Warehousing and indoor storage;
- ii. Processing and/or assembling of various materials such as wood, stone, clay, glass and metal;
- iii. Manufacture of lumber and wood products;
- iv. Printing and publishing;
- v. Outdoor storage activities;
- vi. Manufacture and assembly of sheet metal products;
- d. Medical uses including, but not limited to, the following types of activities provided they comply with the development standards of this chapter.
 - i. Structures used to provide first aid and/or medical stabilization necessary prior to air evacuation. (FAA Advisory Circular 150/5210-2A "Airport Emergency Medical Facilities and Services");
 - ii. Facilities necessary for the staging of helicopter and fixed-wing air ambulance aircraft including those necessary for ambulances and other emergency vehicles.
- 3. Uses Specifically Prohibited.
 - a. Automobile and aircraft wrecking yards;
 - b. Residences;
 - c. The treatment or storage of any hazardous or nuclear waste.
- 4. Uses Allowed by a Conditional Use Permit.
 - a. Agricultural Aircraft Mixing/Loading Sites. Such sites shall meet the following standards:
 - i. All operational area activities occurring at a permanent mixing/loading site shall take place on or within an operational area containment facility.
 - ii. The operational area containment facility shall be constructed of concrete or other material with similar permeability. If synthetic materials are used in construction they shall be chemically compatible with the products mixed and loaded at the site. A written confirmation of compatibility from the manufacturer shall be kept on file at the site or the nearest location from which the site is administered.
 - iii. The facility shall be constructed with sufficient surface area, using curbs or other means, to prevent any discharge from leaving the containment area.
 - iv. The containment facility shall be of adequate size and design to contain one hundred twenty-five (125) percent of the capacity of the largest storage container, or application equipment used at the facility up to a maximum of fifteen hundred (1,500) gallons.
 - v. The operational area containment facility shall slope to a liquid tight collection point or sump that allows spilled or deposited materials to be easily recovered. An aboveground tank may be used in conjunction with the containment facility to meet the capacity requirement. If an aboveground tank or tanks are used for temporary storage, the tank(s) shall be located within operational area or secondary

containment. The tank shall be clearly and conspicuously labeled "pesticide rinsate" followed by the major category of pesticide such as insecticide, herbicide, fungicide.

5. Development Standards. These regulations are intended to regulate the erection or establishment of any new structure or use; the moving or relocation of any structure, or use to a new location; the operation or continuance, at any time following the effective date of these regulations, of any structure or use which has been lawfully established, erected, remodeled or rehabilitated; and the change from one use to another of any structure, or land, or the re-establishment of a use after its discontinuance for a period of one hundred eighty (180) consecutive days or more.

a. All uses shall be compatible with the continued operation of the airport. No uses shall be allowed which:

i. Release into the air any substances which would impair visibility or otherwise interfere with the operation of aircraft;

ii. Produce light emissions, either direct or indirect (reflective), which would interfere with pilot vision including the reduction of night vision capability of pilots while on the ground;

iii. Produce emissions which would interfere with aircraft communications systems or navigational equipment.

b. No temporary or permanent development intended for human occupancy may be erected, moved to or occupied within the Wilson Creek Airport development zone except those facilities necessary to temporarily shelter individuals responding to an emergency.

c. No uses shall cause or produce objectionable effects which would impose a hazard or nuisance to adjacent properties by reason of smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, toxic fumes or other conditions that would adversely affect the public health, safety and general welfare.

d. No uses which are labor intensive or which promote the concentration of people for extended periods of time shall be permitted, except as expressly authorized in this section.

e. No uses which require the manufacturing or warehousing of materials which are explosive, flammable, toxic, corrosive, or otherwise exhibit hazardous characteristics shall be permitted except for the storage of aircraft fuel, oil, and paint and materials intended for aerial application for agricultural purposes provided those materials are warehoused, loaded and unloaded according to subdivision (5)(g) of this subsection.

