Changes to Titles 16 and 17 – Page Numbers

Title 16 Subdivisions:

Changes/Updates:

- Unit Lot Subdivisions: page 18
- Preliminary plat expiration changed from 3 to 10 years: page 34

Title 17 Zoning

Changes/Updates:

- 17.04.030 Definitions – pages 2-8
- 17.10.070 Application Review and Timelines – page 19
- 17.12.020 Permitted Uses in R1 Zone – p. 29-31
- 17.12.050 Density provisions in R1 Zone – p. 30-31
- 17.16.020 Permitted Uses in R2 Zone – p.32-33
- 17.16.050 Density provisions in R2 Zone – p. 33-34
- 17.16.090 Landscaping and Sitescreening – p. 35
- 17.20.020 Permitted Uses in GB Zone – p.36
- 17.35 Special Development Standards Housing – p. 61-69
- 17.36.020 Parking Standards Table – p. 70

Planning Commission 10 5 26

TITLE 16 SUBDIVISIONS *(1)

Chapters:

Chapter 16.04 - INTRODUCTORY PROVISIONS AND DEFINITIONS
Chapter 16.08 - ADMINISTRATION AND ENFORCEMENT
Chapter 16.12 - DESIGN STANDARDS, IMPROVEMENTS AND PUBLIC FACILITIES REQUIREMENTS
Chapter 16.16 - SUBDIVISIONS
Chapter 16.20 - SHORT SUBDIVISIONS
Chapter 16.24 - BINDING SITE PLAN
Chapter 16.28 - BOUNDARY LINE ADJUSTMENT
Chapter 16.32 - VARIANCES
Chapter 16.36 - TABLE OF REQUIRED INFORMATION

FOOTNOTE(S):

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** Editor's Note: For provisions concerning development permit applications, see Chapter 17.10.*

16.04 INTRODUCTORY PROVISIONS AND DEFINITIONS

16.04.010 Title reference.

This title shall be known as the "subdivision ordinance."

(Ord. 496 § 1.0, 1999: Ord. 462 § 1.0, 1998)

16.04.020 Authority.

This title is adopted pursuant to the Revised Code of the State of Washington (RCW) Chapter 58.17 of "Subdivisions" and "Short Subdivisions" and includes regulations for "Binding Site Plans."

(Ord. 496 § 1.1, 1999: Ord. 462 § 1.1, 1998)

16.04.030 Compliance required.

No division of land shall be made within the incorporated limits of the town of Naches, Washington, except in full compliance with the provisions of this title and RCW 58.17 as it now exists or is hereafter amended.

(Ord. 496 § 1.2, 1999: Ord. 462 § 1.2, 1998)

16.04.040 Purpose.

The controls as set forth in this title are enacted in the exercise of the police power of the town of Naches and are deemed necessary in order to:

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A. Accomplish the orderly development of land within the town through regulations and standards governing subdivisions, short subdivisions, boundary line adjustments, and binding site plans which includes condominium developments;

B. Promote the public health, safety and general welfare;

C. Promote the safe and convenient travel by the public on the roads, streets, alleys and highways;

D. Facilitate adequate provision for potable water supplies, sanitary wastes (sewerage), drainage ways, roads, streets, alleys and other public ways, transit stops, open spaces, parks and recreation areas, playgrounds, schools and school grounds, and other features that assure safe walking conditions for students who walk to and from school;

E. Coordinate development with public facilities and services and provide standards for construction of new services;

F. Provide for adequate and safe ingress and egress to and from property;

G. Promote the conservation of energy and resources through energy efficient land use and design;

H. Insure that the general taxpaying public is not burdened with those developments that are more appropriately the responsibility of the original developer and safeguard the interests of the public, the developer and future property owners;

I. Prevent overcrowding of land by providing adequate open spaces and balanced, attractive communities;

J. Improve land records and boundary monumentation by requiring uniform monumenting of land subdivisions and conveyances by accurate legal description;

K. Further the goals and objectives of the town Comprehensive Plan and all its elements; and

L. Define requirements for short plats, subdivisions, and the layout and design requirements for each; provide for appeals, filing fees, variances, and processing plats, and establishing penalties for violations of this title.

(Ord. 496 § 1.3, 1999: Ord. 462 § 1.3, 1998)

16.04.050 Scope.

The provisions of this title shall be minimum requirements. Whenever any of these provisions are at variance with any of the requirements of any other lawfully adopted rules, regulations and ordinances, the most restrictive, or that imposing the higher standards shall apply.

(Ord. 496 § 1.4, 1999: Ord. 462 § 1.4, 1998)

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16.04.060 Exemptions.

The provisions of this title shall not apply to:

A. Cemeteries and other burial plots when used for that purpose;

B. Division of land into lots or tracts not containing a dedication, in which the smallest lot created by the division is forty (40) acres in area, or more, or that which is defined in the instrument of division as one-quarter of a quarter section of land; provided that for the purpose of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such centerline;

C. Any division made by testamentary provisions, or the laws of descent;

D. A division made for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land in accordance with Title 17 and when a binding site plan for the use of the land has been approved;

E. A division not for the purpose of sale or lease in the present or future. For the purposes of this exemption, the following divisions shall be presumed, when considered by themselves in the absence of surrounding circumstances to the contrary, not to be for such purpose:

1. Administrative segregations in the Yakima County assessor's office made solely for the purpose of levy, assessment, collection, payment or exemption of real property taxes pursuant to applicable state statutes;
2. Annexations and land vacations accomplished pursuant to and in accordance with all pertinent state and local rules and regulations governing the same;
3. Acquisitions of fractional parts of land being of insufficient area or dimension to meet minimum zoning requirements for width or area by public bodies for the purpose of future use as public highways or public utility ways; and
4. The sale or lease of a condominium apartment subject to the provisions of the Washington State Horizontal Regimes Act (RCW 64.32).

(Ord. 496 § 1.5, 1999: Ord. 462 § 1.5, 1998)

16.04.070 Administration— Interpretation.

The administrative official shall have the responsibility of administering and interpreting all terms and provisions of this title. Formal interpretations shall be requested in

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writing on forms provided by the town clerk. Issuance of a formal interpretation shall be considered an administrative decision, with appeals to be made to the planning commission. If the appellant is still aggrieved then the planning commission's decision may be appealed to the town council.

(Ord. 496 § 1.6, 1999: Ord. 462 § 1.6, 1998)

16.04.080 Amendments.

The town council shall be the sole authority to adopt, amend or repeal any or all parts of the regulations contained within this title.

(Ord. 496 § 15.0, 1999: Ord. 462 § 15.0, 1998)

16.04.090 Construction of terms.

The following rules of construction shall apply unless inconsistent with the obvious meaning in the context of the provision.

A. Tense. Words used in the present tense shall include the future tense.

B. Number. Words used in the singular shall include the plural, and words used in the plural shall include the singular.

C. Shall, may, should. The word "shall" is mandatory. The words "may" and "should" are permissive.

D. Gender. Terms in masculine, feminine and neuter gender shall be interchangeable. Use of genders shall not affect the intent of any provision.

E. Headings. In the event that there is any conflict or inconsistency between the heading of a chapter, section, paragraph of this title, and the content thereof, the heading shall not affect the scope, meaning or intent of the content.

F. The definition of any word or phrase not listed in this chapter shall be as defined from one of the following sources which are incorporated herein by reference. Such sources shall be utilized by finding the desired definition from Source (1) but if it is not available there, then Source (2) may be used in descending order. The sources are as follows:

1. Any town of Naches resolution, ordinance, code or regulation; or
2. Any chapter of Title 58 - Boundaries and Plats of the Revised Code of Washington (where applicable); or
3. The dictionary definition.

(Ord. 496 § 2.0, 1999: Ord. 462 § 2.0, 1998)

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16.04.100 Definitions.

As used in this title, the following words and phrases shall mean:

"Access" means the right to cross between public and private property allowing pedestrians and vehicles to enter and leave the property.

"Administrative official" means the town mayor or his or her designee.

"Alley" means a public right-of-way primarily designed to serve as a secondary means of access to the side or rear of those properties whose principal frontage is on some other street.

"Arterial" means a highway connecting centers and facilities within the town and providing some access to abutting properties. Mobility and circulation needs are stressed over providing specific access to properties.

Arterial, Principal. "Principal arterial" means a highway connecting major community centers and facilities, often constructed with partial limitations on access through intersections and common driveways. Principal arterials generally carry the highest volume of traffic and provide the best mobility in the roadway network.

"As-built drawings or plans" means revised construction plans in accordance with all approved field changes reflecting the improvements on the site as they actually exist.

"Binding site plan" as defined in RCW 58.17.020 means a drawing to a scale specified by local ordinance which: (1) identifies and shows the areas and location of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (2) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the Naches Town Council; (3) contains provisions making any development be in conformity with the site plan. For the purposes of this title, a binding site plan also means a survey together with a developer agreement which, when approved and recorded as required by this title, provides a method of land division for the purpose of sale or lease of property including condominiums.

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

"Boundary line adjustment" means modification of the size or alignment of adjacent parcels through relocation of their common boundary where an additional lot is not created, and where the existing parcel which is being reduced in size is not reduced below the minimum lot size established by the zone which applies to the property.

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"Comprehensive plan" means the town of Naches comprehensive plan update adopted on September 25, 1995, together with all future amendments and supplements hereafter adopted by the Naches town council.

"Condominium" means a building or group of buildings in which dwelling units are owned individually, and common areas and facilities are owned in common as provided by state statute.

"Contiguous land" means two or more parcels or units of land under a single ownership which are not separated by an intervening parcel of land under separate ownership, including limited access right-of-way which would deny access between two parcels under single ownership.

"Covenant" means a clause in a contract; a promise; an agreement contained in a deed for the performance or nonperformance of certain acts or the use or nonuse of property.

"Cul-de-sac" means a street closed at one end by a circular area of sufficient size for convenient reversal of traffic movement.

"Dedication" means the deliberate appropriation of land by an owner for any general and public use, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a short plat or final plat showing the dedication thereon; and the acceptance of such plat for filing by the town council. Dedication means the appropriation of land by its owner for public use which has been accepted for such use by authorized officials on behalf of the public.

"Division of land" means a transaction or action, not otherwise exempt or provided for under the provisions of this title, which alters or affects the size, shape or legal description of any part of a parcel as defined in this chapter.

Double Frontage Lot. See definition of "Lot, Through."

"Easement" means a grant of one or more of the property rights by the property owner for use by the public, a corporation, or another person, government agency, public utility company or other entity.

Easement, Access. "Access-easement" means any private easement for the purpose of ingress and egress (pedestrian or vehicular access) that is not dedicated to the public and is owned by the underlying owner of land over which it crosses. Access easements shall be limited to providing access to a street from no more than three existing or potential lots.

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"Final plat" means a precise final drawing of a subdivision and dedications which conforms to the approved preliminary plat, meets all conditions of the preliminary approval and meets the requirements of the Yakima County auditor for recording.

"Improvements" means street grading or graveling, permanent street and corner monuments, street pavement, curbs and sidewalks, pedestrian ways, water mains, storm and sanitary sewers, and other required or necessary facilities.

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

"Lot area" means the total horizontal area within the boundary lines of a lot, excluding any street right-of-way or access easement.

Lot, Corner. "Corner lot" means a lot situated at the intersection of two streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.

"Lot coverage" means that portion of the lot that is covered by structures, and all other impervious surfaces on that parcel.

"Lot depth" means the mean horizontal distance between the front and rear lot lines.

Lot, Exterior. "Exterior lot" means any lot located outside the boundaries of a proposed plat or short plat.

Lot, Flag. "Flag lot" means lots or parcels that the town has approved with less frontage on a public street than is required by ordinance. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normally required street frontage. Flag lots are only allowed as a means of encouraging infill development, preserving natural areas, or to allow the development of land-locked areas.

Lot, Interior. "Interior lot" means a lot other than a corner lot.

"Lot line" means any line enclosing the lot area and dividing one lot from another lot or from a street or alley.

Lot Line, Front. "Front lot line" means on an interior lot, the lot line abutting a street; or on a corner lot, the shorter lot line abutting a street; or on a through lot, the lot line abutting the street providing the primary access to the lot; or on a flag lot, the interior lot line most parallel to and nearest the street from which the access is obtained.

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Lot Line, Rear. "Rear lot line" means a lot line opposite and most distant from the front lot line, and, in the case of a triangular or odd-shaped lot, a line at least ten (10) feet in length within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side. "Side lot line" means any lot boundary line which is not a front or rear lot line.

"Lot of record" means an area or parcel of land as shown on an officially recorded plat or subdivision; or an area or parcel of land to which a deed or contract is officially recorded as a unit of property; or which is described by metes and bounds as a fraction of a section.

Lot, Through. "Lot, through" means a lot having frontage on two parallel or approximately parallel streets. Also known as double frontage lot.

"Lot width" is the distance between the side lot lines measured at right angles to the line establishing the lot depth at a point midway between the front lot line and the rear lot line. Any area used as an access easement shall be excluded from the computation of the lot width.

"Manufactured home" means a single-family dwelling built in accordance with the Department of Housing and Urban Development Manufactured Home Construction Safety Standards Act, which is a national preemptive building code. They are also built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

"Mobile home" is a factory built dwelling built prior to June 15, 1976, to standards other than the 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 introduction of the HUD Manufactured Homes Construction and Safety Standards Act.

"Modular home" is a prefabricated building that is not a "mobile home" under state law. It must be certified as meeting state building code standards (receiving a "gold seal"). Any factory-built housing bearing the proper state insignia is deemed to comply with any local construction standards.

"Monument" means an object used to permanently mark a surveyed location. The size, shape and design of the monument is to be in accordance with standards specified in RCW 58.09.

"Open space" means that portion of a site which is left in its natural state or specifically designated to be used for recreation, resource protection, agriculture, greenbelt or amenity. Open space does not include land occupied by structures, roads, road rights-of-

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way or parking areas. Open space does not include the yards or lots of residential units. Open space recreational uses may contain impervious surfaces.

"Parent lot" means a residential lot that is subdivided into unit lots through the unit lot subdivision process.

"Pavement width" means the actual paved surface as measured between faces of curbs of streets or between the edges of other public highway, street, alley or roadway surfaces.

"Person" means an individual, firm, partnership, corporation, company, association, syndicate, or any other legal entity, including a trustee, receiver, assignee or representative thereof.

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

"Preliminary plat" means a neat and approximate drawing of a proposed subdivision or short subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision which shall be the basis for the approval or disapproval of the general layout of a subdivision.

"Prior division of land" means a division of land having defined boundaries and not shown on an officially recorded short plat or final plat and is limited to the following: (1) a division of land defined in a legally executed deed prior to the effective date of the ordinance codified in this title; (2) a division of land created by sale, lease, or option contract legally executed prior to the effective date of RCW 58.17 which presently remains a binding and enforceable commitment as between parties thereto, their successors and assigns; (3) the remaining division of land created as a result of actions defined above; or (4) a taxation parcel which was created prior to the effective date of RCW 58.17 for the purpose of creating a division of land which was exempt from platting requirements. Taxation parcels which were administratively created by the Yakima County assessor's office solely for tax purposes include: senior citizen segregations; special district segregations; deed of trust or mortgage segregations; and segregations for tax exemption purposes.

"Private road or lane" means any privately owned and maintained access to property from a public right-of-way.

"Right-of-way" means a strip of land occupied or intended to be occupied by a street, alley, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use. The usage of the term "right-of-way"

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for land platting purposes means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, alleys, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

"Residential lot splitting" means

"Short plat" means the map of representation of a short subdivision which conforms to the requirements of this title.

"Solar access" means an unobstructed exposure to available solar radiation during daytime hours for the purpose of allowing solar radiation to be used to meet a portion of a building's energy requirements.

"Street" means a public or private thoroughfare providing a principal means of access to abutting property.

Street, Arterial. "Arterial street" means a street primarily for fast through and heavy traffic, minimizing intersecting streets and direct access to abutting properties and primarily for the purpose of accommodating general traffic circulation of the community. See "Arterial, Minor" and "Arterial, Principal" for more specific classifications.

Street, Collector. "Collector street" means a highway connecting two or more neighborhoods as well as carrying traffic within neighborhoods. Collectors also channel traffic onto minor and principal arterials. They carry moderate traffic volumes, have relatively shorter trips than arterials, and carry very little through traffic.

Street, Half. "Half street" means a portion of the width of a street, usually along the edge or boundary of a development, where the remaining portion of the street is to be provided by the development of adjacent property.

Street, Local Access. "Local access street" means all roadways and streets not otherwise classified. Local access streets provide direct access to abutting properties, sometimes at the expense of traffic movement. Traffic generally moves slowly on these streets and delays are caused by turning vehicles. A residential street would be considered to be a local access street.

Street, Side. "Side street" means a street which bounds a corner lot and which extends in the same general direction of the line determining the depth of the lot.

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"Subdivider" means any person, firm or corporation who subdivides or develops any land deemed to be either a subdivision or short subdivision as herein defined.

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

"Subdivision administration committee" means the mayor and his or her appointees.

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

"Unit lot" means a subdivided lot within a residential development as created from a parent lot and approved through the unit lot subdivision process.

"Unit lot subdivision" means a subdivision or short subdivision proposed as part of a residential development project that meets the development standards applicable to the parent lot at the time the application is vested, but which may result in development on one or more individual unit lots becoming nonconforming as to specified land use and development standards based on the analysis of the individual unit lot. By June 30, 2026, all unit lot subdivisions shall require notification to purchasers of their legal status as further described in RCW 58.17.060.

Commented [KN1]: RCW58.17.060(3)

"Title certificate" means a title report issued by a title insurance company certifying the ownership, deed restrictions, covenants, etc., of the land being subdivided.

"Town" means the town of Naches, Yakima County, Washington.

"Town engineer" means the public works foreman employed by the town and/or an engineering firm hired by the town.

"Turnaround" means the circular area of a cul-de-sac having sufficient size for convenient reversal of traffic movement.

(Ord. 496 § 2.1, 1999: Ord. 462 § 2.1, 1998)

16.08 ADMINISTRATION AND ENFORCEMENT

16.08.010 Enforcement and administration.

A. General Provisions. The administrative official or his or her designee is authorized and directed to enforce the provisions of this title. The administrative official shall, either upon complaint or initiative, investigate potential violations of this title. It shall

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be the duty of members of the town council to assist the administrative official in performance of this duty. It shall also be the duty of the sheriff's department and all officers charged with the enforcement of the law to assist in the enforcement of this title and its provisions.

B. Entrance onto Private Property. Whenever necessary to make an inspection, to enforce any of the provisions of this title, or whenever the administrative official has reasonable cause to believe that a violation of this title exists or is occurring on any property, the administrative official and/or his designee may, at reasonable hours, enter onto such property to inspect the same or to perform any duty imposed by this title. The right of entry authorized by this section extends to any employee, officer, or person in the company of the administrative official and/or his or her designee.

C. Stop Orders. The administrative official may issue an order to stop activity for any activity being established or any improvement being erected or altered which does not conform to this title.

1. The administrative official shall prominently post this order on the subject property and make reasonable attempts to forward a copy of the order to the owner of the property, the person in charge of the property, or the person causing the activity to be established or conducted or the improvement to be erected or altered.

2. When any order to stop activity has been posted on the subject property, it is unlawful for any person with active or constructive knowledge of the order to conduct the activity covered by the order until the administrative official has removed the posted copy of the order and issued a written authorization for the activity to be continued.

3. The issuance of an order to stop activity may be appealed to the town council, but such orders shall remain in force and effective during the pendency of such appeal, unless the administrative official issues an interim or final order staying or lifting the order to stop activity.

(Ord. 496 § 13.4, 1999: Ord. 462 § 13.4, 1998)

16.08.020 Violations unlawful.

Violations of, or failure to comply with, the provisions of this title are declared to be unlawful.

(Ord. 496 § 13.0, 1999: Ord. 462 § 13.0, 1998)

16.08.030 Civil penalty.

In addition to any other penalty or remedy provided by this chapter or by law, a civil penalty in the amount of one hundred dollars ($100.00) per day is imposed upon any person,

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firm or corporation which violates the provisions of this title. The civil penalty shall occur from the date set for correction established by the administrative official, and until violation is corrected. The civil penalty is a personal obligation of the person or persons to whom the notice of violation is directed. The town attorney, on behalf of the town, is authorized to collect the civil penalty by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual of additional civil penalties, as long as the violation continues.

(Ord. 496 § 13.1, 1999: Ord. 462 § 13.1, 1998)

16.08.040 Continued violations— Remedies and penalties.

An imposition of one penalty for any violation shall not excuse the violation nor permit it to continue. Any person, firm or corporation shall be required to correct such violation or defects.

A. In addition to the civil proceedings authorized to enforce this title and in addition to any fine or penalty provided, continuing violations of this title may be enjoined, ordered or abated in civil proceedings for injunction, abatement or other relief

B. The town attorney, on behalf of the town, may pursue civil remedies to enforce compliance with the provisions of this title. A private person directly affected by a violation of this title may pursue civil remedies as provided by this chapter or as otherwise provided by law to enforce compliance and to recover damages for violations. Provided, that a private person may not pursue or enforce the civil penalties in Section 16.08.030.

C. Any person, firm or corporation violating any of the provisions of this title shall be liable in any private or public action brought to enforce the provisions of this title for all costs of proceedings, expenses of abatement, and for reasonable attorney's fees. These expenses are accumulative and in addition to any penalties or other remedy available.

(Ord. 496 § 13.2, 1999: Ord. 462 § 13.2, 1998)

16.08.050 Persons liable.

Any person who participates in the transfer, sale, agreement to sell, or lease of land in violation of the requirements of this title; and any person who files or records a short plat or final plat in violation with this title; and any person who fails to comply with any condition of approval of a short plat, final plat, binding site plan or boundary line adjustment; and any person who maintains, after notice, a violation of this title may be held jointly liable in any civil action brought to enforce the provisions of this title.

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(Ord. 496 § 13.3, 1999: Ord. 462 § 13.3, 1998)

16.08.060 Notice of violation.

A. If the administrative official determines that the activity or condition exists that does not conform to the provisions of this title, then a notice of violation may be issued. The notice shall be directed to the owner of the property and/or to such other persons as are causing or contributing to such violation. A notice of violation shall contain:

1. The name and address of the property owner or other person to whom the notice of violation is directed;
2. The street address when available or a legal description sufficient for identification of the land upon which the violation is occurring;
3. A statement of the action required to be taken as determined by the administrative official and a date for correction which shall not be less than ten working days from the date of service of the notice of violation to be immediately hazardous;
4. A statement that a cumulative civil penalty in the amount of one hundred dollars ($100.00) per day shall be assessed against the person or persons to whom the notice of violation is directed for each and every day following the date set for correction on which the violation continues; and
5. A statement that the administrative official's determination of violation may be appealed to the town council upon written notice of appeal together with the payment of filing fee in accordance with Section 16.08.080. The appeal shall be filed with the town clerk within ten working days of service of the notice of violation, and the daily civil penalty shall continue to accrue during the pendency of the administrative official appeal, but is dependent on the outcome of the appeal.

B. The notice of violation shall be served upon the person or persons to whom it is directed either personally in the manner provided for by personal services of summons and complaints or by mailing a copy of the notice of violation by certified mail, return receipt requested, to such person at his or her last known address. Proof of personal service shall be made at the time of service by a written declaration under penalty of perjury executed by the person making service, declaring the time, date and manner by which service was made.

C. A notice of violation issued pursuant to this section may be appealed to the town council. The cumulative civil penalty provided for in Section 16.08.030 of this chapter shall continue to accrue during the pendency of such appeals but shall be dependent on the outcome of the appeal.

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D. For good cause shown, the administrative official may extend the date set for correction of the notice of violation; provided, that such an extension shall not affect or extend the time in which the administrative official appeal must be commenced nor shall such extension be for a period of time in excess of one hundred eighty (180) calendar days.

(Ord. 496 § 13.5, 1999: Ord. 462 § 13.5, 1998)

16.08.070 Disposition of civil penalties collected.

Any civil penalties assessed herein and collected shall be paid into the general fund of the town.

(Ord. 496 § 13.6, 1999: Ord. 462 § 13.6, 1998)

16.08.080 Development filing fees.

All persons developing land under this title shall pay the appropriate fees for the processing and handling of their applications. Please refer to the current fee schedule on file at the town clerk's office.

(Ord. 620 § 1, 2006; Ord. 496 § 14.0, 1999: Ord. 462 § 14.0, 1998)

16.08.090 Schedule of engineering and inspection fees and charges.

Any person constructing public improvements in a development under this title shall obtain the required permits, obtain approval from the subdivision administration committee as provided in this title, and shall pay the following standard fees for engineering services and inspection in connection with those improvements:

Improvement Inspection

Option 1: Flat fee based on the town engineer's estimate of the cost for labor, overhead, material testing and expenses.

Option 2: $25.00 plus $34.00 per hour per person for engineering services and inspection as established by monthly time sheets, plus the cost of testing and TV inspection.

Improvement Plans

Plan check - Base: $150.00

(Ord. 496 § 14.1, 1999: Ord. 462 § 14.1, 1998)

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16.08.100 Outside agency fees.

If an outside agency or agencies need to be consulted regarding any development within the town limits, the developer will incur any and all cost charged by the outside agency or agencies.

(Ord. 496 § 14.2, 1999: Ord. 462 § 14.2, 1998)

16.12 DESIGN STANDARDS, IMPROVEMENTS AND PUBLIC FAILITIES REQUIREMENTS

ARTICLE I. DESIGN STANDARDS AND IMPROVEMENTS

16.12.010 Conformance to the comprehensive plan and zoning code.

The design of subdivisions, short plats and binding site plan developments, including, but not limited to, layout of streets, lots and blocks shall be consistent with the town of Naches comprehensive plan update. Dimensional lot standards shall be as required by Naches' zoning code.

(Ord. 496 § 7.0, 1999: Ord. 462 § 7.0, 1998)

16.12.020 Lot and block design standards.

A. Block Dimensions. The lengths, widths and shapes of blocks shall be determined with regard given to: (1) provision of adequate building sites suitable to the special needs of the type of use contemplated; (2) needs for convenient access, circulation, control and safety of street traffic; and (3) limitations and opportunities of topography.

1. Block lengths shall not exceed one thousand (1,000) feet.
2. Pedestrian crosswalks, not less than ten (10) feet wide, may be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Such crosswalks may be required to be marked and maintained annually.

B. Lot Dimensions. Lot size, width, depth, shape and orientation shall conform to the zoning standards applicable to the area within which the property is located. Sufficient area for the proposed use, setbacks and other area requirements shall be accommodated.

1. Through Lot, also known as Double Frontage Lot.
    a. No residential lots shall have road frontage along two opposite boundaries unless justified by topographical features or the need to provide separation of the lots from arterials, railways, commercial activities or similar uses.

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b. An easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting the arterial or other area of disadvantageous use.

2. Flag Lots. Flag lots, as defined in Section 16.04.100, may be permitted to accommodate buildable area which does not have standard frontage on a public street and where access to the buildable area is not feasible by any other standard land division method or lot design. In general, flag lots are only allowed to encourage infill development, preserve natural areas or to allow development of land-locked (buildable) areas. The narrow (access) portion of the flag lot shall not be used to grant access to other property not having frontage on a public street.

3. Lot Access/Frontage

a. Every lot shall be provided with frontage on a public street or approved private lane as provided in Section 16.12.060 connecting to an existing public street.

b. The lot frontage of a flag lot as provided in subsection (D)(2) of this section, shall be at least twenty (20) feet in width. The building site portion of the flag lot shall meet the dimensional standards of the applicable zone. The length, width and improvement of the access to the building site shall comply with the requirements of Yakima County Fire District No. 3.

c. Developments abutting principal arterial streets shall be designed to provide access from interior streets. Access to arterial streets by individual lots shall only be permitted with specific findings demonstrating compelling need based on lot size, shape, topography or other property characteristics and addressing public safety.

d. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

4. Cul-de-sac (Turnaround) Lots.

a. No more than four lots may be located exclusively on the turnaround of a cul-de-sac.

b. The minimum lot width for lots on cul-de-sac turnarounds shall be fifty (50) feet measured at the required setback line.

5. Parks and Recreation Areas. Pursuant to RCW 58.17.110 and related statutes, the town council may require subdivisions to designate up to five percent of their land area exclusive of streets, as either private or public parks and recreational areas, the nature of which shall be clearly indicated on the plat; provided, not less than a contiguous minimum of ten thousand (10,000) square feet shall be so allocated. The acquisition of land required by

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the town for public parks or recreational areas, other than streets and alleys, shall be obtained by deed from the developer prior to final approval of the plat. As an alternative to dedication of public parks and recreational areas, the developer may be required to contribute to the town for park purposes to benefit the area up to five percent of the developed value of the lots to be sold in the plat. Payment of cash in lieu of land for park purposes in the area shall be made by the developer to the town before final approval is given. The moneys to be exclusively used for park development purposes, shall be deposited in a special park fund to be dedicated by the town to benefit the area platted.

(Ord. 496 § 7.1, 1999: Ord. 462 § 7.1, 1998)

16.Unit Lot Subdivisions

The purpose of these provisions is to allow for the more flexible creation of lots of varying sizes and types, including for single-family detached, attached housing, cottage housing, and ADUs with more than one dwelling unit on a parent lot, while applying only those site development standards applicable to the parent lot as a whole, rather than to individual lots resulting from the subdivision.

Unit lot subdivisions shall follow the application, review, and approval procedures set forth by the ~~City~~Town of Naches.

Development as a whole on the parent lot, rather than individual unit lots, shall comply with all the design and improvement requirements for plats set forth in Chapters 16.12 and 17.35.070 municipal code, unless otherwise specified in this section, or where the a variance is permitted pursuant to Title 16.32 VARIANCES.

A lot may be divided into separately owned unit lots and common areas, provided the following standards are met:

1. The lot is located in the following zones:

    a. R-1; R-2

2. Each unit lot shall have a dwelling unit;

3. Only one unit is located per unit lot, and no dwelling units are stacked;

4. The density of the parent lot does not exceed the maximum net density of the zone, up to 9 units;

5. All buildings meet applicable provisions of the building and fire code.

Commented [KN2]: RCW 58.17.060 (3) All cities and towns located in a county planning under RCW 36.70A.040 shall adopt or enact procedures for unit lot subdivisions. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.

Commented [KN3]: Section updated per 8/3 PC Meeting

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16.12.030 Street design standards

A. Street right-of-way and Improvement Width. Street right-of-way and improvement width for residential, collector and principal arterial streets shall comply with Section 16.12.160.

B. Subdivision Street Access. Subdivisions shall be served by one or more improved streets providing ingress and egress to and from the subdivision as follows:

1. A subdivision of fourteen (14) or fewer lots on a cul-de-sac which does not exceed four hundred (400) feet, or on an approved stub street which does not exceed four hundred (400) feet in length may have one access point;
2. A subdivision of fifteen (15) or more lots shall have a minimum of two access points. More may be required based on factors in subsection (C)(2) of this section.

C. Conformance to Street Plan—Continuation of Streets.

1. Subdivisions and short plats shall provide for the location and necessary right-of- way to conform to the town street plan.
2. Subdivisions and short plats shall provide for the continuation or appropriate projection of local access (residential), collector and principal arterial streets.
3. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the town may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distance shall also be determined with due regard for the requirements of approach grades and future grade separations.

D. Cul-de-sac Streets. Cul-de-sac streets shall have a maximum length of four hundred (400) feet measured from its centerline intersection with the public access street right-of-way to the turnaround. The turnaround at the end of a cul-de-sac street shall have a minimum right-of-way radius of sixty (60) feet and a minimum curb radius of fifty (50) feet.

E. Street Intersections. Street intersections shall be as nearly as possible at right angles as is practicable but shall not intersect at less than eighty (80) degrees. Offset street intersections of less than two hundred (200) feet for collector and arterial streets or one hundred (100) feet for residential or local access streets will not be permitted unless otherwise approved by the town engineer. Property lines at street intersections shall be rounded with a twenty (20) feet or greater radius where the town engineer may deem it necessary.

F. Stub Streets. Stub streets shall be allowed only to provide for the planned continuation of streets on adjacent property. A standard turnaround shall be required at the end of a stub street.

DRAFT

G. Half Streets. Half width streets shall be prohibited.

H. Street Grades. Street grades shall be kept to minimum town standards depending upon topographic conditions and whether the street is designated as an arterial, collector or local access street. No street grade shall be less than two-tenths (0.20) percent nor more than twelve (12) percent.

I. Street Designations.

1. Streets that are in general alignment with others already existing and named shall bear the names of the existing streets. Other streets shall not bear names that duplicate or phonetically approximate the names of existing streets. Street names shall be subject to approval of the town council.

2. A street with a general north-south alignment shall be designated "avenue"; one with a general east-west alignment shall be designated "street"; a cul-de-sac shall be designated "court" or "place."

3. The designations "drive" or "way" shall be reserved for long continuous curved streets with thoroughfare characteristics.

4. Insofar as possible, new streets shall preserve and continue any alphabetical or numerical sequence and type of name already established in nearby subdivisions.

(Ord. 496 § 7.2, 1999: Ord. 462 § 7.2, 1998)

16.12.040 Sidewalks and street trees.

A. Sidewalks. Sidewalks shall be provided on both sides of principal and minor arterial streets and collector streets and on one side of local access (residential) streets in new developments in conformance with town sidewalk standards in Section 16.12.160(B).

B. Street Trees. Street trees may be provided in new developments in conformance with 16.12.100(E) of this title.

(Ord. 496 § 7.3, 1999: Ord. 462 § 7.3, 1998)

16.12.050 Alley design standards.

Alleys are not required in any zoning district, except that the town may require alley access in commercial or industrial districts where provisions have not been made for service access, such as for off-street loading, unloading and parking consistent with and adequate for the uses proposed. If an alley is required by the town in commercial or industrial districts or the developer at his or her option includes alleys within a subdivision, the following standards must be met:

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A. Alleys shall be improved with a three-inch compacted, crushed gravel surface;

B. Alleys shall have a minimum width of twenty (20) feet;

C. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement; and

D. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end as determined by the town engineer.

(Ord. 496 § 7.4, 1999: Ord. 462 § 7.4, 1998)

16.12.060 Private lane standards and restrictions.

A. Private Lanes—Prohibited. Private lanes shall only be permitted in short plats with four lots or less.

B. Private Lanes—Permitted. The following minimum standards apply to permitted private lanes:

1. Right-of-way width of a private lane shall be thirty-five (35) feet. The right-of-way radius at the turnaround shall be sixty (60) feet.

2. The length of a private lane shall not exceed four hundred (400) feet. A turnaround shall be provided at the end of a private lane exceeding one hundred fitly (150) feet in length and improved with a turnaround radius of fifty (50) feet to adequately provide for emergency services.

3. Private lanes shall be improved with twenty (20) feet width of pavement consisting of four-inch crushed rock compacted base with two and one-half inch asphalt concrete pavement surface. Compacted two-foot gravel shoulders shall be provided. Adequate roadside drainage shall be provided for driveway and culvert installation.

4. Private lanes shall be named and identified as private by means of a suitable permanent marker.

5. A utility easement shall be dedicated to the town for the total width of the lane right-of-way, unless easements are provided in other locations for residences being served.

6. A recorded binding covenant shall be prepared for maintenance of the lane, drainage structures, curb and gutter, and associated parking areas by owners in the development. In addition, the following notation shall be placed on the plat map face:

"The Town of Naches has no responsibility to build, improve, maintain or otherwise serve any private lanes in this short plat."

DRAFT

7. An approved driveway approach from the street to the lane shall be provided.

(Ord. 496 § 7.5, 1999: Ord. 462 § 7.5, 1998)

16.12.070 Drainage storm sewer easements.

Easements shall be provided for drainage of channels, streams and surface runoff with sufficient additional width to allow adequate improvement and maintenance.

(Ord. 496 § 7.6, 1999: Ord. 462 § 7.6, 1998)

16.12.080 Utility easements.

A. Utility easements for electric, telephone, television, water, gas and similar public utilities shall have a minimum width of ten (10) feet or sufficient additional width to assure future maintenance as determined by the serving utility.

B. Utility easements shall be provided to permit future installation of underground utilities.

C. Utility easements shall be located adjacent to the lot line and entirely on one lot.

(Ord. 496 § 7.7, 1999: Ord. 462 § 7.7, 1998)

16.12 ARTICLE II: PUBLIC FACILITIES REQUIREMEMTS

16.12.090 Compliance with standards.

A. All improvements required under this chapter shall be constructed in accordance with Section 16.12.160. All improvements required under this chapter shall be the minimum required improvements for all plats; however, higher development standards may be imposed for the protection of public health, safety or general welfare.

B. All required improvements shall be made by the developer at his or her expense.

(Ord. 496 § 8.0, 1999: Ord. 462 § 8.0, 1998)

16.12.100 Street improvements.

A. Streets. All public streets shall be constructed with paving, curbs and gutters, storm drainage system, sidewalks and street lighting.

B. Alleys. Alleys when installed shall be improved as described in Section 16.12.050.

C. Sidewalks. Sidewalks shall be included in the street improvement plans and shall be installed on both sides (or one side if a local access street) of the street after completion of the curb and gutter improvements. Sidewalks shall be constructed

DRAFT

when homes are constructed on the lots and shall be completed prior to occupancy, provided that an agreement with adequate surety is submitted to guarantee sidewalk improvements in accordance with Section 16.16.120(D)(2).

D. Street Lighting System. Street lights shall be installed at all intersections (street corners), all cul-de-sac turnarounds and all substantial curves of streets. The developer shall make the necessary arrangements with the serving electric utility for installation of underground service for the street lighting system. When required, street lighting conduit poles and pole boxes shall be provided at the time of construction in accordance with the requirements of the town engineer. Street lighting systems intended for dedication to the town shall be assemblies approved by the town engineer. Alternative assemblies are subject to the requirements of Section 16.12.170.

E. Street Trees. Street trees may be installed within one year of when new homes are first occupied, provided that such trees are from the town of Naches street tree list and are spaced and installed in accordance with standards set forth in the list. If street trees are be installed, an agreement with adequate surety shall be submitted to guarantee the street tree planting. The developer shall be responsible for the continued health and vigor of street trees abutting undeveloped lots until such lots are sold.

(Ord. 496 § 8.1, 1999: Ord. 462 § 8.1, 1998)

16.12.110 Water distribution system.

A. A complete domestic water distribution system shall be installed to provide potable water to each lot within a development (including homes, businesses and industry) under this article. The domestic water system shall be installed at the expense of the developer in conformance with standards as established by the town engineer and approved by the town. All water lines and services shall be inspected and approved by the town engineer and installed prior to street improvements.

B. The water distribution system shall be designed and constructed in accordance with the state Department of Health regulations and with the standard practices of the town. Fire hydrants shall be installed at the expense of the developer, at locations determined necessary by the town and the town engineer. Water mains and sewer lines shall be extended to the far edge of any subdivisions for future extensions.