f. The delivery, storage, loading, unloading, dispensing of all flammable fossil fuel products intended for aviation use must be accomplished according to the Washington State Adopted Uniform Fire Code.

g. The delivery, storage, loading, unloading, dispensing and cleanup of pesticides and fertilizers intended for aerial application for agricultural purposes shall be accomplished according to Washington State Department of Agriculture regulations Chapters 16-229 and 16-201 dated March 1994 of the Washington Administrative Code.

h. No structure or any portion thereof on the premises of a permitted use shall be used for a residential dwelling by the owner, operator, caretaker, their family members or others except those facilities necessary to temporarily shelter individuals responding to an emergency.

6. Noise. Noise originating from aircraft in flight and that is directly related to flight operations shall be expected to impact people in surrounding zones and is generally exempt from noise standards. Noise from aviation testing and maintenance, that is not related to imminent flight, shall be restricted to certain hours, locations or other effective conditions by the Wilson Creek town council upon finding that the noise causes unreasonable impacts.

7. Lighting.

a. Structural lighting with the exception of airport navigational lighting shall not project directly into any residential zone.

b. Sign and building exterior lighting shall not project directly into the runway, taxiway or airport approach surfaces to the extent that it is a hazard or a distraction to aircraft.

c. Lighting of vehicle and aircraft parking areas shall not create a nuisance to adjacent zones nor shall it pose a hazard to other vehicular traffic.

d. Airport lighting used to illuminate runways, taxiways, airplane parking areas and to provide visual guidance for landing aircraft shall comply with the Wilson Creek Airport development plan.

8. Parking Performance Standards. All land uses listed in this chapter will be required to comply with the regulations found in Section 16.12.060, Off-street parking requirements.

9. Loading Area Requirements. Those uses which have a need for or intend to make use of loading and unloading berths shall comply with the following conditions:

a. Provide one loading or unloading berth for each twenty thousand (20,000) square feet or fraction thereof of gross floor space;

b. Each berth shall be at least ten (10) feet wide by twenty-five (25) feet long by fourteen (14) feet high;

c. Each berth or berths shall be surfaced and maintained so as to eliminate dust and mud;

d. No part of a loading or unloading berth may extend into a public right-of-way.

10. Landscaping.

a. All landscaping shall comply with the airport development plan (when completed) and shall occur at the time the subject property is developed.

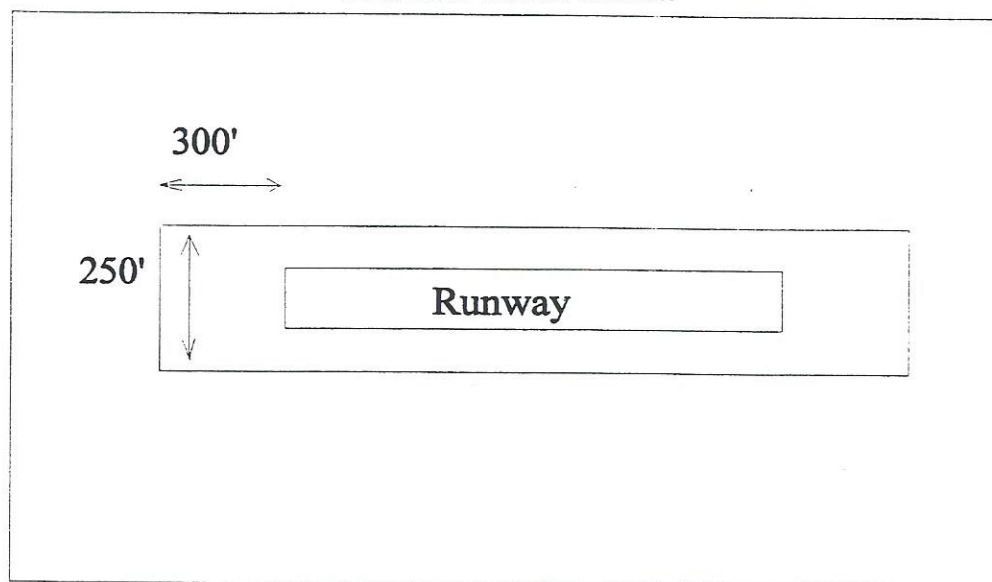
b. Boulevard landscaping shall be used along main access roadways. Landscaping shall be uniform along the length of the perimeter roads and shall consist of groundcover, shrubs and small trees.