C. The town, at its discretion, may direct that water main diameters in excess of that needed for service and fire protection for the subdivision be installed. If the town directs such oversizing, the town will pay the difference in pipe material costs between the pipe diameter required for the subdivision and the town-directed oversize diameter pipe.

DRAFT

(Ord. 496 § 8.2, 1999: Ord. 462 § 8.2, 1998)

16.12.120 Provision of irrigation water.

A. Pursuant to RCW 58.17.310, as amended, each lot within a plat shall be provided with an irrigation water right-of-way. It shall be the responsibility of the developer to provide an irrigation system to supply water to each lot within the development.

B. Under no circumstances will irrigation water supplies be cross-connected to the municipal water system.

C. All irrigation water systems serving new development shall be privately owned, operated and maintained. Arrangements must be made with the town to provide irrigation water if a private system cannot be established.

(Ord. 496 § 8.3, 1999: Ord. 462 § 8.3, 1998)

16.12.130 Sanitary sewer system— Storm sewers.

A. A complete sanitary sewer collection system with a separate connection to the town sewer system shall be provided to each lot or unit within a development (including homes, business and industry) and shall be inspected and approved by the town engineer prior to construction of street improvements. Such sanitary sewer collection system shall be installed at the expense of the developer.

B. The sanitary sewer system shall be designed and constructed in accordance with the state Department of Ecology regulations and the standards of the town. Sewer mains shall be extended to the far side of any lot within a plat.

C. The town, may, at its discretion, direct that sewer main diameters in excess of that needed for service for the plat be installed. If the town directs such oversizing, the town shall pay the difference in cost, if there are additional costs, between the pipe diameter required for the subdivision and the town-directed oversized pipe.

D. As required by the engineer, storm drainage shall be disposed on-site through facilities designed by a professional engineer in conformance with Department of Ecology requirements and as approved by the town engineer. Storm drainage shall be designed such that drainage from new development does not conflict with present drainage patterns, create a drainage problem within itself or for its neighbors or cause environmental degradation of surface and ground water.

E. All required sanitary sewer lines and storm sewers located within the street improvement section shall be completed in accordance with Section 16.12.160, Public facilities standard plans, and shall be inspected and approved by the town engineer prior to construction of street surface improvements.

(Ord. 496 § 8.4, 1999: Ord. 462 § 8.4, 1998)

DRAFT

16.12.140 Fire protection.

A. Water sources and facilities adequate for fire protection purposes shall be provided in every subdivision by the developer.

B. Fire protection facilities, including fire hydrants and appurtenances, shall be provided in accordance with the Uniform Fire Code under the direction and approval of the fire marshal. Such facilities shall be included in the improvement plans as approved by the town engineer.

(Ord. 496 § 8.5, 1999: Ord. 462 § 8.5, 1998)

16.12.150 Underground utilities.

A. Except as provided in subsection B of this section, all utility facilities shall be placed underground.

B. Facilities excepted from underground utility installation. Underground installation of utility facilities shall not include the following:

1. Electric, pad mounted transformers;
2. Electric transmission systems of a voltage of fifteen (15) KV or more;
3. Service meters at structures;
4. TV cable amplifiers, distribution taps;
5. Telephone pedestals and cross-connection terminals; and
6. Temporary services necessary for construction.

C. No buildings or structures, except fences, shall be permitted to be constructed on any utility easements, or over any utility facilities. Masonry fences will be considered as structures rather than fences.

(Ord. 496 § 8.6, 1999: Ord. 462 § 8.6, 1998)

16.12.160 Public facilities standard plans.

All public facilities shall be designed and constructed in accordance with the town of Naches standard plans as outlined below. The standard plans are administered by the town engineer.

A. Street Improvements.

1. Street Right-of-Way, Driving Lane and Parking Widths. The following are the minimum widths permitted for street right-of-ways, driving lanes and parking:

Street Type	Right-of-way	Driving Lane*	Parking
Principal arterial	70 feet	12 feet, 11 feet	10 feet

DRAFT

Minor arterial	60 feet	12 feet, 11 feet	10 feet
Collector	50 feet	12 feet, 11 feet	8 feet
Local access	50 feet	11 feet, 10 feet	8 feet

* Lane widths are specified as exterior lane width first, then interior through lane and exclusive turn, third represents a two-way turn.

a. A reduction of the right-of-way width to not less than fifty (50) feet, where topography permits, or when the proposed street connects to or is the extension of an existing street having a right-of-way width less than the required minimum, when approved by the town council, may be permitted.

b. The shoulder width on all streets shall be increased by two feet when guardrails are required by the town engineer.

c. A ten (10) foot utility easement shall be provided on both sides of the right-of-way, unless reduced to one side by the town engineer and approved by the town.

d. Traffic control signs and pavement marking shall be provided according to the Manual on Uniform Traffic Control Devices, as amended, at the developer's expense.

e. The slope of the right-of-way outside of the driving and parking lanes shall not feature cuts or fill with slopes steeper than two to one.

2. Surfacing. Surfacing for all town streets shall be as follows:

Street Type	Surface
Principal arterial	3″ asphalt concrete pavement
Minor arterial	3″ crushed surfacing - top course ⅝″-0
Collector	6″ ballast 2 ½″-0 Fabric membrane underneath where unsuitable soils arebpresent 2 ½″ asphalt concretePavement
Local access (residential)	2 ½″ crushed surfacing - top course ⅝″-0 6″ ballast 2 ½″-0 Fabric membrane underneath where unsuitable soils are present

3. Provision of Street Curbing. Provision of curbing on Naches streets shall be as follows:

a. All present and future through streets shall be constructed with barrier curbs.

DRAFT

b. Interior and dead-end residential streets may be constructed with rolled mountable curbs.

c. The curb radii at all intersections and interior corners shall be constructed with barrier curbs from the property lines of the corner lots.

4. Additional requirements for street design are also listed in Sections 16.12.090 to 16.12.150 and 16.12.170.

B. Sidewalk Improvements. Sidewalks are required for all public streets within Naches as follows:

:

Street Type	Sidewalks Required
Principal arterial	Both sides of street
Minor arterial and collector	Both sides of street unless insufficient right-of-way width is available, then on only one side is required.
Local access (residential)	On one side of street
Cul-de-sac	On one side of street if greater than 200 feet in length, if less than 200 feet in length are not required

1. Sidewalk Width. All sidewalks shall be a minimum of five feet in width.

2. Sidewalk Surface. All sidewalks shall be constructed of cement concrete to a minimum depth of four inches, except at driveways and where rolled curbs are present, then the depth shall be six inches.

3. Property owners and developers shall be responsible for replacing all cracked or damaged sidewalks in a timely fashion at no cost to the public.

C. Domestic Water Distribution System.

1. As stated in Section 16.12.110, a complete domestic water distribution system shall be installed to provide potable water to each lot within a development. This water distribution system shall be designed and constructed in accordance with the state Department of Health regulations and standard practices of the town.

2. Water lines and mains should be located within the utility easement of the street right- of-way, the size of which shall be determined based on the estimated water usage (demand) and required fire flows.

D. Sanitary Sewer System.

1. As stated in Section 16.12.130, a complete sanitary sewer collection system with a separate connection to the town sewer system shall be provided to each lot or unit within a development. The sewer collection system must be designed and constructed in accordance

DRAFT

with the state Department of Ecology regulations and the standards of the town.

2. Sewer lines should be located within the utility easement of the street right-of-way; side sewers must be four-inch minimum lines (for residential development). Sewer mains shall be a minimum of eight-inches in diameter.

3. The town may require a town approved back-flow device to be installed at the expense of the developer on the side sewer extension for each lot within the development.

E. Storm Drainage-Storm Sewers.

1. All subdivisions, commercial and industrial developments shall provide for drainage such that their development does not conflict with present drainage patterns, create a drainage problem within itself or for its neighbors. Most common short subdivisions (short plats) or smaller commercial and industrial developments are not anticipated to cause such conflicts; therefore they will be subject to the requirements of this subsection only when review of the proposed development by the town engineer reveals, in his or her opinion, that such conflicts exist or potentially exist. When the town engineer makes such determination, the developer shall conform to this subsection. Subdivisions shall comply with this subsection in all cases.

2. A drainage plan, where required, shall be prepared by a professional engineer registered in the state and submitted to the town engineer for review and approval for any proposed land development that will increase the quantity of or in any way alter the drainage runoff occurring prior to development.

3. Design calculations for peak flow and peak volume storage requirements shall be based on a design storm frequency of ten (10) years, unless it is determined by the town engineer that the development is located in a drainage problem area whereby the design storm frequency may be raised accordingly.

4. The plan shall provide for the on-site detention and/or retention of the total water intercepted and collected by the development and the areas (improved and unimproved) lying and draining presently to and through the proposed development, for the design storm, unless other natural or man-made systems are available for use.

5. Detention and/or retention of storm-water runoff from any proposed land development shall be accomplished by stormwater holding

DRAFT

facilities, either open or closed, or by introduction, on-site, of stormwater into the permeable soils via an infiltration system.

6. The drainage plan shall incorporate all calculations of the determination of the required size of the systems.

7. The overflow of runoff in excess of the design storm quantities must be situated or directed to where it would have overflowed under the conditions existing prior to the proposed development. The capacity of the drainage course downstream of the development may be required to be evaluated. The submitted drainage plan shall incorporate, among other data, a topographical map to clearly define:

   a. The proposed development;

   b. All areas, improved and unimproved, lying upstream and draining to and across the proposed development; and

   c. Drainage courses, natural or otherwise, to which the proposed development will drain.

   Said plans shall include a plan profile of the systems including cross-sections of all open ditches and channels. Hydraulic and physical data such as grades, bottom elevation of ditches and channels, inverts of pipes at all structures, such as manholes and catch basins, size and length of all pipes; lengths of ditches and channels, and top elevation of all catch basin covers shall be called out. This includes the invert elevations of the existing or other proposed storm drainage systems that the subject drainage plan proposes to tie into.

F. Underground Utilities. All underground utilities in all new residential areas shall be installed and maintained at a depth of not less than three feet below the graded surface of said way or street; provided, existing installations may be maintained at the present level until replaced.

G. Improvement Plans. Improvement plans shall comply with town standard plans.

The plans shall be done under the direction of a professional engineer (design engineer) registered in the state of Washington and shall bear the engineer's stamp and signature. All improvement plans shall be reviewed and approved by the town engineer or the town engineer's representative and shall be stamped "approved" prior to issuance of a construction permit. Any changes to approved plans that result during construction shall be shown on as constructed or as built plans provided by the developer and marked "As Built" or "As Constructed" by the design engineer.

DRAFT

(Ord. 496 §§ 9—9.7, 1999: Ord. 462 §§ 9—9.7, 1998)

16.12.170 Public facilities development procedures—Underground utilities.

A. Financing of Installations. The developer shall make all arrangements for the installation of underground utilities with the appropriate agency or utility. The costs of constructing the new facilities shall be the responsibility of the developer.

B. Covenant for Future Installations. Development covenants and final plats shall contain a provision that all future utility facilities shall be placed underground.

(Ord. 496 § 10, 1999: Ord. 462 § 10, 1998)

16.16 SUBDIVISIONS

16.16.010 Applicability of provisions.

Every division of land for the purpose of sale, lease or transfer into five or more lots, parcels or tracts within the town shall proceed in compliance with this chapter.

(Ord. 496 § 3.0(a), 1999: Ord. 462 § 3.0(a), 1998)

16.16.020 Resubdivision of platted lots.

A. The division of any lot within a recorded subdivision plat shall be replatted in accordance with the procedures for subdivisions as provided in this chapter.

B. Lot lines within an existing subdivision may be adjusted in accordance with the procedures of Chapter 16.28, Boundary Line Adjustment, without replatting, providing that no new or substandard lots are created.

(Ord. 496 § 3.0(b), 1999: Ord. 462 § 3.0(b), 1998)

16.16.030 Preliminary plat procedures—Application requirements.

A. Preapplication Meeting. Prior to filing a preliminary plat application, the developer shall confer with the administrative official and submit a sketch of the proposed subdivision. The administrative official shall advise the developer as to procedure, conformity to ordinances and comprehensive plan policies applicable to the proposed development.

B. Application for Subdivision. Application for a preliminary plat approval shall consist of the following:

1. A general application form, completed and signed by the property owner or his or her authorized agent;

DRAFT

2. Twelve (12) copies of the preliminary plat (as prepared by or under the supervision of a registered professional engineer or registered land surveyor), one reproducible copy and any supplemental material prepared in accordance with Chapter 16.36, Table of Required Information;
3. A title report verifying ownership of and encumbrances on the property as required by RCW 58.17.165 and including the names and addresses of all affected property owners within three hundred (300) feet of the subject property and all contiguous property under the ownership or control of the applicant; and
4. A completed SEPA environmental checklist if required, and prepared in accordance with RCW 43.21C (SEPA).

(Ord. 620 §§ 2, 3, 2006; Ord. 496 § 3.1, 1999: Ord. 462 § 3.1, 1998)

16.16.040 Administrative review.

A. Review Procedure. The administrative official, after issuing the determination of completeness, including the preliminary determination of consistency (in accordance with procedures established in RCW 36.70B.030 and 36.70B.070) for the preliminary plat application, shall distribute copies to the following affected agencies, such as, but not limited to the: Yakima County health district, Naches/Wapatox Irrigation District, Yakima County Fire District No. 3, Yakima County public utility district, Kel-Lowry Ditch Company, Naches School District, Yakima County assessor, town engineer, etc. for review and comment.

B. Technical Review. The administrative official, with the assistance of reviewing agencies shall determine if the proposal conforms to the policies, standards and accepted design principles for the following:
1. The comprehensive plan and zoning code;
2. Public facilities, including but not limited to adequate transportation, facilities, stormwater, drainage, water supply, sewage disposal, streets, sidewalks, bicycle, pedestrian and nonmotorized transportation, street lights, fire protection facilities, easements and utilities within and around the proposed subdivision;
3. The proposed lots have adequate means of ingress and egress in accordance with the provisions of this title; and
4. The public interest will be served by the subdivision and/or dedication.

C. Staff Report and Recommendations. Based on the information provided by the applicant for the proposed preliminary plat and the technical and design analysis of the proposed subdivision provided by affected agencies, the administrative official

DRAFT

may compile a staff report and recommendations to be presented to the planning commission prior to the open record public hearing on the preliminary plat.

(Ord. 496 § 3.2, 1999: Ord. 462 § 3.2, 1998)

16.16.050 Hearing notice.

A. When a preliminary plat has been submitted to the town, the town clerk shall establish the date and time for a public hearing before the planning commission.

B. The costs of publishing the hearing notice and/or notice of application, generating mailing labels and mailing of notices shall be provided for by the applicant.

C. The notice of the public hearing, stating the time, place and purpose for which the hearing is held, shall be published not less than fifteen (15) days prior to the hearing, in a newspaper of general circulation within the town. The notice of public hearing shall also be mailed by the town at least fifteen (15) days prior to the date of the hearing, to the owners of all properties located within three hundred (300) feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided. Notice shall also be given to the state Department of Transportation (DOT) in accordance with RCW 58.17.080, as it now exists or is hereafter amended, when the proposed subdivision is located adjacent to the right-of-way of a U.S. (federal) highway as DOT regulates access and maintenance on federal highways.

D. All hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of either a vicinity location sketch or written description other than a legal description. Additional notice of application shall be given as provided in RCW 36.70B.110.

(Ord. 496 § 3.3, 1999: Ord. 462 § 3.3, 1998)

16.16.060 Planning commission public hearing.

A. The planning commission shall consider the staff report and other agency reports, public testimony and all other relevant facts and consider whether the proposed subdivision makes appropriate provisions for, but not limited to, public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and whether the public use and interest will be served by the platting of such subdivision. If the planning commission finds the proposed subdivision does make such appropriate provisions and that the public use and interest will be served, then the planning commission shall recommend approval of the preliminary plat to the town council. If the planning

DRAFT

commission finds that the proposed subdivision does not make such appropriate provisions, or that the public use and interest will not be served, then the planning commission shall recommend disapproval of the preliminary plat.

B. The planning commission shall not later than ten (10) business days following the conclusion of the public hearing, express a recommendation for approval and may state conditions, if any, for such approval, or recommend disapproval. The recommendation of approval or disapproval shall be based upon the factors specified in this Section, Section 16.16.080, and RCW 58.17.110. Every such recommendation shall be in writing and shall include findings of fact and conclusions to support the recommendation.

C. Recommended conditions to be fulfilled, if any, after approval of the preliminary plat shall be written on the face of the plat or incorporated in the planning commissions written recommendation.

D. The town clerk shall, upon receipt of the recommendation of the planning commission, immediately transmit a copy of the recommendation to the town council, the town engineer, the Yakima County health district, the subdivider and the subdivider's surveyor. A record of the public hearing shall be kept by the town and shall be open to public inspection.

(Ord. 496 § 3.4, 1999: Ord. 462 § 3.4, 1998)

16.16.070 Town council hearing.

The town council upon receipt of a recommendation on any preliminary plat shall, at its next public meeting, set the date for a closed record hearing to consider the matter in accordance with the procedures and standards for conducting a closed record hearing. A record of the closed record public hearing shall be kept by the town and shall be open to public inspection.

(Ord. 496 § 3.5, 1999: Ord. 462 § 3.5, 1998)

16.16.080 Disapproval due to flood, inundation or swamp conditions.

Pursuant to RCW 58.17 as it now exists or is hereafter amended, the planning commission shall consider the physical characteristics of the proposed subdivision site and may recommend disapproval of a proposed plat because of flood inundation or swamp conditions. Construction of protective improvements may be required as a condition of approval and such improvements shall be noted in the final plat or in the planning commission's recommendation.

(Ord. 496 § 3.6, 1999: Ord. 462 § 3.6, 1998)

DRAFT

16.16.090 Approval—Abandoned orchard removal prerequisite.

Before final approval is given any plat, removal of an abandoned fruit orchard within the plat may be recommended by the planning commission as a condition of approval in order to protect existing orchards from pest and disease associated with abandoned orchards; provided that the recommendation may suggest designated trees to remain standing on individual lots for the use and enjoyment of the home owners; provided, further, that an effective program of pest and disease control is carried out by the property owners on the remaining trees pursuant to Chapter 15.08 RCW, as it now exists or is hereafter amended.

(Ord. 496 § 3.7, 1999: Ord. 462 § 3.7, 1998)

16.16.100 Preliminary plat— Expiration of approval— Extension—Conditions.

A. Approval of preliminary plats of proposed subdivisions shall expire ~~three~~ ten (10) years from the day of town council approval thereof. The council shall, upon written application of the subdivision applicant at least thirty (30) days prior to such expirations, grant an extension for a maximum period of one year upon a showing that the applicant has attempted in good faith to submit the final plat within the three-year period.

B. The town council shall determine whether to grant an extension of time on the basis of the past diligence and future plans of the subdivision applicant, as well as the Planning Commission's oral recommendation.

C. Any extension of time granted pursuant to this section shall be conditioned upon the proposed subdivision's compliance with all subdivision requirements in effect on the date that such extension is granted.

(Ord. 496 § 3.8, 1999: Ord. 485 §§ 1, 2, 1998; Ord. 462 § 3.8, 1998)

16.16.110 Decision—Review of.

The decision of the town council on a preliminary plat is final and conclusive unless appealed to the superior court pursuant to the provisions of the Land Use Petition Act (RCW 36.70C).

(Ord. 496 § 3.9, 1999: Ord. 462 § 3.9, 1998)

16.16.120 Final plat procedure.

A. Filing Period—Submission of Plans. At any time within twelve (12) months following the council's approval of a preliminary plat, the subdivider shall submit the original tracing and four copies of the proposed final plat design and other exhibits to the

DRAFT

administrative official along with four copies of the improvement plans, profiles and specifications for streets, utilities and other required improvements to be constructed in the proposed subdivision.

B. Review by Administrative Official—Compliance with Preliminary Plat Approval. The administrative official shall review the proposed final plat for conformance to the preliminary plat as approved by the town council and the required information contained within Chapter 16.36, Table of Required Information. The administrative official shall then distribute a copy of the proposed final plat and required improvement plans to the town engineer.

C. Review by Town Engineer—Authorization to Construct Improvements. The town engineer shall check the final plat and improvement plans for compliance with Section 16.16.140 and Article I of Chapter 16.12, Design Standards and Improvement. Upon approval of the plans by the town engineer, the administrative official may authorize the developer to construct the required improvements within the eighteen (18) month period of the council's preliminary approval. No construction of public improvements may begin without written approval from the administrative official.

D. Completion of Improvements—Surety. As provided in RCW 58.17.130, required improvements not completed prior to council approval of the final plat shall be secured in favor of the town by a surety in an amount acceptable to the town. The surety shall equal one hundred fifty (150) percent of the estimated cost of completion as determined by the town engineer. The surety shall be acceptable to the town council upon approval of the final plat. In addition, bonds or other security may be required by the council securing to the town the successful operation of the improvements for up to two years after final plat approval. Sureties to guarantee required improvements are as follows:

1. Street Improvements Including the Pavement Section, Sidewalks, Sewer, Water and Street Lights. The developer may complete all required improvements prior to council approval of the final plat, provided that such completed improvements shall be acceptable to the town prior to submission of the final plat to the council.
2. Sidewalks. For sidewalk improvements as specified in Section 16.12.100(C), the developer agreement with accompanying surety shall include that the developer will install all remaining sidewalk improvements following the sale of fifty (50) percent of the lots.

(Ord. 496 § 3.10, 1999: Ord. 485 § 3, 1998; Ord. 462 § 3.10, 1998)

16.16.130 Final plat—Dedications.

DRAFT

No plat shall be approved unless adequate provision is made in the subdivision for the dedication or reservation of drainage ways, streets, alleys, easements, parks, playgrounds and other general purposes as may be required by the SEPA process.

(Ord. 496 § 3.11, 1999: Ord. 462 § 3.11, 1998)

16.16.140 Final plat survey and improvement plan standards.

A. Survey—Certification. The final plat shall be prepared by a land surveyor registered in the state of Washington, who shall certify on the final plat that it is a true and correct representation of the lands actually surveyed. The surveyor's certificate shall include all required monuments, other than those approved and bonded for setting at a later date, that have been set and all lot corners that have been staked on the ground as depicted on the plat. All surveys shall conform to standard practices and principles for land surveying, including the Survey Recording Act, RCW 58.09.

B. Survey Data and Control Monumen-tation. (See Chapter 16.36, Table of Required Information).

C. Permanent Control Monuments—Settings. Permanent control monuments within the streets shall be set after the streets are paved. In the event a final plat is approved before streets are paved, the surety deposited to secure street completion shall include one hundred fifty (150) percent of the cost estimated by the town engineer for setting such monuments.

D. Detailed Construction Plan Standards. Final plans, profiles and specifications for streets, utilities and other required improvements shall be provided to the administrative official in a manner and form acceptable to the town engineer. Improvement plans shall conform to Section 16.12.160, Public facilities standard plans, and shall be made by or under the supervision of a Washington State registered professional engineer who shall stamp and sign all plans, profiles and specifications.

(Ord. 496 § 3.12, 1999: Ord. 462 § 3.12, 1998)

16.16.150 Final plat acceptance— Recording.

A. Prior to filing the final plat for council action, the administrative official shall make a determination that:

1. The proposed final plat meets all standards established by state law and this title;
2. The proposed final plat bears the certificates and statements of approval required by law (see subsection 36 of Chapter 16.36, Table of Required Information);

DRAFT

3. A title insurance report furnished by the developer confirms that the title of the land in the proposed subdivision is vested in the name of the owners having a title interest and whose signatures appear on the plat's certificate;

4. The developer has provided any required surety in a form commensurate with improvements required to be completed as described in Section 16.16.120(D).

B. Filing for Council Action. RCW 58.17.140 provides that the council shall act on the final plat within thirty (30) days from the date of filing thereof. For this purpose, the date of filing shall be construed to be the date the administrative official has submitted the final plat to the council after all administrative requirements of this title have been met.

C. Council Determination. The council shall determine that the conditions imposed on the approved preliminary plat have been met and that any required surety is adequate to assure completion of the required improvements not already completed.

D. Certification and Recording. If approved, the council shall certify its acceptance by authorizing the mayor to sign a statement to that effect on the face of the plat. One mylar base or reproducible copy and three paper copies shall be furnished to the town. The town clerk shall then forward one mylar base or reproducible copy thereof to the town engineer and one paper copy to the county assessor. The applicant shall submit the required recording fee to the town clerk who shall record the final plat with the county auditor.

(Ord. 496 § 3.13, 1999: Ord. 462 § 3.13, 1998)

16.20 SHORT SUBDIVISIONS

16.20.010 Applicability of provisions.

Every division or redivision of land for the purpose of sale, lease or transfer of ownership into four or fewer lots, parcels or tracts within the town shall proceed in compliance with this chapter from the date of filing.

(Ord. 496 § 4.0(a), 1999: Ord. 462 § 4.0(a), 1998)

16.20.020 Redivision of platted lots.

As provided in RCW 58.17.060, a lot that is created by a short plat shall not be further divided by short platting for a period of five years; provided, however, that when the short plat contains fewer than four lots, nothing in this section shall prevent the filing of an alteration or amendment within a five-year period to create up to four lots within the original

DRAFT

short plat boundaries. The amended short plat shall be recorded in accordance with the following provisions:

A. The amended short plat must comply with the procedures and requirements of this chapter for original short plat approval. A new survey shall not be required except for new lines created by the amended short plat.

B. The title of the amended short plat shall be: "Short Plat No. _____ Amending Short Plat No. _____." The second blank above shall be completed by the applicant prior to submission of the amended short plat.

C. The amended short plat shall show all of the land shown on the original short plat and shall bear the acknowledged signatures of all parties having ownership interest in the affected lots, tracts, parcels, sites or divisions within the original short plat as shown by a current title certificate.

Any further divisions within said five-year period must be processed as a subdivision under the provisions of Chapter 16.16.

D. Minor clerical errors may be corrected by the surveyor upon approval of the administrative official by recording an affidavit with the county auditor specifically referencing the short plat by number and the correction.

(Ord. 496 § 4.0(b), 1999: Ord. 462 § 4.0(b), 1998)

16.20.030 Placing lots or parcels on assessment rolls.

No lot or parcel of land subject to the provisions of this chapter shall be placed on the county assessor's tax rolls until an approved short plat has been filed for record with the county auditor.

(Ord. 496 § 4.0(c), 1999: Ord. 462 § 4.0(c), 1998)

16.20.040 Administrative authority.

The administrative official or his or her designee is responsible for processing and approving proposed short plats.

(Ord. 496 § 4.0(d), 1999: Ord. 462 § 4.0(d), 1998)

16.20.050 Short plat procedures—Application requirements.

A. Preapplication Meeting. Prior to filing a short plat application, the developer shall submit a sketch of the proposed division. The administrative official or his or her designee shall advise the developer as to procedure, conformity to applicable titles and comprehensive plan policies.

DRAFT

B. Application for Short Plat. Application for a short plat shall consist of the following:

1. A general application form, completed and signed by the developer;
2. A short plat map prepared in accordance with Chapter 16.36, Table of Required Information, a reproducible copy, and five paper copies of each;
3. A title certificate verifying ownership of and encumbrances on the property as required by RCW 58.17.165.

(Ord. 620 § 4, 2006; Ord. 496 § 4.1(a), 1999: Ord. 462 § 4.1(a), 1998)

16.20.060 Administrative review.

A. Review Procedure. The administrative official, after issuing the determination of completeness, including the preliminary determination of consistency (in accordance with procedures established in RCW 36.70B.030 and 36.70B.070) for the short plat application, shall distribute copies to other affected agencies for review and comment.

B. Technical Review. The administrative official, with the assistance of reviewing agencies shall determine if the proposal conforms to the policies, standards and accepted design principles for the following:

1. The comprehensive plan and zoning code;
2. Public facilities, including but not limited to transportation, facilities, stormwater, drainage, water supply, sewage disposal, streets, sidewalks, nonmotorized transportation, street lights, fire protection facilities, easements and utilities within and around the proposed short plat;
3. The proposed lots have adequate means of ingress and egress in accordance with the provisions of this title; and
4. The public interest will be served by the subdivision and/or dedication.

C. Subdivision Administrative Official's Decision. Upon completion of technical review, the administrative official shall notify the applicant of the decision to approve, conditionally approve, or disapprove the proposed short plat. The administrative official may waive certain improvement requirements of Chapter 16.12 where the short plat consists of parcels large enough to be redivided or subdivided by appropriate application into more standard size lots allowed by the particular zoning district.

(Ord. 532, 2000; Ord. 496 § 4.1(b), 1999: Ord. 462 § 4.1(b), 1998)

16.20.070 Short plat improvements—Surety—Time limit.

A. Road, sidewalks and other improvements which may be required in short plats shall be completed prior to the final short plat certification and recording unless

DRAFT

engineered improvement plans with adequate surety is provided in the same manner and standards as required for subdivisions in Section 167.16.120(D), except that, all improvements covered by surety shall be completed within one year of recording the short plat.

B. Improvement plans along with the completed short plat map shall be submitted to the administrative official not later than six months following the date of conditional approval granted under Section 16.20.060(c).

(Ord. 496 § 4.2, 1999: Ord. 462 § 4.2, 1998)

16.20.080 Short plat final approval—Recording.

Upon receipt of the completed short plat which meets all requirements of this chapter, the administrative official shall certify approval of the short plat. The town clerk shall then record the original with the county auditor and forward a copy to the county assessor, unless an appeal has been filed with the town.

(Ord. 496 § 4.3, 1999: Ord. 462 § 4.3, 1998)

16.20.090 Short plat—Preliminary application appeals.

A. The decision of the administrative official on a preliminary short plat application shall be final and conclusive unless appealed to the planning commission in accordance with the procedures and standards for open record appeals.

B. The final decision of the planning commission on the appeal of a preliminary short plat application decision shall be final and conclusive unless appealed to the town council.

(Ord. 496 § 4.4, 1999: Ord. 462 § 4.4, 1998)

16.24 BINDING SITE PLAN

16.24.010 Purpose.

The purpose of a binding site plan is to provide an alternative method of land division as provided for in RCW 58.17.035 for the sale or lease of commercial and industrial properties and condominiums. A binding site plan includes a survey together with a developer agreement.

(Ord. 496 § 6.0, 1999: Ord. 462 § 6.0, 1998)

16.24.020 Applicability of provisions.

DRAFT

This chapter applies to the following:

A. The sale or lease of property zoned: GB, general business district or LI, light industry; and

B. Condominiums authorized under Chapter 64.34 RCW and where allowed in the zoning code.

(Ord. 496 § 6.1, 1999: Ord. 462 § 6.1, 1998)

16.24.030 Binding site plan components.

A. A binding site plan means a record of survey and a developer agreement. A developer agreement includes a written narrative together with a scaled drawing (commonly known as a site plan) which together address the development details required by this chapter.

B. The developer agreement shall incorporate the requirements of the planning commission, after consideration of the comments received during the public hearing on the binding site plan.

C. The developer agreement requires the notarized signature of both the developer and the administrative official.

(Ord. 496 § 6.2, 1999: Ord. 462 § 6.2, 1998)

16.24.040 Application requirements.

A. Preapplication Meeting. Prior to filing a binding site plan application, the applicant shall confer with the administrative official or his or her designee. The administrative official shall advise the applicant of the required procedures and applicable titles.

B. Application Contents. An application for a binding site plan shall include a written narrative and twelve (12) copies of a scaled drawing which together address the following:

1. The information listed in Chapter 16.36, Table of Required Information;
2. The purpose for which the property and/or buildings will be used;
3. Schedule for completion of improvements;
4. Surety provisions for future improvements as provided in Section 16.16.120(D);
5. Off-street parking plans;
6. Landscaping plans;
7. Dimensional information where applicable for lots, buildings, fences, etc.;
8. Maintenance plans; and

DRAFT

9. A completed SEPA environmental checklist if required, and prepared in accordance with RCW 43.21C (SEPA).

(Ord. 620 § 5, 2006; Ord. 496 § 6.3, 1999: Ord. 462 § 6.3, 1998)

16.24.050 Administrative review.

A. Review Procedure. Binding site plan applications including developer agreements shall be reviewed by the administrative official prior to the open record public hearing before the planning commission. The administrative official, after issuing the determination of completeness, including the preliminary determination of consistency (in accordance with procedures established in RCW 36.70B.030 and 36.70B.070) for the binding site plan application, shall distribute copies to the following affected agencies, to include, but not limited to the following: Yakima County health district, Naches/Wapatox Irrigation District, Yakima County Fire District No. 3, Yakima County public utility district, Kel-Lowry Ditch Company, Naches School District, Yakima County assessor, town engineer, etc., for review and comment.

B. Design and Development Requirements. Design and development standards of this title will be used as a basis for the design and development of the binding site plan. Certain standards may be modified or deleted where appropriate to address the concept of the development while still meeting the intent of this chapter. To the greatest extent possible, design and development standards will be addressed in the developer agreement and record of survey. When phasing is involved, specific issues related to future development within the binding site plan shall be reviewed and approved as part of the overall development prior to issuance of any construction, right-of-way, sign or any other permit for the initial phase.

C. Subdivision Administrative Official's Recommendation and Staff Report. Based on the information provided by the applicant for the binding site plan and the technical and design analysis of the binding site plan provided by affected agencies, the administrative official shall compile a staff report and recommendations to be presented to the planning commission prior to the open record public hearing on the binding site plan.

(Ord. 496 § 6.4, 1999: Ord. 462 § 6.4, 1998)

16.24.060 Hearing notice.

A. When a binding site plan, including written narrative has been submitted to the town, the town clerk shall establish the date and time for a public hearing before the planning commission.

DRAFT

B. The costs of publishing the notice of public hearing and/or notice of application, generating mailing labels and mailing of notices shall be provided for by the applicant.

C. The notice of the public hearing, stating the time, place and purpose for which the hearing is held shall be published not less than fifteen (15) days prior to the hearing in a newspaper of general circulation within the town. The notice of public hearing shall also be mailed by the town at least fifteen (15) days prior to the date of the hearing, to the owners of all properties located within three hundred (300) feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided. Notice shall also be given to the state Department of Transportation (DOT) in accordance with RCW 58.17.080, as it now exists or is hereafter amended, when the proposed binding site plan is located adjacent to the right-of-way of a U.S. (federal) highway as DOT regulates access and maintenance on federal highways.

D. All hearing notices shall include a description of the location of the proposed binding site plan. The description may be in the form of either a vicinity location sketch or written description other than a legal description. Additional notice of application shall be given as provided in RCW 36.70B.110.

(Ord. 496 § 6.5, 1999: Ord. 462 § 6.5, 1998)

16.24.070 Public hearing.

An open record public hearing shall be held before the planning commission on the binding site plan including developer agreement. The planning commission shall consider the staff report and other agency reports, public testimony and all other relevant facts before developing his or her findings of fact and making a recommendation to the town council for approval, approval with conditions or disapproval of the binding site plan and developer agreement.

(Ord. 496 § 6.6, 1999: Ord. 462 § 6.6, 1998)

16.24.080 Town council hearing.

The town council, upon receipt of a recommendation on any binding site plan including developer agreement, shall at its next public meeting set the date for a closed record public hearing to consider the matter in accordance with the procedures and standards for conducting a closed record public hearing. A record of the closed record public hearing shall be kept by the town and shall be open to public inspection.

(Ord. 496 § 6.7, 1999: Ord. 462 § 6.7, 1998)

DRAFT

16.24.090 Survey and plat standards.

Surveys and monumentation must be in conformance with Chapter 16.36, Table of Required Information, RCW Title 58 and all other applicable state standards.

(Ord. 496 § 6.8, 1999: Ord. 462 § 6.8, 1998)

16.24.100 Recording and enforcement.

The survey and approved developer agreement shall become effective only upon recording with the Yakima County auditor. The lots, parcels or tracts created through this procedure are legal lots of record. The face of the survey and the developer agreement shall indicate that the documents are dependent upon one another and together constitute the binding site plan.

(Ord. 496 § 6.9, 1999: Ord. 462 § 6.9, 1998)

16.24.110 Amendment.

The recorded binding site plan may be amended at the town's discretion. Amendments to a binding site plan shall be processed pursuant to this title and must be recorded.

(Ord. 496 § 6.10, 1999: Ord. 462 § 6.10, 1998)

16.24.120 Vacation.

The town council may authorize the vacation of a recorded binding site plan after approval of a new binding site plan.

(Ord. 496 § 6.11, 1999: Ord. 462 § 6.11, 1998)

16.28 BOUNDARY LINE ADJUSTMENT

16.28.010 Application requirements.

Boundary line adjustment, as defined in Section 16.04.100, shall comply with the following:

A. Preapplication Meeting. Prior to filing a boundary line adjustment application, the applicant shall confer with the administrative official or his or her designee and submit a sketch or description of the proposed boundary change.

DRAFT

B. General Application. A general application form must be completed including the existing legal description of the properties involved.

(Ord. 496 § 5.0, 1999: Ord. 462 § 5.0, 1998)

16.28.020 Boundary line adjustment requirements.

A. Boundary line adjustments require a property survey prepared by a licensed land surveyor unless it is determined by the administrative official that a survey is not necessary because the adjustment involves only the minor shifting of a single common property line between parcels which are part of a recorded survey or platted subdivision. A copy of such survey or plat shall be submitted with the application.

B. When a survey is not required under subsection A of this section, the proposed boundary line adjustment shall be shown on a copy of a recorded survey or recorded plat for the parcels or lots involved.

C. The boundary line adjustment drawing shall identify the exterior boundaries of all properties involved in the adjustment and shall identify the receiving parcel as a single parcel which includes the conveyed portion of the grantor's property. Revised legal descriptions of the parcels involved shall accompany the drawing except as provided in subsection F of this section.

D. The boundary line adjustment drawing and conveyance document shall contain a binding covenant that the land being conveyed is for the sole purpose of adjusting the boundary line between parcels and shall not result in the creation of additional parcel and is not to be sold or transferred as a separate parcel by the grantee, heirs and assigns.

E. Except as provided in subsection F of this section, the boundary line adjustment drawing shall contain a title of "Boundary Line Adjustment Survey" when a survey is required or "Boundary Line Adjustment" where a survey is not required and shall contain a certificate for approval by the administrative official.

F. If the boundary line adjustment is to adjust boundary lines between lots within a recorded plat and the owners wish to retain the lot and block legal description of the original plat, an "Amended Plat of (name of original plat)" shall be submitted by a licensed land surveyor along with a plat certificate. The amended plat shall contain an acknowledgment certificate signed by all owners having title interest in the boundary line adjustment. The acknowledgment shall include the following statement that the "purpose of the amended plat is for adjusting boundary lines between the lots as shown." The amended plat shall contain a surveyor's certificate and a certificate for approval by the administrative official.

(Ord. 496 § 5.1, 1999: Ord. 462 § 5.1, 1998)

DRAFT

16.28.030 Boundary line adjustment—Recording.

A. When the requirements of this chapter are met, the administrative official shall certify approval of the boundary line adjustment.

B. When a survey is required, the surveyor shall set the necessary monuments, record the survey with the county auditor and submit a copy to the administrative official.