c. Buffer landscaping may be required on perimeter property lines of individual developments to minimize noise and visual impacts and to discourage trespass. Buffer landscaping shall consist of groundcover, shrubs and small trees.

11. Height Restrictions. The height restrictions contained in this section are in accordance with Federal Air Regulations Part 77 "Objects Affecting Navigable Airspace" and Federal Aviation Administration Advisory Circular 150/5300-13 "Airport Design." Additional height restrictions are contained in the Wilson Creek Zoning Ordinance.

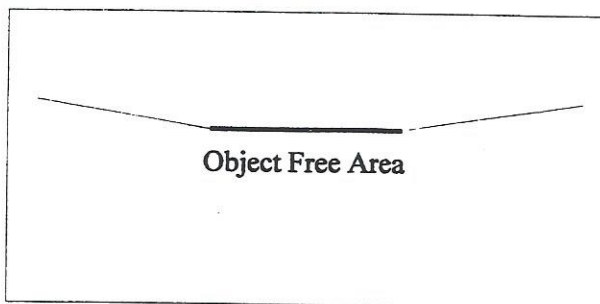
a. No structure or object except those whose placement is required for airport operations may be located within the Wilson Creek Airport object-free area defined as a rectangle whose boundaries are three hundred (300) feet from the ends of the prepared runway surface and one hundred twenty-five (125) feet on both sides of the centerline of the runway.

Figure 1
WILSON CREEK AIRPORT DEVELOPMENT ZONE
OBJECT-FREE AREA



- b. No structure or object may be located so as to break the plane of a seven to one slope that begins at and extends outward at right angles from the edge of the object-free area.

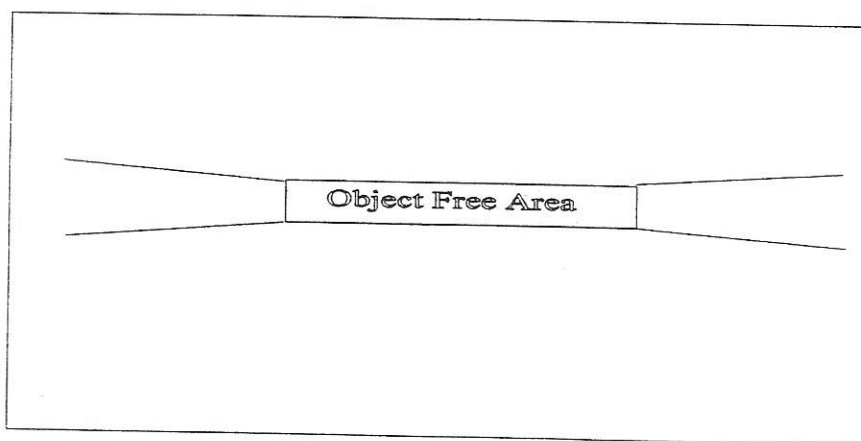
Figure 2
SEVEN TO ONE SLOPE



- c. No structure or object may be located closer than forty-five (45) feet from the center of any future taxiway as defined in the airport development plan (when completed).

- d. No structure may be located so as to penetrate the approach/departure surface which flares at a rate of ten (10) to one outward and twenty (20) to one upward from the edges of the object-free area at both ends of the runway.

Figure 3
APPROACH/DEPARTURE SURFACE



12. Setback. Commercial uses shall have lot line setbacks as needed to provide access for emergency vehicles and loading and unloading of vehicles.