C. When a survey is not required, the applicant shall submit the recording fee to the town clerk or his or her designee who shall record the boundary line adjustment drawing and revised legal descriptions with the county auditor.

D. A boundary line adjustment must be recorded within one hundred eighty (180) days of approval by the administrative official.

(Ord. 496 § 5.2, 1999: Ord. 462 § 5.2, 1998)

16.32 VARIANCES

16.32.010 Conditions for variances—Application.

The town council may authorize such a variance from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the terms of this title will work a special hardship upon the applicant; however, such variance shall not be granted by the town council unless and until a written application, duly advertised, is submitted demonstrating all of the following:

A. That the variance is necessary because of special conditions and circumstances relating to the size, shape, topography, location or surroundings of the subject property (land involved), and such variance will provide use rights and privileges permitted to other properties in the vicinity, located in the same zone as the subject property, and developed under the same land use regulations as the subject property requesting the variance;

B. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same area under the terms of this title;

C. That the special conditions and circumstances do not result from the actions of the applicant;

D. That the special hardship is not self-inflicted;

E. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands in the same area;

DRAFT

F. That the granting of such variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity and zone in which the subject property (land) is located;

G. That financial gain is not the ground or grounds for this variance;

H. That the variance is in harmony with the intent and purpose of the comprehensive plan, other relevant town titles or this title; and

I. The variance granted is the minimum amount necessary to comply with the approval criteria listed above, and the minimum necessary to accommodate the permitted uses proposed by the application; in addition, the scale of the use shall be reduced as necessary to meet this requirement.

(Ord. 620 § 6, 2006; Ord. 496 § 12.0 (part), 1999: Ord. 462 § 12.0 (part), 1998)

16.32.020 Public hearing.

The planning commission shall hold an open record public hearing to consider the matter in accordance with the procedures and standards for conducting an open record public hearing. The variance request shall be considered concurrently with the preliminary plat or binding site plan during the open record public hearing. If the variance requested is from short plat provisions, then the variance shall be decided before the planning commission issues its decision on the short plat. An open record public hearing shall be held before the planning commission in this situation as well.

(Ord. 496 § 12.0(b), 1999: Ord. 462 § 12.0(b), 1998)

16.32.030 Council decision—Appeal.

A. The town council, after receipt of the planning commission's recommendations for approval or disapproval of the variance and approval or disapproval of the preliminary plat or binding site plan, shall at its next regularly scheduled meeting schedule a closed record public hearing to consider the planning commission's recommendations and make its decision whether to grant the variance or deny it and whether to approve, approve with conditions or deny the preliminary plat or binding site plan. In the case of a variance from short plat provisions, the town council shall also schedule and conduct a closed record hearing.

B. In granting variances and modifications, the town council may require such conditions as will, in its judgment, substantially secure the objectives of the standards or requirements so varied or modified; and

C. A final determination by the town council on a variance application may be appealed to superior court.

(Ord. 496 §§ 12.0(c)—(e), 1999: Ord. 462 §§ 12.0(c)—(e), 1998)

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Title 17 – Zoning Ordinance

Chapter 17.04 - INTRODUCTORY PROVISIONS AND DEFINITIONS
Chapter 17.08 - ADMINISTRATION AND ENFORCEMENT
Chapter 17.10 - DEVELOPMENT PERMIT APPLICATIONS
Chapter 17.11 - TRANSPORTATION CAPACITY MANAGEMENT
Chapter 17.12 - R1 RESIDENTIAL ZONE
Chapter 17.16 - R2 RESIDENTIAL ZONE
Chapter 17.20 - GB GENERAL BUSINESS ZONE
Chapter 17.22 - SIGN REGULATION IN GENERAL BUSINESS ZONE
Chapter 17.24 - L-I LIGHT INDUSTRIAL ZONE
Chapter 17.26 - FENCE REGULATION IN RESIDENTIAL AND LIGHT INDUSTRIAL ZONES
Chapter 17.28 - PLI PUBLIC LANDS/INSTITUTIONS ZONE
Chapter 17.32 - MOBILEHOMES, MOBILEHOME PARKS, TRAILER COACHES AND TRAILER COURTS
Chapter 17.34 - HOME OCCUPATIONS
Chapter 17.35 SPECIAL DEVELOPMENT STANDARDS HOUSING
Chapter 17.36 - PARKING AND LOADING REQUIREMENTS
Chapter 17.42 - DAY CARE FACILITIES
Chapter 17.44 - NONCONFORMING, TEMPORARY AND CONDITIONAL USES AND VARIANCES
Chapter 17.50 - PLANNED UNIT DEVELOPMENTS
Chapter 17.52 - LATECOMERS AGREEMENTS
Chapter 17.54 - SHORT-TERM RENTALS

17.04 INTRODUCTORY PROVISIONS AND DEFINITIONS

17.04.010 Purpose.

A. In adopting this zoning title, the town of Naches recognizes that there is a need to regulate the use of land to promote the public health, safety and general welfare. The town recognizes the opportunities to obtain an environment of high quality without unduly high public or private expenditures for development and without unreasonably restricting private enterprise or initiative.

B. The town further recognizes that since the general welfare of the public is superior in importance to the pecuniary profits of the individual, this title may: (1) limit the use of property; (2) cause depreciation of property values; or (3) prevent the most profitable use of the land. Zoning does not, therefore, constitute a vested right. Also, if some reasonable use of the property is allowed by this title, the effect is not confiscatory and is a proper exercise of the police power.

(Ord. 358 § 1 (part), 1987)

17.04.020 Principles.

This title, in order to obtain the greatest benefits from the opportunities which exist in the town, has been prepared in accordance with the following principles:

A. This title is based on the Naches sub-area comprehensive plan with respect to the general pattern of future land uses and the principles of future land development expressed in said plan.

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B. This title recognizes the importance to the community of all legitimate uses of land. This title further recognizes the need of all such uses to be protected from other uses which are unrelated or incompatible.

C. Uses which would affect adjoining uses or the public welfare, unless regulated in a particular way and meeting established standards and criteria, may be allowed as conditional uses subject to the review of the planning commission and town council.

(Ord. 358 § 1 (part), 1987)

17.04.030 Definitions.*

As used in this title, the following words and phrases shall be defined as follows:

"Abut" means contiguous to or immediately joining. For example, two common property lines are considered to be abutting.

"Accessory dwelling unit" means a self-contained residential unit that is accessory to a single-family dwelling on a lot and may be added to, created within, or detached from the primary single-family dwelling unit. An accessory dwelling unit has its own bathroom, kitchen facilities, living and sleeping areas, though it can share other features with the single-family dwelling including the yard, parking, or storage.

Commented [KN1]: RCW 36.70A.680 – 681

"Accessory structure" or "accessory use" means a structure or use incidental, appropriated, and subordinate to the main use of the property and located on the same lot as the main use.

"Affordable housing" means residential housing for rental occupancy which, as long as the same is occupied by low-income households, requires payment of monthly housing costs, including utilities other than telephone, of no more than thirty percent of the household's income. The department must adopt policies for residential homeownership housing, occupied by low-income households, which specify the percentage of family income that may be spent on monthly housing costs, including utilities other than telephone, to qualify as affordable housing. (RCW 43.185A.010)

"Alley" means a street which affords only a secondary means of vehicular access to property.

"Alter" means any change, modification or addition in constructing a building.

"Automobile wrecking yard" means any property where two or more vehicles not in running condition, or the parts thereof, are wrecked, dismantled, disassembled, substantially altered, or stored in the open.

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"Building" means any structure used or intended for supporting, sheltering or enclosing any use or occupancy.

"Club" means a facility owned or operated for a social, educational or recreational purpose, to which membership is required for participation and which is neither operated primarily for profit nor to render a service which is customarily carried on by a business.

"Co-living" means a residential development with sleeping units that are independently rented or owned and lockable and provide living and sleeping space with residents sharing kitchen facilities with other sleeping units in the building.

Commented [KN2]: RCW 36.70A.538

"Conditional Use". Certain uses, because of their size, special requirements, or possible safety hazards may have detrimental effects on surrounding properties, but may also be compatible with the other uses if they are properly designed. Such uses are classified as conditional uses and require conditional use permits.

"Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions.

"Cottage housing". Housing consisting of small attached or detached dwelling units arranged in a cluster around a common open space with shared parking facilities and a maximum individual square footage of 1,200 sq. ft.

"Day care center" means a day care facility serving thirteen (13) or more individuals.

"Day care facility" means a building or structure in which an agency, person or persons regularly provide care for a group of non-related individuals (children or adults) for periods of less than twenty-four (24) hours per day. This includes family day care homes and day care centers.

"Day care home, family" means an in-home day care facility serving one to twelve (12) individuals.

Dwelling, Multifamily. "Multifamily dwelling" means a building containing three or more dwelling units.

Dwelling, Two-Family. "Two-family dwelling" means a detached building containing two dwelling units.

Dwelling, Single-Family. "Single-family dwelling" means a detached building containing one dwelling unit, including mobilehomes, pursuant to Chapter 17.32

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"Emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

"Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

."Family" means one or more persons related by blood, marriage, legal adoption or guardianship. ~~living together in a dwelling unit in which board or lodging may also be provided for not more than four additional persons who need not be related by the above living together in a dwelling unit~~.

Fence, Sight-Obscuring (or Visual Barrier). "Sight-obscuring fence" means a continuous fence, wall, evergreen planting or combination thereof, constructed and/or planted so as to effectively screen the particular use from view.

"Floor area" means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building or portion thereof, not provided with surrounding exterior walls, shall be the usable area under the vertical projection of the roof or floor above.

"Garage" means a building or a portion of a building principally for vehicular equipment such as automobiles, boats, etc., not more than one thousand (1,000) square feet in area, in which only motor vehicles, used by the tenants of the building or buildings on the premises, are stored or kept.

"Grade (ground level)" means the average elevation of the finished ground level at centers of all walls of a building.

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

"Hazardous waste generator" means any person or site whose act first causes a dangerous waste to become subject to regulation under the Dangerous Waste Regulations, Chapter 173-303 WAC.

"Hazardous waste storage" means the holding of hazardous waste for a temporary period, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC.

Commented [KN3]: RCW 36.70A.030; RCW 35.21.685

Commented [KN4]: RCW 36.70A.030; RCW 35.21.685

Commented [KN5]: Removed in compliance with HB 5235; RCW 35A.21.314

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"Hazardous waste treatment" means the physical, chemical or biological processing of hazardous waste for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC.

"Height of a building" means the vertical distance from the average elevation of the proposed finished grade at the front structure line to the highest point of the building.

"Home occupations" means any use customarily carried on within a dwelling by the inhabitants thereof, which use is incidental to the residential use and not primarily considered as a business, and which complies with the conditions of Chapter 17.40.

"Junk yard" means any property used for breaking up, dismantling, sorting, storing, distribution, buying, selling, packing or bailing any scrap, waste material, or use equipment or machinery of any nature.

"Loading space" means an off-street space within a building or on the same lot with a building for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which space has direct access to a street or alley.

"Lot" means a buildable unit of land that was created by a subdivision of land, or a single parcel or tract of land shown on a plat or recorded by metes and bounds. A lot shall include two or more abutting lots when used as a single lot, excluding lots lawfully divided or partitioned.

"Lot area" means the total horizontal area within the lot lines of a lot, exclusive of public and private roads and easements of access to other property.

"Lot coverage" means that percentage of the total area of a lot which is covered by the principal and accessory buildings, and driveways.

Lot, Corner. "Corner lot" means a lot abutting on two or more streets, other than an alley, at their intersection.

"Lot depth" means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

"Lot line" means the property line bounding a lot.

Lot Line, Front. "Front lot line" means the lot line separating the lot from a street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

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Lot Line, Rear. "Rear lot line" means the lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a "rear lot line" ten feet in length within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side. "Side lot line" means any lot line not a front or rear lot line.

"Lot width" means the average horizontal distance between the side lot lines.

"Lot of record" means any lot established by an approved and recorded plat in which the lot is located.

"Main use" means the specific purpose for which land and/or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

Mobilehome. As defined in Chapter 17.32.

"Mobilehome parks" means a parcel of land under single ownership which has been planned and improved for the placement of ten or more mobilehomes on rental spaces for dwelling purposes.

"Multifamily housing" means a residential building designed for or occupied by two or more families, with the number of families in residence not exceeding the number of dwelling units provided.

"Nonconforming structure" means a lawful existing structure at the time the ordinance codified in this title or any amendment thereto becomes effective which does not conform to the dimensional or other requirements of the zone in which it is located.

"Nonconforming use" means a lawful existing use at the time the ordinance codified in this title or any amendment thereto becomes effective which does not conform to the use requirements of the zone in which it is located.

"Off-site hazardous waste treatment and storage" means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facility is located.

"Off-site hazardous waste treatment and storage" means hazardous waste treatment and storage facilities that treat and store wastes generated on the same property.

"Parking space" means an off-street enclosed or unenclosed surfaced area of not less than twenty (20) feet by ten feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one vehicle, and connected with a street by a surfaced driveway which affords ingress and egress for automobiles.

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"Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services pursuant to RCW 36.70A.030. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW

Commented [KN6]: RCW 36.70A.030; RCW 35.21.685

"Person" means every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government or any group or combination acting as a unit.

"Professional office" means an office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers or surveyors or persons engaged in similar occupations.

"Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property. (RCW 35A.21.360)

"Right-of-way" means the area between the boundary lines of a street, road or other easement.

"Setback" means the distance between a lot line and a structure, as required by this title.

"Sign" means any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes.

"State siting criteria" means criteria for the siting of hazardous waste treatment and storage facilities adopted pursuant to the requirements of RCW 70.105.210.

"Street" means a public right-of-way designed for motor vehicular and pedestrian traffic.

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"Structural alteration" means any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders, or structural change in the roof or in the exterior walls.

"Structure" means that which is built or constructed, an edifice or building of any kind, or any piece or work composed of parts jointed together in some definite manner and includes posts for fences and signs, but does not include mounds of earth or debris.

"Trailer house" means a vehicle or similar portable device originally designed or presently constructed to permit temporary human occupancy for living and sleeping purposes and having permanent kitchen and bath facilities. A mobilehome is a type of trailer.

"Transitional housing" means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

Commented [KN7]: Source: RCW 84.36.043 (MRSC guidance)

"Use" means the purpose for which land or a structure is designed, arranged or intended or for which it is occupied and maintained.

"Yard" means an open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this title.

Yard, Front. "Front yard" means a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley shall be considered the front yard.

Yard, Rear. "Rear yard" means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building.

Yard, Side. "Side yard" means a yard between the front and rear yard measured horizontally, at right angles from the side lot line to the nearest point of a main building.

Yard, Street Side. "Street side yard" means a yard adjacent to a street between the front yard and rear lot line measured horizontally at right angles from the side lot line to the nearest point of a building.

(Ord. 522 (part), 1999; Ord. 365 § 1, 1988; Ord. 358 § 2, 1987)

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* **Editor's Note:** Diagrams for lot dimensions, setbacks and measurement of building heights are at the end of this chapter.

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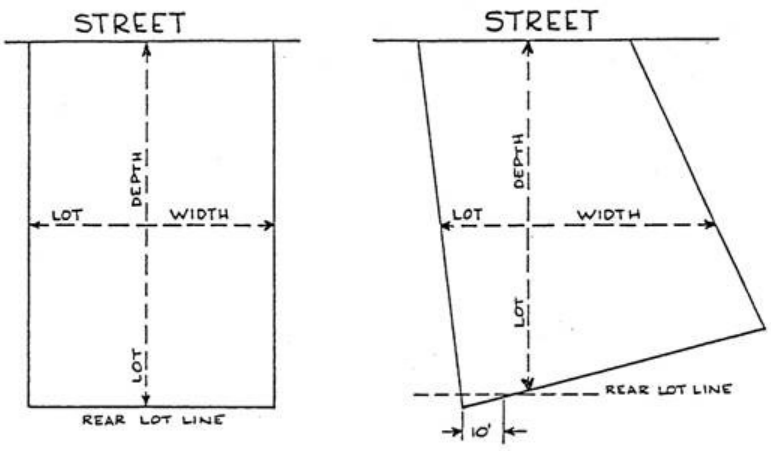
Diagram 17.04.030A

LOT DIMENSIONS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STREET
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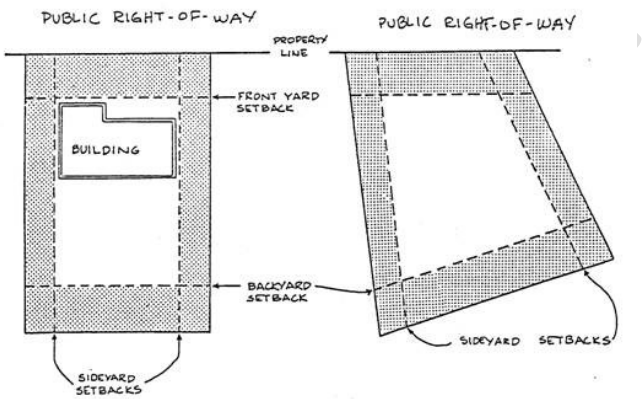
REAR LOT LINE
10'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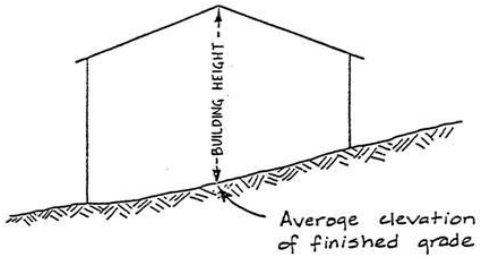
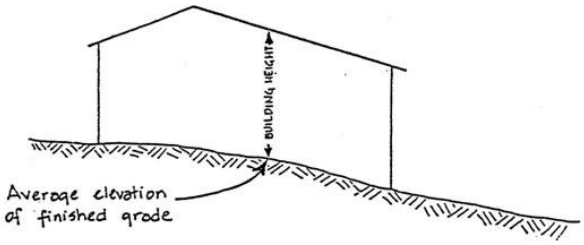
PROPERTY LINE
FRONT YARD SETBACK
BUILDING
BACKYARD SETBACK
SIDEYARD SETBACKS
PUBLIC RIGHT-OF-WAY
SIDEYARD SETBACKS





17.08 ADMINISTRATION AND ENFORCEMENT

17.08.010 Administration and enforcement.

It shall be the duty of the following authorities to administer the provisions of this title:

A. Town Clerk—Duties and Powers. The town clerk shall:

1. Issues and receives applications for all zoning permits required herein;
2. Receive applications for amendments, variances and conditional uses and forward same to the planning commission for action;
3. Following refusal of a permit, receive application for appeals and forward same to the town council for action;
4. Record and file all applications for building permits, conditional use permits and variances with accompanying plans and documents;
5. Invoke a temporary stop on any permit issued under a mistake of fact or contrary to the law or provision of this title;

6. Collect fees for processing and handling applications. Please refer to the current fee schedule on file at the town clerk's office;

7. Shall be responsible for mailing out notices for public hearings and newspaper publication pursuant to Section 17.08.030.

Further, if by amendment to this title any zone boundary on the official zoning map is changed, such changes shall be entered promptly on the map by the town clerk, together with the date of passage of the amendment. An up-to-date copy of the official zoning map shall be available for public inspection.