13. Other Regulations. A town business license shall be required all business activities conducted on airport property. (Ord. 333 § 1(3D), 1995)

16.12.050 Off-street parking requirements.

Every building hereafter erected, moved, reconstructed or structurally altered shall be provided with permanently maintained off-street parking spaces as provided in this section.

A. Standards.

1. Size of Stalls. Each parking space shall be a minimum of nine feet by eighteen (18) feet in area, except that for multifamily, commercial and industrial uses, up to forty (40) percent of the required parking spaces may be eight by sixteen (16) feet, provided that these spaces are marked as reserved for compact cars.

2. All parking areas must have access to a public thoroughfare with usable ingress and egress.

B. Disabled Parking Requirements. In compliance with the mandates and provisions of the 1988 Disabled Parking Signs/Post (HB 1612), of the state of Washington the following regulations are adopted:

1. Vertical signs for accessible disabled parking spaces shall be between thirty-six (36) and eighty-four (84) inches off of the ground, shall have the international symbol of access, shall have the colors of white on a blue background as described under RCW 70.92.120, and shall have the notice "State disabled permit required" printed on them.

2. Persons owning or controlling property where required disabled parking permit spaces are located who fail to erect and maintain the sign can receive a class IV civil infraction. Under Chapter 7.80 RCW, there is a penalty of forty-seven dollars (\$47.00) for each disabled parking space that is not properly designated.

3. Any public or private building that was built or substantially remodeled after October 1, 1976, is required to have handicap accessible parking spaces (Washington State Regulations for Barrier Free Facilities, WAC 51.10).

4. The law requires that for each parking lot or garage provided to serve a building, a minimum of one parking space must be provided, or two percent of the first two hundred (200) spaces for disabled parking.

5. Disabled parking spaces are to be located to provide the least distance to the entrance of a building.

6. The town shall provide disabled parking spaces in public use areas, as required by law.

C. Off-Street Parking Spaces Required.

1. Single-family dwellings: two spaces for each dwelling unit;
2. Multiple-family dwellings: two spaces for each dwelling unit, and a minimum of five parking spaces for guests;
3. Residential hotels and bed and breakfasts: one space for each bedroom;
4. Hospitals: one space for each five beds including bassinets, plus one space for each two visiting and/or staff doctors;
5. Medical and dental clinics: three spaces for each doctor, or three spaces for each two examination rooms, whichever is greater; plus one space for each two employees;
6. Passenger terminals (bus, rail and air): one space for each one hundred (100) square feet of gross floor area used for passenger waiting areas, plus one space for each two employees;
7. Libraries: one space for each two hundred (200) square feet of gross floor area of the reading room, plus one space for each two employees;
8. Churches: one space for each four seats, or eight feet of pew bench, and one space for each four hundred (400) square feet of gross floor space used for assembly and not containing fixed seats;
9. Schools: one space for each twelve (12) seats in the auditorium or assembly room, plus one space for each two employees; plus sufficient off-street space for the safe and convenient loading and unloading of students from school buses;
10. Theaters: one space for each four seats plus one space for each two employees;
11. Mobilehome parks, motels and auto courts: one space for every unit plus three additional spaces for every ten (10) units;
12. Real estate and professional office buildings: two spaces for each salesperson and/or office space;
13. Golf courses, country clubs, gun clubs, etc.: one space for each three members;
14. Public utility stations: one space;
15. Eating and drinking establishments: one space per one hundred (100) square feet of gross floor space;
16. Retail sales establishments other than for eating and drinking: one space per six hundred (600) square feet of floor space.

D. Parking Requirements For Uses Not Specified. Where the parking requirements for a use are not specifically defined, the parking requirements for such use shall be determined by the town building department. Such determination shall be based upon the requirements for the most comparable use specified herein.