B. Building Inspector—Duties and Powers. The building inspector shall:

1. Receive and examine all applications for building permits;

2. Process all building permit applications;

3. Issue permits only when there is compliance with the provisions of this title. Permits requiring approval of the town council shall be issued only after such approval has been made;

4. Issue certificates of occupancy after final inspection before any building, structure or premises may be occupied and prior to the establishment, relocation or transformation of use. Single-family homes are exempt from this requirement unless such structure is nonconforming. The certificate of occupancy shall state that the new building or portion thereof, the altered building, existing building or the proposed use of a building or land complies with the provisions of this title;

5. Conduct inspections and surveys to determine the compliance or noncompliance with the provisions of this title;

6. Revoke a permit issued contrary to this title or based on false statements or misrepresentation in the application;

7. May order discontinuance of uses or work in progress contrary to the building permit. Failure to comply with such order shall be deemed a violation of this title;

8. Check and pass building and site plans to insure compliance with this title.

An appeal from a decision made by the building inspector may be made to the town council. Any action or ruling of the building inspector shall become final twenty (20) days after approval or disapproval has been given unless the decision is appealed to the town council. Written notice shall be filed with the town clerk. If the appeal is filed, the town council shall receive a report and recommendation from the building inspector pursuant to Section 17.08.060 and shall hold a public hearing on the appeal.

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C. Planning Commission—Duties and Powers. The planning commission:

1. Shall review all applications for permits and amendments and conduct hearings required in this title and shall transmit, in writing, findings and recommendations to the town council;
2. May recommend discontinuance of any illegal use to the town council;
3. Shall review this title every two years or as needed:
    a. Analyze the extent to which development has occurred in the town,
    b. Recommend any changes on the official zoning map to accommodate future growth in keeping with the intent of the comprehensive plan,
    c. Analyze the validity of any other regulations imposed by this title in respect to changed conditions since the last review of this title.

D. Town Council—Duties and Powers. The town council:

1. Shall review and render final decisions on all permit applications, amendments and appeals;
2. Shall recommend planning commission members to be appointed by the mayor;
3. May suspend any permit issued under this title upon the recommendation of the building inspector if the development requirements of the permit are not met.

Any decision made by the town council shall be final, unless appealed to the superior court pursuant to the provisions of RCW 34.04, Administrative Procedures Act.

E. Attorney—Duties and Powers. The town attorney, when authorized by the town council, shall institute any necessary legal proceedings to enforce the provisions of this title.

(Ord. 620 § 7, 2006; Ord. 358 § 17, 1987)

17.08.020 Amendments.

A. Authorization to Initiate Amendments. An amendment to the text of this title or to a zoning map may be initiated by the town council, the planning commission or by a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the town clerk using forms prescribed in

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Section 17.08.040. Any request for an amendment to the zoning text or map shall be based on the goals and policies for the comprehensive plan.

B. Public Hearing on Amendments.

1. The planning commission shall hold a public hearing on a proposed amendment in accordance with the provisions of Section 17.08.030.

2. The town council shall hold a public hearing on a proposed amendment in accordance with the provisions of Section 17.08.030.

C. Record of Amendments. The town clerk shall maintain a record of amendments to the text and zoning map of this title.

D. Limitation. No application of a property owner for an amendment to the text of this title or to the zoning map shall be considered by the planning commission within the one-year period immediately following a previous denial of such request, except the planning commission may permit a new application if, in the opinion of the planning commission, new evidence of a change of circumstances warrants it.

(Ord. 620 § 8, 2006; Ord. 468 (part), 1998; Ord. 358 § 16, 1987)

17.08.030 Public hearings.

A. Notice of Public Hearings. When the planning commission or town council is required to hold a public hearing, notice of the hearing shall be given in the following manner:

1. Notice of the time, place and purpose of the hearing shall be given in the official newspaper of the town at least ten days before the hearing.

2. Written notice of the hearing shall be mailed by the town no less than ten days prior to the date of the hearing to the applicant and to all property owners within a three hundred (300) foot radius of the outside boundaries of the subject property.

3. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.

4. The planning commission or town council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

5. The town clerk shall be responsible for placing such notices in the necessary newspapers, and mailing out written notices to property owners. A list of all such affected parties shall be submitted by the applicant along with an application.

B. Public Hearings—Planning Commission and Town Council.

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1. The planning commission shall hold a public hearing as required by this title, within forty-five (45) days following the filing of an application for a conditional use permit, variance, rezone or amendment. Within five days of such hearing, the planning commission shall provide the applicant and the town council with written notice of its findings and recommendations for approval, disapproval, or approval with conditions.
2. Upon receiving the findings and recommendations from the planning commission, the town council shall review such written material. In taking action on an application, the town council shall, within forty-five (45) days, approve, disapprove, or approve with conditions the application. Within five days after such decision has been rendered, the council shall provide the applicant with written notice of the town's action.

(Ord. 358 § 18, 1987)

17.08.040 Applications and appeals—Forms and contents.

A. Petitions, applications and appeals provided for in this title shall be made on forms prescribed by the town.

B. Applications shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sites and locations on the lot of all existing and proposed structures; the intended use of each structure; the number of residential units, if any, to be accommodated thereon; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with this title.

(Ord. 358 § 19 (part), 1987)

17.08.050 Filing fees.

Please refer to the current fee schedule on file at the ~~city~~town clerk's office.

(Ord. 620 § 9, 2006: Ord. 505, 1999: Ord. 468 (part), 1998; Ord. 358 § 19 (part), 1987)

17.08.060 Appeals.

Any person aggrieved by a decision or recommendation of the building inspector or the planning commission may appeal such decision or recommendation to the town council. Such appeals shall be filed, in writing, to the town clerk. If the appeal is not filed within twenty (20) days, the decision shall be final. Upon the filing of an appeal, the town council shall set the time and place for a public hearing. At least a ten-day notice of such time and place shall be given to the adverse parties and to the official whose decision is being appealed. The official from whom the appeal is being taken shall transmit to the town council all records and

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proceedings pertaining to the decision being appealed, together with additional information as deemed pertinent. The town council may approve, disapprove, or approve with conditions the appeal, and such decision shall be transmitted in writing to the adverse parties and shall be final unless appealed by the superior court pursuant to RCW 34.04.

(Ord. 358 § 19 (part), 1987)

17.08.070 Zoning classification for annexed areas—Procedure.

A. Any area which is annexed to the town and which is not within a proposed zoning regulation as provided within RCW 35A.14.330 shall retain the zoning classification for such area as has been established by the county until changed by the town as herein provided. In the interim period, prior to being zoned by the town, the town shall enforce the zoning regulations of the county along with any conditions, limitations or restrictions applied by the county as though they were part of this title and as though such zone classification has been established by the town.

B. Within six months after the effective date of the annexation of such property, the planning commission shall present to the town council for its consideration a proposal for the appropriate zoning classification of the area annexed, and the town council shall, following public hearings as provided by law, determine and fix a zoning classification or classifications for such annexed area.

(Ord. 402 §§ 1, 2, 1993)

17.08.090 Procedure for violation notification.

A. Within ten days after notification of a violation of this title, the building inspector shall notify the property owner that such a violation exists.

B. Where the violation does not involve a structure, action to rectify such shall be made within thirty (30) days. Where the violation involves a structure, action to rectify shall be made within sixty (60) days.

C. If no action has been taken to rectify the violation within the specified time, the building inspector shall notify the town council.

D. The town council shall set the date for a hearing with the person violating this title and with the building inspector to consider whether subsequent legal action should be taken to rectify the violation. If necessary, legal action shall be taken as required to insure compliance with this title.

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17.10 DEVELOPMENT PERMIT APPLICATIONS

17.10.010 Purpose and intent.

A. It is the purpose of this chapter to provide for a consolidated project review process. The process is intended to:

1. Provide for the establishment of a development review process which complies with the applicable requirements for local permit processing contained in Chapter 36.70B RCW;
2. Combine the environmental review process with review of project permit applications;
3. Provide for no more than one open record hearing and one closed record appeal in review of project permit applications.

B. The provisions of this chapter shall apply to all project permit applications filed on or after the effective date of the ordinance codified in this chapter.

(Ord. 503 § 1, 1999)

17.10.020 Definitions.

A. The following definitions set forth in RCW 36.70B.020 are incorporated and adopted by reference:

1. Closed record appeal;
2. Open record hearing;
3. Project permit;
4. Project permit application;
5. Public meeting.

B. The following additional definition shall apply in this chapter:

"Party of record," in addition to the applicant, means any person who has testified at a hearing or has submitted a written statement related to a development action and who provides the town with a complete name and address.

(Ord. 503 § 2, 1999)

17.10.030 Applicability.

The provisions of this chapter shall apply to all applications for land use development requiring a public hearing or environmental permits subject to review under the following types of land use or project applications:

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1. Title 16, Subdivisions;
2. Title 18, Environmental Review;
3. Title 17, Zoning;
4. Shorelines substantial development permits.

(Ord. 503 § 3, 1999)

17.10.040 Exempt projects.

The following projects are exempt from the provisions of this chapter:

A. Lot line adjustments;
B. Street vacations pursuant to RCW 35.97;
C. Home occupations allowed without a conditional use permit;
D. Annexations;
E. Minor amendments or modifications to approved developments or permits which do not (a) affect overall project character, (b) increase the number of lots, dwelling units, or density, or (c) decrease the quality or amount of open space;
F. Approvals relating to the use of public areas or facilities;
G. Landmark designations;
H. Ordinance amendments and adoptions;
I. Area-wide rezones to implement the comprehensive plan;
J. Comprehensive plan amendments.

(Ord. 503 § 4, 1999)

17.10.050 Preapplication meeting.

A. Project applicants are encouraged to participate in an informal meeting with town staff prior to filing a formal application. The purpose of the meeting is to discuss, in general terms, the proposed development, town standards, design alternatives, and required permits and approval processes.
B. During the preapplication meeting, the applicant is encouraged to provide a site plan showing the development proposed, meeting the town's site plan standards.

(Ord. 503 § 5, 1999)

17.10.060 Determination of completeness.

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A. Within twenty-eight (28) days after receiving a project permit application, the town shall provide the applicant with a written determination stating that the application is complete or incomplete.

B. A project permit application shall be declared complete only when it contains all of the following information:

1. A fully completed, signed and acknowledged development application;
2. A fully completed, signed and acknowledged environmental checklist for projects subject to review under the State Environmental Policy Act;
3. Required information as specified in relevant town ordinances;
4. Any supplemental information or special studies required by the town to process the development application;
5. Additional information may be required after the determination of completeness is issued if new information is required or if there are changes proposed for the development.

C. Within fourteen (14) days after an applicant has submitted any additional information identified as necessary, the town shall notify the applicant whether the application is complete, or what additional information is necessary.

D. The applicant shall have thirty (30) days to submit any additionally required information. Failure to submit required information within the established timeframe shall void the original application unless the town determines otherwise.

E. An application shall be deemed complete if the town does not provide a written determination to the applicant that the application is incomplete as provided in this section.

(Ord. 620 §§ 10, 11, 2006; Ord. 503 § 6, 1999)

17.10.070 Application Review and Approval Period

In accordance with RCW 36.70B.080, the Town shall issue a final decision for project permits under the following terms:

A. For project permits that do not require public notice, the Town shall issue a final decision within 65 days of determination of completeness.

B. For project permits that require public notice, the Town shall issue a final decision within 100 days of determination of completeness.

C. For project permits that require public notice and a public hearing, the Town shall issue a final decision within 170 days of the deamination of completeness.

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If the Town is unable to issue its final decision on a proposed permit application within the time limits provided, the Town shall issue a 10% or 20% refund if the final decision is issued after the deadline, but before exceeding 20% of the original time period.

10% refund if the Town issues a final decision is:

A. Within 13 days after the 65 day deadline
B. Within 20 days after the 100 day deadline
C. Within 34 days after the 170 day deadline

The Town shall issue a 20% refund if the final decision is made after the above timelines or 20% of the original time period have exceeded.

17.10.087~~7~~0 Public notice of development application.

A. Within fourteen (14) days after issuance of a letter of completeness issued under Section 17.10.010 of this chapter, the town shall issue a notice of development application. The notice shall include but not be limited to the following:
   1. Name of the applicant;
   2. Date of application;
   3. Date of notice of completeness;
   4. Project location;
   5. Project description;
   6. Requested approvals, and, if applicable, required studies;
   7. List of other known permits not included in the application;
   8. List of existing environmental documents that evaluate the proposal;
   9. Location where application can be reviewed;
   10. A statement of the public comment period, which shall be fifteen (15) days from the date of notice of application;
   11. Statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;
   12. Date, time and place of open record public hearing if scheduled.

B. Notice of application shall be provided in the following manner for applications requiring a public hearing and/or environmental review:
   1. Posting of the subject property at least ten days prior to hearing date;
   2. Posting at least ten days prior to hearing date at Naches Town Hall and post office;
   3. Publishing notice, in a newspaper of general circulation in the general area of the proposal, at least ten days prior to hearing date, including the project location, description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed;

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4. Mailing at least ten days prior to hearing date, to property owners located within three hundred (300) feet of the subject property;

5. Notice may also be sent to agencies interested in the application, as determined by the town, and to other persons or entities requesting such notice.

C. If the town makes a threshold determination under RCW 43.21C concurrently with the notice of application, the notice of application may be combined with the threshold determination and the scoping notice for a determination of significance.

D. The town may elect to utilize the Optional DNS Process as set forth in WAC 197-11-355, if there is a reasonable basis for determining significant adverse impacts are unlikely, to obtain comments on the notice of application and the likely threshold determination for the proposal.

E. Except for a threshold determination issued under SEPA, the town may not issue a decision on a project permit until the expiration of the public comment period on the notice of application.

F. If an open record public hearing is required, the notice of application shall be provided at least ten days prior to the hearing.

G. If an open record public hearing is required, and the town's threshold determination requires public notice under RCW 43.21C, the town shall issue the threshold determination at least fifteen (15) days prior to the open record public hearing.

H. The deadline for public comment on notice of application shall be fifteen (15) days from the date of the notice of application.

(Ord. 503 § 7, 1999)

17.10.0980 Optional consolidated review process.

A. If requested by a project applicant, a project requiring two or more permits shall be processed under a single consolidated application and review process covering all project permits.

B. If an applicant requests a consolidated permit review process, the determination of completeness, notice of application, and notice of final decision shall include all project permits being reviewed through the consolidated review process.

C. The review process shall provide for no more than one consolidated open record hearing and one closed record appeal.

(Ord. 503 § 8, 1999)

17.10.~~090~~ 100 Open record hearings—Combining hearings and meetings.

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A. The Naches planning commission shall hold all public hearings for proposals as required by town ordinances. The planning commission's hearing shall be the only open record public hearing.

B. Any public meeting or open record hearing may be combined with any public meeting or open record hearing that may be held on the project by another local, state, regional, federal, or other agency, in accordance with the provisions of RCW 36.70B.090 and 36.70B.110.

(Ord. 503 § 9, 1999)

17.10.11~~000~~ Combining project review and SEPA.

A. Environmental review as required under RCW 43.21C shall be combined with development project review, to occur concurrently with the review of a project proposal.

B. The town shall review the project permit application under the requirements of the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, the SEPA Rules, Chapter 197-11 WAC, and Chapter 18.04 of this code in order to:

1. Determine whether the applicable regulations contain studies that adequately analyze all of the project permit application's specific probable adverse environmental impacts;
2. Determine if the applicable regulations contain measures that adequately address such environmental impacts;
3. Determine whether additional studies are required and/or whether the project permit application should be conditioned with additional mitigation measures;
4. Provide prompt and coordinated review by government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level.

C. If the town bases or conditions its approval of the project permit application on compliance with the requirements or mitigation measures described in subsection D of this section, the town shall not impose additional mitigation under SEPA during project review.

D. A comprehensive plan, development regulation or other applicable local, state or federal law provides adequate analysis of and mitigation for the specific adverse environmental impacts of an application when:

1. The impacts have been avoided or otherwise mitigated; or
2. The town has designated as acceptable certain levels of service, land use designations, development standards or other land use planning required or allowed by Chapter 36.70A RCW.

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E. In determining whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the town shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the town shall base or condition its project approval on compliance with these other existing rules or laws.

F. Nothing in this section limits the authority of the town in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by Chapter 43.21C RCW.

(Ord. 503 § 10, 1999)

17.10.12~~10~~ Determination of consistency.

A. Fundamental land use planning choices made in adopted comprehensive plans and development regulations shall serve as the foundation for project review. Pursuant to RCW 36.70B.030 and 040, the town shall determine if a proposed project is consistent with applicable development regulations, or in the absence of applicable regulations, the adopted comprehensive plan.

B. Pursuant to RCW 36.70B.040(3), for purposes of this section, the term "consistency" shall include all terms used in RCW36.70A and RCW36.70B, including but not limited to compliance, conformity and consistency.

C. Pursuant to RCW 36.70B.040 the following project considerations shall determine whether or not a proposal is determined to be consistent with applicable development regulations, or in the absence of applicable regulations, the adopted comprehensive plan:

1. Type of land use;
2. Level of development, such as units per acre or other measures of density;
3. Infrastructure, including the adequacy of public facilities and services needed to serve the proposed development; and
4. The character of the development, such as compliance with specific development standards.

D. When deciding whether a project is consistent, determinations made pursuant to RCW 36.70B.030(2) shall be controlling.

E. In order to avoid duplication in environmental review, pursuant to RCW 36.70B.030 and 43.21C.240, the town may determine whether or not some or all of a project's probable specific adverse environmental impacts have been adequately mitigated through any mitigation measures existing within the town's development regulations.

(Ord. 503 § 11, 1999)

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17.10.1320 Notice of final decision.

A. The town shall issue a notice of final decision within one hundred twenty (120) days of the date of the letter of completeness. The twenty-eight (28) day period allowed for issuance of a determination of completeness is not included within this one hundred twenty (120) day period. In determining the number of days that have elapsed from notice of application completeness, time periods shall be excluded as set forth in RCW 36.70B.090.

B. The town and the applicant may mutually agree upon an extension of the one hundred twenty (120) day time period for issuance of final decision.

C. If the town is unable to issue a final decision within time limits as stated in subsection A of this section, written notice of this fact shall be provided to the applicant. The notice shall include a statement of reasons why time limits have not been met and an estimated date for issuance of the notice of final decision.

D. The town shall provide a notice of decision including a statement of any threshold determination made under Chapter 43.21C RCW. The notice of decision may be a copy of the report or decision on the project permit application.

E. The notice shall be provided to the applicant, Yakima County assessor's office, and to all parties of record.

F. The notice shall state that affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

(Ord. 503 § 12, 1999)

17.10.1430 Single report.

For all project permit applications and optional consolidated project permit processes, there shall be no more than one report, as follows:

A. The report shall include all decisions made as of the date of the report on all project permits included in a consolidated project process that do not require an open record hearing.

B. The report shall include all recommendations on project permits that require an open record hearing.

C. The report shall state any mitigation required or proposed under development regulations or the town's authority under RCW 43.21C.060 (SEPA).

D. If a threshold determination other than a determination of significance has been issued, the report shall include or append the determination.

E. Any person commenting upon or otherwise responding to a notice of application shall be mailed a copy of the report; provided, that failure to

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provide a copy shall not affect the validity of the decision on the project permit.

F. The report may constitute the permit, if it includes all information required by this section and any other information required for a permit under other town ordinances.

G. Nothing in this section shall preclude the town from revising the report to reflect public input at an open record hearing or to reflect new or changed information relevant to the project permit decision.

(Ord. 503 § 13, 1999)

17.10.1540 Administrative interpretation of development regulations.

An applicant may request an interpretation of development regulations existing within town ordinances that apply to proposed development. The applicant shall submit the appropriate fees for the interpretation.

(Ord. 503 § 14, 1999)

17.10.1650 Appeals.

A. Town Council Appeals. Administrative decisions and interpretations may be appealed by applicants or parties of record to the town council within ten (10) days of the date of decision. The time period for council appeals shall not exceed ninety (90) days for an open record appeal hearing and sixty (60) days for a closed record appeal. The parties to an appeal may agree to extend these time periods.

B. Judicial Review of Land Use Decisions: Appeals of town council decisions may be appealed by applicants or parties of record to Yakima County superior court. Such petition must be filed within twenty-one (21) days of issuance of the decision, as provided in RCW 36.70C.

C. Appeals of project permit decisions shall be heard at a single closed record appeal, or a single open record appeal if no previous open record hearing has taken place on the application.

(Ord. 503 § 15, 1999)

17.11 TRANSPORTATION CAPACITY MANAGEMENT

17.11.010 Intent.

The town is required by the state Growth Management Act, chapter 36.70A RCW, to ensure that proposed development not be approved unless transportation improvements or strategies to accommodate the impacts of such development are established concurrently

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with any proposed development that would otherwise reduce the level of service of a transportation facility below the standards adopted in the transportation element of the town's comprehensive plan. The intent of this chapter is to establish a transportation capacity management system to ensure that transportation facilities and services needed to maintain adopted minimum comprehensive plan level of service standards are available concurrently with, or within a reasonable time after, new development, occupancy, or use. This chapter implements the goals, policies and implementation strategies of the transportation element of the town comprehensive plan.

(Ord. 548 (part), 2001)

17.11.020 Definitions.

"Applicant" means a person or entity that has submitted a complete application for a development or building permit.

"Available transportation capacity" means currently unused transportation capacity within a transportation facility.

"Concurrency" concurrency means that adequate transportation facilities are available when the impacts of development occur or a financing plan is adopted which will fund required improvements within six years.

"Development permit" means any land use or development approval which may be granted by the town and Yakima County.

"Level of service standard" means the level of service standards used in transportation capacity tests are those standards specified in the current adopted transportation element of the town comprehensive plan.

"Planned capacity" means transportation capacity for a transportation facility that is not yet available, but for which the necessary facility construction, expansion or modification project is included in the current adopted transportation element and scheduled to be completed within six years.

"Transportation capacity" means the volume of transportation activity (motor vehicles/ lane/unit time) that can be reasonably and safely accommodated by a transportation facility, as stated in the transportation plan.

"Transportation capacity test" means the comparison of the transportation capacity required by proposed development and the available capacity, including planned capacity.

"Transportation facility" means the classified streets identified in the transportation element of the comprehensive plan.

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(Ord. 548 (part), 2001)

17.11.030 Transportation capacity test.

A. Application. The town's review of all applications for development permits and for building permits for projects not exempted by 17.11.040 shall include a transportation capacity test conducted by the town.

B. Procedures. The transportation capacity test will be performed by the town in conjunction with review of proposed development projects and budding permit applications. The town shall notify the applicant of the test results.

1. If the unused capacity of transportation facilities affected by a project is equal to or greater than the capacity required by the project, the transportation capacity test is passed.

2. If the unused capacity of transportation facilities affected by a project is less than the capacity required by the project, the transportation capacity test is not passed. The project may not be approved unless transportation improvements or strategies to provide capacity required by the project are established concurrently with the project.

3. In the event a proposed project does not pass the transportation capacity test, the applicant may:

   a. Modify the application to reduce the transportation capacity required by the project;

   b. Demonstrate to the town's satisfaction that the project will require less transportation capacity than would normally be required by similar projects and that, therefore, unused transportation capacity is adequate;

   c. Propose transportation improvements or strategies to provide the capacity required by the project development.

C. Test. Proposed developments that would reduce the level of service below the minimum level of service standard cannot be approved. For transportation facilities, available and planned transportation capacity will be used in conducting the transportation capacity test. For the purposes of this chapter, "transportation capacity" shall be measured as eight hundred (800) vehicles per lane during peak hour.

D. Fees. A fee of one hundred dollars ($100.00) shall be paid for each transportation capacity test, except that this fee shall be waived for one subsequent test within six months of a test for which the fee was paid.

(Ord. 548 (part), 2001)

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17.11.040 Exemptions.

A. No Significant Impact. Development permits for projects which, as determined by the town, create less than ten PM Peak Hour Trips, as estimated using the Institute of Transportation Engineers Trip Generation Manual, 6th Edition (or more recent) on any transportation facility are exempt from the requirements of this chapter

B. Building Permit Applications Filed Before Effective Date of Ordinance. Complete building permit applications submitted before the effective date of the ordinance codified in this chapter are exempt from the requirements of this chapter.

C. Single-Family Homes. Single-family homes on lots platted before the effective date of the ordinance codified in this chapter are exempt from the requirements of this chapter.

D. Traffic Counts. Traffic counts shall be maintained and regularly updated by the town and used for monitoring purposes.

(Ord. 548 (part), 2001)

17.11.050 Administrative reconsideration.

The applicant may request administrative reconsideration of the results of the transportation capacity test within fifteen (15) days of the notification of the test results by filing with the town a formal request for reconsideration specifying the grounds thereof, using forms authorized by the town. Each such request for administrative reconsideration shall be accompanied by a fee of one hundred dollars ($100.00). The town shall reconsider the test results and issue a determination either upholding the original determination or amending it.

(Ord. 548 (part), 2001)

17.11.060 Appeal to the town council.

The applicant may appeal the results of the transportation capacity test within fifteen (15) days after the town issues notice of decision on a request for administrative reconsideration. Each such appeal to the town council shall be accompanied by the appropriate appeal fee. The town council shall review the test results and issue a determination either upholding the original determination, amending or rejecting it.

(Ord. 548 (part), 2001)

17.12 R1 RESIDENTIAL ZONE

17.12.010 Purpose.

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The purpose of the R1 zone is to provide areas suitable and desirable for single-family housing.

(Ord. 358 § 3 (part), 1987)

17.12.020 Permitted uses.

Uses permitted in the R1 zone include:

A. ~~A.~~ Single-family dwellings, including mobilehomes (see Chapter 17.32, Mobilehomes/ Mobilehome Parks);

B. Cottage housing consisting of small attached or detached dwelling units arranged in a cluster around a common open space with shared parking facilities and a maximum individual square footage of 1,200 sq. ft.

C~~B~~. Mobilehome parks (see Chapter 17.32, Mobilehomes/Mobilehome Parks);

D~~C~~. Day care home, family.

(Ord. 522 (part), 1999; Ord. 358 § 3 (part), 1987)

17.12.030 Permitted accessory uses.

The following uses, which are incidental and subordinate to the main use of the property and located on the same lot as the main use, shall be permitted as accessory uses:

A. Garages, carports, patios;

B. Detached buildings for the storage of home garden equipment and home workshops not exceeding three hundred (300) square feet of area;

C. Greenhouse.

D. Accessory Dwelling Units

Commented [KN8]: RCW 36.70A.681

(Ord. 358 § 3 (part), 1987)

17.12.040 Conditional uses.

Certain uses, because of their size, special requirements, or possible safety hazards may have detrimental effects on surrounding properties, but may also be compatible with the other uses if they are properly designed. Such uses are classified as conditional uses and require conditional use permits. The following uses shall be permitted only as conditional uses:

A. Duplexes;

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B. Cemeteries;
C. Governmental structures or uses of land, including but not limited to parks, playgrounds, fire stations, police stations or libraries;
D. Home occupations;
E. Hospitals, sanitariums, or convalescent homes;
F. Nursery schools, day care centers, kindergartens, or other similar facilities;
G. Public schools, private schools;
H. Utility facilities, including but not limited to substations, reservoirs, or water towers.
I. Churches;
J. Any building with a height between twenty-four (24) feet and a maximum of thirty (30) feet;
K. Day care center.

(Ord. 522 (part), 1999; Ord. 358 § 3 (part), 1987)

17.12.050 Density provisions.

The following density provisions apply in the R1 zone:

A. Minimum lot size:
   1. Single family: seven thousand two hundred (7,200) square feet;
   2. Duplexes: eight thousand two hundred (8,200) square feet;
B. Minimum lot width: sixty (60) feet;
C. Minimum lot depth: one hundred (100) feet;
D. Maximum percentage of lot coverage: forty (40) percent;
E. Minimum front yard setback: twenty (20) feet;
F. Minimum side yard setback: five feet or ten percent of the lot width, whichever is greater, up to a maximum of ten feet;
   The side yard on the street side shall be a minimum of fifteen (15) feet;
G. Minimum rear yard setback: fifteen (15) feet, garages or accessory buildings five feet;
H. Maximum building height: twenty-four (24) feet or two stories, whichever is lower, and shall be measured from the finished grade;
I. Minimum dwelling size: eight hundred fifty (850) square feet.
(J) Accessory Dwelling Units allowed as follows:
   (i) One attached accessory dwelling unit and one detached accessory dwelling unit;
   (ii) Two attached accessory dwelling units; or

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(iii) Two detached accessory dwelling units, which may be comprised of either one or two detached structures

(iv) The maximum square footage of ADUs is ~~Maximum square footage of ADUs at 1,000 square feet~~, 1,500 square feet. ~~1,500 square feet.~~

Commented [KN9]: RCW 36.70A.681

(Ord. 358 § 3 (part), 1987)

17.12.060 Signs.

The following signs shall be permitted provided they are not illuminated:

A. One name plate or sign for each dwelling unit not to exceed eight square feet in area;

B. One sign pertaining to the sale or lease of the property not to exceed eight square feet in area;

C. One temporary sign advertising the sale of a tract of land or subdivision. Such sign shall not exceed forty (40) square feet in area and shall be set back at least ten feet from the property line.

(Ord. 358 § 3 (part), 1987)

17.12.070 Outdoor storage.

Inoperable motor vehicles and heavy equipment or machinery shall not be kept outdoors on the premises longer than thirty (30) days.

(Ord. 358 § 3 (part), 1987)

17.12.080 Parking.

Parking shall be provided pursuant to Chapter 17.36.

(Ord. 358 § 3 (part), 1987)

17.16 R2 RESIDENTIAL ZONE

17.16.010 Purpose.

The purpose of the R2 zone is to provide areas suitable and desirable for a mix of single-family and multifamily housing.

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(Ord. 358 § 4 (part), 1987)

17.16.020 Permitted uses.

Uses permitted in the R2 zone include:

A. Single-family dwellings, including mobilehomes (see Chapter 17.32, Mobilehomes/ Mobilehome Parks);

B. Multifamily Dwelling Units, including co-living units~~Attached dwellings for multiple-family residences; one duplex, triplex, or fourplex complex per lot;~~

C. Mobilehome parks (see Chapter 17.32, Mobilehomes/Mobilehome Parks);

D. Day care home, family.

E. Co-Living Housing

F. Cottage housing consisting of small attached or detached dwelling units arranged in a cluster around a common open space with shared parking facilities and a maximum individual square footage of 1,200 sq. ft.

G. Townhouses with principle access on the ground floor, separated from adjacent units by a common continuous wall from basement to roof.

(Ord. 522 (part), 1999; Ord. 358 § 4 (part), 1987)

17.16.030 Permitted accessory uses.

The following uses, which are incidental and subordinate to the main use of the property and located on the same lot as the main use, shall be permitted as accessory uses:

A. Accessory Dwelling Units

~~A.~~B. Garages, carports, patios;

B. Detached buildings for the storage of home garden equipment and home workshops not to exceed three hundred (300) square feet of area;

C. Greenhouse.

(Ord. 358 § 4 (part), 1987)

17.16.040 Conditional uses.

Certain uses, because of their size, special requirements, or possible safety hazards, may have detrimental effects on surrounding properties, but may also be compatible with the other uses if they are properly designed. Such uses are classified as conditional uses and require conditional use permits. The following uses shall be permitted only as conditional uses:

A. Cemeteries;

B. Governmental structures or uses of land, including but not limited to parks, playgrounds, fire stations, police stations or libraries;

C. Home occupations;

D. Hospitals, sanitariums, or convalescent homes;

E. Nursery schools, day care centers, kindergartens, or other similar facilities;

F. Public schools, private schools;

G. Utility facilities, including but not limited to substations, reservoirs, or water towers;

H. Churches;

I. Any building with a height between twenty-four (24) feet and a maximum of thirty (30) feet;

J. Any multifamily unit with a dwelling size less than eight hundred fifty (850) square feet.;

K. Permanent Supportive Housing

Commented [KN10]: RCW 36.70A.390

(Ord. 358 § 4 (part), 1987)

17.16.050 Density provisions.

The following density provisions apply in the R2 zone:

A. Minimum lot size:

1. Single family: five thousand (5,000) square feet;
2. Duplexes: eight thousand two hundred (8,200) square feet;
3. Triplexes: ten thousand two hundred (10,200) square feet;
4. FourplexesBuildings with more than four units: twelve thousand two hundred (12,200) square feet for the first four units and an additional 2,000 square feet per unit thereafter;

Commented [KN11]: RCW36.70A.070(2)c Higher density is required in order to accommodate all income brackets

B. Minimum lot width: fifty (50) feet;

C. Minimum lot depth: one hundred (100) feet;

D. Maximum percentage of lot coverage: forty eighty (4080) percent;

E. Minimum front yard setback: twenty (20) feet;

F. Minimum side yard setback:

a. Single family and Duplexes: five feet, except that on a corner lot the side yard on the street side shall be a minimum of fifteen (15) feet;

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b. Triplexes and buildings with more than four units: ten feet, except that on a corner lot the side yard on the street side shall be a minimum of fifteen (15) feet

G. Minimum rear yard setback: ten feet; garages or accessory buildings five feet;

H. Maximum building height: thirty ~~twenty-four~~ (3024) feet or two stories, whichever is lower and shall be measured from the finished grade;

I. Minimum dwelling size: eight hundred fifty square feet.

(J) Accessory Dwelling Units as follows:

(i) One attached accessory dwelling unit and one detached accessory dwelling unit;

(ii) Two attached accessory dwelling units; or

(iii) Two detached accessory dwelling units, which may be comprised of either one or two detached structures

(iv) Maximum square footage of ADUs at 1,500 square feet

Commented [KN12]: RCW 36.70A.681

(Ord. 358 § 4 (part), 1987)

17.16.060 Signs.

The following signs shall be permitted provided they are not illuminated:

A. One name plate or sign for each dwelling unit not to exceed eight square feet in area;

B. One sign pertaining to the sale or lease of the property not to exceed eight square feet in area;

C. One temporary sign advertising the sale of a tract of land or subdivision. Such sign shall not exceed forty (40) square feet in area and shall be back at least ten feet from the property line.

(Ord. 358 § 4 (part), 1987)

17.16.070 Outdoor storage.

Inoperable motor vehicles and heavy equipment or machinery shall not be kept outdoors on the premises longer than thirty (30) days.

(Ord. 358 § 4 (part), 1987)

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17.16.080 Parking.

Parking shall be provided pursuant to Chapter 17.36.

17.16.090 Landscaping and Sitescreening

The following sSiite screening standards apply between new triplex or larger development that is two or more stories tall, ~~and up~~ and adjacent existing single family residences: ~~sfr development if two or more stories tall~~:

A. A three-foot-wide planting strip that will create a living evergreen screen that is at least 6 feet in height within three years.
B. Landscaping shall be designed to be consistent with firewise standards

(Ord. 358 § 4 (part), 1987)

17.20 GB GENERAL BUSINESS ZONE

17.20.010 Purpose.

The purpose of the GB zone is to provide areas suitable and desirable for all types of business and commerce necessary to meet the needs and requirements of the people of Naches and surrounding areas.

(Ord. 358 § 5 (part), 1987)

17.20.020 Permitted uses.

Uses permitted in the GB zone include:

A. Retail store or shop, such as food store, drugstore, apparel store, hardware store, or furniture store;

B. Automobile, boat, truck, trailer or tire sales, service rental or repair establishment provided any repair activity shall be conducted entirely within an enclosed building;

C. Repair shop for the type of goods offered for sale in a retail trade such as shoe repair; small appliance repair, television repair, locksmith, or watch repair;

D. Eating or drinking establishment such as restaurant, tavern, or cocktail lounge;

E. Office, business or professional services, including medical and dental services;

F. Financial institutions such as a bank, mortgage company or other similar institutions;

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G. Indoor commercial amusement enterprise such as bowling alleys, theaters, or pool halls;

H. Community center;

I. Hotel, motel;

J. Club, lodge, fraternal organization;

K. Parking lot;

L. Bus depot, taxi stand;

M. Newspaper office, print shop;

N. Auditorium, exhibition, or other public assembly room;

O. Barber or beauty shops;

P. Light manufacturing and assembling of bunk beds; *

Q. Day care home, family;

R. Day care center.

S. Permanent supportive housing

Commented [KN13]: RCW 35A.21.430

T. Transitional Housing

~~T~~U. Indoor Emergency Shelter

Commented [KN14]: RCW 35A.21.430

V. Mixed use buildings including both residential and nonresidential uses. ~~V~~

The town council shall determine whether a specific use is appropriate to the uses established in the general business zone. In considering the use, the town council shall either approve or disapprove the use. A decision may be appealed, using procedures outlined in Section 17.08.060.

(Ord. 522 (part), 1999; Ord. 358 § 5 (part), 1987)

* **Editor's Note:** This use was approved per the town council's meeting minutes of 5-15-89.

17.20.030 Conditional uses.

Certain uses, because of their size, special requirements, or possible safety hazards, may have detrimental effects on surrounding properties, but may also be compatible with the other uses if they are properly designed. Such uses are classified as conditional uses and require conditional use permits. The following uses shall be permitted only as conditional uses:

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A. Churches and church-related facilities;

B. Governmental structures or uses of land, including but not limited to parks, playgrounds, fire stations, police stations or libraries;

C. Hospitals, sanitariums, convalescent homes;

D. Nursery schools, day care centers, kindergartens or other similar facilities;

E. Utility facilities, including but not limited to substations, reservoirs, or water towers;

F. The following uses, provided all sales, services, display, storage, or repair shall take place entirely within an enclosed building or a fenced area:

1. Veterinarian office, animal hospital,

2. Cabinet, or other similar woodworking shop,

3. Feed, seed or fertilizer store,

4. Heavy equipment, machinery,

5. Building supply sales and storage,

6. All residential uses;

G. Recreational vehicle park;

H. Car wash.

(Ord. 512, 1999; Ord. 358 § 5 (part), 1987)

17.20.040 Accessory uses.

Accessory uses in the GB zone may be permitted which are customarily incidental and subordinate to the principal use. All such accessory uses must conform to all requirements for the principal use. The following accessory uses located on the same lot as the main use shall be permitted:

1. On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone, provided that such facilities meet state siting criteria adopted pursuant to the requirements of Chapter 70.105.210 RCW.

(Ord. 365 § 2, 1988)

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17.20.050 Density provisions.

The following density provisions apply in the GB zone:

A. Minimum front yard setback: twenty (20) feet along Highway 12 only;

B. Minimum side yard setback: None except where a side yard abutting another zone shall conform to the setback of that zone;

C. Minimum rear yard setback: None except where a rear yard abutting another zone shall conform to the setback requirements of that zone;

D. Maximum building height: thirty-five (35) feet.

(Ord. 358 § 5 (part), 1987)

17.20.060 Lighting.

Lighting from commercial uses shall not be cast into or illuminate adjacent residential areas.

(Ord. 358 § 5 (part), 1987)

17.20.070 Signs.

All signs shall conform to the following safety requirements:

A. No sign shall be located in or project into the present or future right-of-way of any public street.

B. No sign shall be so designed or constructed as to interfere with the sight distance of motorists proceeding on or approaching adjacent streets, alleys, driveways or parking areas, or of pedestrians proceeding on or approaching adjacent sidewalks or pedestrian ways.

C. No sign suspended over or projecting into the area above a driveway located on private property shall be situated at a height of less than fifteen (15) feet above the surface of the said driveway.