E. Joint Uses. The town council may, upon application by the owner(s) or lessee(s) of any property, authorize joint use of a parking facility provided that:

1. Up to fifty (50) percent of the parking spaces required for a primarily daytime use may be provided by a parking facility considered to have a primarily nighttime use, or vice versa.

2. The applicants shall show that there is not a substantial conflict in the principal operating hours of the buildings or uses for which the joint use of the parking facilities proposed.

3. Applicants for a joint use permit shall evidence agreement for such joint use by a proper legal instrument which conforms to the provisions of this title.

4. If the application is approved by the town council, and joint use permit is issued, such permit shall be recorded in the office of the town council along with supporting legal instruments.

F. Every lot or parcel of land used as a public parking area and having the capacity of three or more vehicles shall be developed and maintained in the following manner.

1. Surfacing. Off-street parking areas shall be paved, or otherwise surfaced and maintained so as to eliminate dust or mud, and shall be graded and drained so as to dispose of surface water. Such drainage shall not be allowed across sidewalks or roadways.

2. Border Barricades. All parking areas that are not separated by a fence from any street or alley abutment lines or neighboring lot lines shall be provided with a concrete or timber barrier which has been approved by the town building department prior to installation. Such barrier shall be placed not more than four feet from the aforementioned street, alley or neighboring lot, and shall be securely installed and maintained.

G. Illumination of Parking Areas. All lights provided to illuminate any public parking area permitted or required by this title shall be arranged so as to reflect the light away from adjacent dwellings and the public right-of-way. Lighting plans shall be reviewed and approved by the town building department prior to installation of such lights. Should the lighting plans in the site plan be approved, a town building permit shall be obtained prior to installation, and the installation shall be approved prior to use. All lighting installations must meet federal, state, county, town and other required codes and regulations.

H. Required Loading Space. On the same premises with every building, structure or part thereof involved in a business activity, there shall be provided and maintained on the lot adequate space for standing and loading and unloading services

so as to avoid undue interference with public uses of the streets or alleys. (Ord. 333 § 1(3E), 1995)

16.12.060 Variances and conditional use permits.

A. Variances.

1. The town council may authorize a variance from the requirements of this title where it can be shown that owing to a special and unusual circumstance related to a specific lot and a specific use, strict application of this title would cause an undue or unnecessary hardship to the public or to an individual. No variance shall be granted to allow the use of a property for a purpose prohibited within the zone in which the proposed use would be located.

2. In granting a variance the town council may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this title.

3. Circumstances for Granting a Variance. Applications for variances from the terms of this code may be granted only if the town council finds that all of the following conditions are met:

a. Exceptional or extraordinary circumstances applying to the property which do not apply generally to other properties in the same zone or vicinity;

b. The variance is necessary for the preservation of a property right of the applicant;

c. The need for the variance does not result from prior actions of the applicant;

d. The variance would not be materially detrimental to the purposes of this title, or to property in the same zone or vicinity in which the aforementioned property is located;

e. The variance requested is the minimum variance which would alleviate the hardship.

4. Variance Procedure.

a. A property owner may initiate a request for a variance by filing an application with the town clerk, on a form provided by the town and accompanied by a fee to be determined by resolution of the town council.

b. Before the town council may act upon a variance application it shall hold a public hearing in accordance with Chapter 16.32 of this code.

c. Within sixty (60) days following the filing date of the complete application, the town council shall hold a public hearing and render a decision. The decision of the council shall include written findings based on the terms of subdivision 3 of this subsection.

d. Written notice of the decision shall be mailed by certified mail to the applicant(s) within fourteen (14) days following the hearing. Failure of the applicant(s) to receive this notice does not affect this decision.

5. Limitations. A granted variance shall become null and void after one year unless substantial construction has taken place. The town council may grant a variance extension to the applicant.

B. Conditional Use Permit.

1. The purpose of the conditional use permit is to regulate land uses which, by their nature, may have additional impact on adjacent property or the town, but which could be allowed under conditions which would alleviate those impacts. Conditional use permits may be issued for any use which is specifically allowed by conditional use permit.

2. A conditional use permit listed in this title may be permitted, enlarged or altered upon authorization of the town council in accordance with the standards and procedures of this code, provided that the resulting use is not prohibited in the underlying zone.

3. A conditional use permit shall not be issued for uses specifically prohibited in any zone. No conditional use permit shall be issued for any activity which endangers the health, safety, peace, comfort and general welfare of the citizens of Wilson Creek.

4. In permitting a new conditional use or the alteration of an existing conditional use, the town council may impose (in addition to those standards and requirements expressly specified in this title) additional conditions which the town council deems necessary to protect the best interests of the surrounding area or the town as a whole. These conditions may include but are not limited to the following:

- a. Increasing the required lot size or dimensions;
- b. Limiting the height, size or location of building and structures;
- c. Controlling the location and number of vehicle access points;
- d. Increasing the street width;
- e. Increasing the number of required off-street parking spaces;
- f. Limiting the number, size, location and lighting of signs;
- g. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
- h. Designating sites for open spaces;
- i. Requiring that the applicant furnish the town a performance bond to assure that the conditional use is completed according to the plans as approved by the town council, and that the standards established in granting the conditional use permit are observed;
- j. Controlling the hours of operation.

5. Conditional Use Permit Procedure.

a. Any property owner may initiate a request for a conditional use permit by filing an application with the town clerk, on a form provided by the town and accompanied by an application fee to be determined by resolution of the town council.

b. Before the town council may act upon a conditional use permit application it shall hold a public hearing in accordance with Chapter 16.32 of this code. Within sixty (60) days following the filing date of the completed application, the town council shall hold a public hearing and render a decision. The decision of the council shall include written findings including the following:

- i. The purpose to be achieved by the permit;
- ii. The conditions to be imposed;
- iii. The relationship between the purpose to be achieved and the conditions to be imposed.

c. Notice of the application for a conditional use permit and the use requested shall be posted at the Town Hall and in at least one other high visibility public location for a minimum of thirty (30) days prior to the town council's decision on said application; so as to receive an adequate amount of information and public input on the proposed use.

d. The town council may extend the aforementioned thirty (30) day period so as to receive petitions and other legal documents, but not to exceed ninety (90) days prior to the town council's decision on said application.

e. Written notice of the decision shall be mailed by certified mail to the applicant within fourteen (14) days following the decision by the town council. Failure of the applicant to receive this notice does not affect this decision.

6. Limitation. An issued conditional use permit for a use which involves construction shall become null and void after one year unless substantial construction and/or development of such a use has taken place. However, the town council may grant an extension to the conditional use permit.

7. Revocation of Permit. Conditional use permits are revokable upon a determination by the town council that there has been a violation of any condition of the permit or of this code.

a. In the event of an alleged violation, a written notice describing the violation and the corrective measures that must be taken shall be mailed by the town clerk to the permit holder. Such notice shall advise the permit holder that the corrective measures must be complied with prior to and the permit holder must attend the next regularly scheduled town council meeting to present the permit holder's position concerning whether compliance exists and to show cause why the permit should not be revoked. If following the permit holder's presentation, the town council believes

that a violation of the terms of the permit has occurred, the town council shall schedule a public hearing to consider revocation of the permit. Such hearing shall be held on or before the next regularly scheduled meeting of the town council, and shall follow the procedures of Chapter 16.32.

b. Upon revocation of any permit issued under this section, a written notice of the revocation shall be sent by certified mail, by the town clerk, to the permit holder together with a written statement of the town council's findings upon which the revocation is based and notice of the appeal procedures. Failure of the permit holder to receive this notice shall not invalidate the notice.

c. Revocation of a permit shall be final. Appeals may be made to Grant County superior court following the procedures of Chapter 16.20. (Ord. 333 § 1(3F), 1995)