D. No sign suspended over or projecting into the area above a public sidewalk or pedestrian way shall be situated at a height of less than eight and one-half feet above the surface of the said sidewalk or pedestrian way and no sign may project more than seventy-five (75) percent of the distance between the property line and the curb line except for signs attached to the underside of a canopy or other architectural projection.

(Ord. 358 § 5 (part), 1987)

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17.20.080 Parking.

Parking shall be provided pursuant to Chapter 17.36.

(Ord. 358 § 5 (part), 1987)

17.22 SIGN REGULATION IN GENERAL BUSINESS ZONE

17.22.010 Purpose.

The purpose of this section is to accommodate and promote sign placement consistent with the character and intent of the zoning district, proper sign maintenance, elimination of visual clutter, and creative and innovative sign design. To accomplish this purpose, the posting, displaying, erecting, use and maintenance of signs within the town shall occur in accordance with this chapter.

(Ord. 575, 2002)

17.22.020 Definitions.

For the purpose of this chapter, certain abbreviations, terms, phrases, words and derivatives shall be construed as specified herein.

"Abandoned sign" means any sign located on property that is vacant and unoccupied for a period of six months or more, or any sign which pertains to any occupant, business or event related to the present occupant or use.

"Banner" means any sign of lightweight fabric or similar material that is mounted to a pole or building at one or more edges. National flags, state, local flags or any official flag at an institution or business will not be considered banners.

"Canopy sign" means any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

"Changing message center sign" means an electronically controlled sign where different automatic changing messages are shown on the lamp-bank. This definition includes time and temperature displays.

"Construction sign" means any sign used to identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building and to show the design of the building or the purpose for which the building is intended.

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"Directional sign." See definition of "on-premise sign."

"Electrical sign" means a sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.

"Flashing sign" means an electric sign or a portion thereof (except changing message center) which changes light intensity in a sudden transitory burst, or which switches on and off with a constant pattern in which more than one-third of the non-constant light source is off at any one time.

"Freestanding sign" means any sign supported by one or more uprights, poles or braces in or upon the ground.

"Grand opening sign" means temporary signs, posters, banners, strings of lights, clusters of flags, balloons and searchlights used to announce the opening of a completely new enterprise or the opening of an enterprise under new management.

"Multiple-building complex" is a group of structures housing two or more retail offices, or commercial uses sharing the same lot, access and/or parking facilities, or a coordinated site plan. For purposes of this section, each multiple building complex shall be considered a single use. (See Section 17.22.130).

"Multiple-tenant building" is a single structure housing two or more retail offices, or commercial uses sharing the same lot, access and/or parking facilities, or a coordinated site plan. For purposes of this section, each multiple building complex shall be considered a single use. (See Section 17.22.130).

"Off-premise sign" means a sign which advertises or promotes merchandise, service, goods, or entertainment which are sold, produced, manufactured or furnished at a place other than on the property on which the sign is located.

"On-premise sign" means a sign incidental to a lawful use of the premise on which it is located, advertising the business transacted, services rendered, goods sold or products produced on the premises or the name of the business, name of the person, firm or corporation occupying the premises.

"On-premises directional sign" means a sign directing pedestrian or vehicular traffic to parking, entrances, exits, service areas, or other on-site locations.

"Political sign" means a sign advertising a candidate or candidates for public elective offices or a political party, or sign urging a particular vote on a public issue decided by ballot.

"Portable sign" means a temporary sign made of wood, metal, plastic, or other durable material which is not attached to the ground or a structure. This definition includes

sidewalk, sandwich boards and portable reader boards (also see definition of "temporary sign").

"Projecting sign" means a sign, other than a wall sign, that is attached to and projects from a structure or building face.

"Real estate sign" means any sign pertaining to the sale, lease or rental of land or buildings.

"Roof sign" means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design. (See Section 17.22.100).

"Sign" means any medium, including its structural component parts, which is used or intended to attract attention to the subject matter that identifies, advertises and/or promotes an activity, product, service, place, business, or any other thing.

"Sign area" means that area contained within a single continuous perimeter which encloses the entire sign cabinet, but excluding any support of framing structure that does not convey a message.

"Sign cabinet" means the module or background containing the advertising message but excluding sign supports, architectural framing, or other decorative features which contain no written or advertising copy.

"Sign height" means the vertical distance measured from the grade below the sign or up per surface of the nearest street curb, whichever permits the greatest height, to the highest point of the sign.

"Sign setback" means the horizontal distance from the property line to the nearest edge of the sign cabinet.

"Street frontage" means the length in feet of a property line(s) or lot line(s) bordering a public street. For corner lots, each street side property line shall be a separate street frontage. The frontage for a single use or development on two or more lots shall be the sum of the individual lot frontages.

"Temporary sign" means any sign, banner, pennant, valance, or advertising display constructed of cloth, paper, canvas, cardboard, or other light nondurable materials and portable signs as defined above. Types of displays included in this category are grand opening, special sales, special event and garage sale signs.

"Use identification sign" means a sign used to identify and/or contain information pertaining to a school, church, residential development, or a legal business other than a home occupation in a residential district.

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"Wall sign" means any on-premise sign attached to or painted directly on, or erected against and parallel to the wall of a building. (See Section 17.22.110).

"Window sign" means any sign, pictures, symbol, or combination thereof designed to communicate information about an activity, business, commodity, event sale or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

(Ord. 575, 2002)

17.22.030 Building permit required.

No sign governed by the provisions of this title shall be erected, structurally altered or relocated after the adoption of this title without first receiving a building permit from the building official.

A. For New Uses. All on-premise signs are accessory uses and shall be subject to the same procedural and review requirements as the principle use.

B. For Changes or Replacement of an Existing Sign. Structural changes to, or replacement of, an existing sign requires review and approval by the building official.

(Ord. 575, 2002)

17.22.040 Exempt signs.

Except when otherwise prohibited, the following signs are exempt from the application, permit and fee requirements of this title when the standards of this chapter are met:

A. Window signs;

B. Point of purchase displays, such as product dispensers;

C. Gravestones;

D. Barber poles;

E. Historical site plaques;

F. Structures intended for a separate use such as phone booths, Goodwill containers, etc.;

G. Official and legal notices issued by any court, public body, person or officer in performance of a public duty or in giving any legal notice;

H. Directional, warning or informational signs or structures required or authorized by law, or by federal, state, county or town authority;

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I. Official flags of the United States of America, states of the United States, counties, municipalities, official flags of foreign nations, and flags of internationally and nationally recognized organizations;

J. Political signs which, during a campaign, advertise a candidate or candidates for public elective office, a political party, or promote a position on a public issue, provided such signs shall not be posted more than ninety (90) days before the election to which they relate and are removed within fifteen (15) days following the election;

K. Construction and real estate signs not exceeding thirty-two (32) square feet in sign area;

L. All temporary signs (Section 17.22.020), except portable signs;

M. Church, school, or community center name and/or reader boards not exceeding thirty-two (32) square feet in sign area;

N. Canopy and awning signs;

O. On-premises signs not readable from the public right-of-way, i.e., menu boards, etc.;

P. On-premise directional signs;

Q. Official public or court notices issued by a government agency or body or required or provided for under adopted statute;

R. Government signs, those placed by government to identify governmental buildings etc.

(Ord. 575, 2002)

17.22.050 Prohibited signs.

The following signs are prohibited:

A. Signs on any vehicle or trailer that is parked on public or private property and visible from a public right-of-way for the purpose of circumventing the provisions of this chapter. This provision shall not prohibit signs which are painted on or magnetically attached to any vehicle operating in the normal course of business;

B. Off-premise signs and billboards;

C. Signs which purport to be, are an imitation of, or resemble an official traffic sign or signal; could cause confusion with any official sign, or which obstruct the visibility of any traffic/street sign or signal;

D. Signs attached to utility, street light, and traffic-control standard poles;

E. Swing projecting signs;

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F. Signs in a dilapidated (having peeling paint, major cracks or holes, and/or loose or dangling materials) or hazardous condition;

G. Abandoned signs;

H. Signs on doors, windows, or fire escapes that restrict free ingress or egress;

I. Any other sign not meeting the provisions of this chapter.

(Ord. 575, 2002)

17.22.060 Sign maintenance.

A. General Requirements. Signs shall be maintained in good order and repair at all times so that they do not constitute any danger or hazard to public safety, and are free of peeling paint, major cracks, and loose and dangling materials. Signs that are not maintained in this manner shall be considered prohibited signs.

B. Nonconforming Sign Maintenance and Repair. Nothing in this title shall relieve the owner or user of a legal nonconforming sign and the owner of the property on which the nonconforming sign is located from the provisions of this section regarding safety, maintenance, repair, and/or removal of signs.

(Ord. 575, 2002)

17.22.070 Sign standards.

Unless exempt or otherwise determined by this chapter, each property is entitled to one sign not to exceed the height of the building and two hundred (200) square feet of sign area.

(Ord. 575, 2002)

17.22.080 General provisions.

All signs shall comply with the following provisions:

A. Construction shall satisfy the requirements of the Uniform Building Code.

B. Except for exempt signs, all signs shall be permanently attached to a building or the ground.

C. Signs attached to a building shall not exceed the height of the building, except as otherwise permitted by this chapter.

D. All signs shall comply with the setback requirements, except when the side or rear yard is a street frontage, then the front setback shall apply.

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E. Lighting directed on or internal to any sign shall be shaded, screened or directed so that the light intensity or brightness shall not adversely affect neighboring property or motor vehicle safety.

F. All signs together with their supports, braces, and guys shall be maintained in a safe and secure manner.

G. The ratio of the area sign support, framing structure, and/or other decorative features which contain no written or advertising copy, to the sign cabinet shall not be greater than 1:1.

H. A clear-view triangle shall be maintained to all driveways and curb cuts for vision safety purposes.

1. Clear-view triangles are defined as follows:

a. One angle shall be formed by lines a and b which are adjacent to the street and driveway. The line adjacent to the street shall follow the curb line or improved travel way. The sides of the triangle (a and b) forming the corner angle shall be fifteen (15) feet in length. The third side of the triangle shall be a straight line connecting points c and d. No sign shall be placed within this triangle so as to materially impede vision between the heights of two and one-half and ten feet above the centerline grade of the streets.

I. No freestanding signs shall be placed in the clear-view triangle.

J. Any exterior lighting must be shielded and directed away from adjoining streets or residential uses.

(Ord. 575, 2002)

17.22.090 Projection over right-of-way.

Projecting and freestanding signs shall comply with the following provisions:

A. No more than one-third of the height of any projecting sign shall exceed the height of the building to which it is attached.

B. All signs projecting over public rights-of-way shall conform to the following standards:

Clearance Above Grade	Maximum Projection
Less than 8 feet	Not permitted
8 feet to 9 feet	1 foot
9 feet to 10 feet	2 feet

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Over 10 feet	⅔ the distance from building to curb line or a maximum of 10 feet.

No sign shall project within two feet of the curb line.

(Ord. 575, 2002)

17.22.100 Roof signs.

All roof signs shall comply with the following provisions:

A. Roof signs shall be erected so as to appear from all sides as a wall sign applied to an existing penthouse which appears to be part of the building itself.

B. Roof signs must not exceed the maximum allowable height of the building within the district in which it is located.

C. All roof signs shall be installed or erected in such a manner that there is no visual support structure.

(Ord. 575, 2002)

17.22.110 Wall signs.

All wall signs shall conform to the following provisions:

A. Wall signs may be painted upon, attached flat to, or pinned away from the wall, but shall not project more than twelve (12) inches from the wall.

B. The number of wall signs is not regulated; provided the total area of the wall sign(s) may not exceed the area of the wall to which attached.

C. Wall signs shall not extend above the height of the wall to which attached.

(Ord. 575, 2002)

17.22.120 Temporary signs.

All temporary signs shall conform to the following:

A. No temporary sign shall be displayed for more than thirty (30) days at any one time nor more than ninety (90) days during a calendar year.

B. Only one temporary sign on each street frontage per parcel or lot is permitted.

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C. No temporary sign shall be placed in a required parking space, driveway, or clear-view triangle.

D. No temporary sign may be placed in the public right-of-way or an easement unless specifically permitted by the town.

E. Temporary signs placed on the ground shall be separated from parking and driveway areas by a curb or other barrier.

(Ord. 575, 2002)

17.22.130 Multiple-building complexes and multiple-tenant buildings.

A. Purpose. The following provisions shall apply to multiple-building complexes and multiple-tenant buildings.

B. Number of Freestanding Signs. Each multiple-building complex shall be allowed a freestanding sign on each street frontage. When the street frontage is longer than four hundred (400) feet, then one additional freestanding sign shall be permitted for each additional four hundred (400) feet of street frontage.

The allowable freestanding sign(s) may be used to advertise one or more of the uses in the multiple-building complex or multiple-tenant building.

(Ord. 575, 2002)

17.22.140 Legal nonconforming signs.

Any sign lawfully existing under all codes and ordinances in effect at the time this title is enacted or amended may continue to be maintained and operated as a legal nonconforming sign so long as it remains otherwise lawful; provided, that:

A. No sign shall be changed in any manner that increases its noncompliance with the provisions of this title; and

B. If the sign is structurally altered or moved, its legal nonconforming status shall be voided, and the sign will be required to conform to the provisions of this title. Nothing in this section shall be construed to restrict normal repair and maintenance; and

C. The sign is not a hazardous or abandoned sign.

(Ord. 575, 2002)

17.22.150 Variances.

No reduction of the standards in this chapter is allowed, except pursuant to Chapter 17.44 (Variances).

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(Ord. 575, 2002)

17.22.160 Violations.

Failure to comply with the provisions of this chapter is a violation of this title and punishable under the provisions of Chapter 17.08.

(Ord. 575, 2002)

17.24 L-1 LIGHT INDUSTRIAL ZONE

17.24.010 Purpose.

The purpose of the L-I zone is to provide suitable and desirable area for light industrial uses which are not detrimental to the public health and safety due to pollution of air and water, excessive noise, dust, smoke, glare, odor, fumes, fire or explosive hazards.

(Ord. 358 § 6 (part), 1987)

17.24.020 Permitted uses.

Uses permitted in the L-I zone include:

A. Farm machinery, sales and service;
B. Agricultural cold storage plants and warehouses;
C. Farm feed and seed sales;
D. Food processing;
E. Lumber yards;
F. Bulk storage of agricultural products;
G. Automobile engine repair, body work;
I. Grain elevators;
J. Other uses judged by the town to be no more detrimental to adjacent properties than, and of the same type and characteristic as, the above listed uses.

(Ord. 358 § 6 (part), 1987)

17.24.030 Prohibited uses.

Uses prohibited in the L-I zone include:

A. All residential uses;

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B. Explosives, manufacture or storage, rendering or animal products, fertilizer manufacture, and exterminator and insect poison spray manufacture, and feed lots;

C. Automobile junk yards and scrap metal yards.

(Ord. 358 § 6 (part), 1987)

17.24.040 Accessory uses.

Accessory uses in this zone may be permitted which are customarily incidental and subordinate to the principal use. All such accessory uses must conform to all requirements for the principal use. The following accessory uses located on the same lot as the main use shall be permitted:

On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone, provided that such facilities meet state siting criteria adopted pursuant to the requirements of Chapter 70.105.210 RCW.

(Ord. 365 § 3 (part), 1988: Ord. 358 § 6 (part), 1987)

17.24.050 Conditional uses.

Certain uses, because of their size, special requirements, or possible safety hazards, may have detrimental effects on surrounding properties, but may also be compatible with the other uses if they are properly designed. Such uses are classified as conditional uses and require conditional use permits. The following uses shall be permitted only as conditional uses:

Off-site hazardous waste treatment and storage facilities, provided that such facilities meet the state siting criteria adopted pursuant to the requirements of Chapter 70.105 RCW.

(Ord. 365 § 3 (part), 1988)

17.24.060 Screening.

All industrial uses which are constructed adjacent to established residential areas shall be provided with adequate screening. Such screening material shall be an eight-foot minimum obscuring fence or other similar type of barrier which shall completely screen the said use.

(Ord. 358 § 6 (part), 1987)

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17.24.070 Density provisions.

The following density provisions apply in the L-I zone:

A. Maximum lot coverage: seventy-five (75) percent;
B. Maximum building height: thirty-five (35) feet;
C. Minimum front yard setback: thirty (30) feet;
D. Minimum side yard setback: twenty (20) feet;
E. Minimum rear yard setback: twenty (20) feet.

(Ord. 358 § 6 (part), 1987)

17.24.080 Signs.

Signs located within one hundred (100) feet of a residential zone shall be set back at least ten feet from a lot in a residential zone. Such signs shall not be moving or flashing, and shall not exceed an area of twenty-five (25) square feet on each side.

(Ord. 358 § 6 (part), 1987)

17.24.090 Parking.

Parking shall be provided pursuant to Chapter 17.36.

(Ord. 358 § 6 (part), 1987)

17.26.010 Fence Regulation in Residential and Light Industrial Zones

A. The following regulations apply to all fences erected in R1 Residential, R2 Residential and General Business zones.
   1. All fences must be structurally sound and of good workmanlike quality and must be maintained to prevent loss of integrity.
   2. Fences shall not be equipped with or have barbed wire, spikes, concertina, or any other types of materials intended to cause harm to persons or animals.
   3. Front yard fences shall not exceed four feet in height with the following exceptions: fences erected on a corner lot shall not exceed three feet in height in the side yard adjacent to the street; fences on corner lots are restricted to three feet maximum height; fences on alley corner lots shall not exceed three feet six inches in height. The intent of these height restrictions is to comply with Naches Municipal Code Section 17.36.070 relating to clear vision areas.

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4. Unless otherwise provided, rear and side yard fences shall not exceed six feet maximum height.
5. No fence shall be erected less than five feet from the curb gutter line.
6. No fence shall be located on any town right of way or easement with the authorization of the town by way of a right-of-way use permit or lease. Any fence located within a town right-of-way or easement is subject to removal, without notice to the property owner, by order of the mayor and/or his/her designee.

The erection of a fence less than six feet in height shall not require a permit. The erection of a fence over six feet in height shall require a building permit pursuant to the Naches Building Code.

~~B.~~C. In the Light Industrial (LI) zones only, fences consisting of material restricted in section two above may be allowed, but only by prior authorization of the Naches town council. No above ground electrified fences shall be allowed in any zone in the town. All fences erected in the LI zones shall be structurally sound and of good workmanlike quality. All material used shall be suitable for commercial fencing and must be maintained to prevent loss of structural integrity.

(Ord. 568, 2002)

17.28 PLI PUBLIC LANDS/INSTITUTION ZONE

17.28.010 Purpose.

The purpose of the PLI zone is to provide areas suitable and desirable for public and institutional uses necessary to the needs and requirements of the people of Naches and surrounding areas.

(Ord. 358 § 7 (part), 1987)

17.28.020 Permitted uses.

Uses permitted in the PLI zone include:

A. Cemeteries;
B. Churches and their related uses;
C. Community center, meeting hall, fraternal organization;
D. Convalescent, nursing home, or group homes;
E. Fire and police stations;
F. Hospitals;

DRAFT

G. Schools;

H. Libraries;

I. Museums and art galleries;

J. Other public facilities not listed.

(Ord. 358 § 7 (part), 1987)

17.28.030 Conditional uses.

There are no conditional uses within the PLI zone.

(Ord. 358 § 7 (part), 1987)

17.28.040 Density provisions.

The following density provisions apply in the PLI zone:

A. Minimum front yard setback: thirty (30) feet;

B. Minimum side yard setback: twenty-five (25) feet;

C. Minimum rear yard setback: thirty (30) feet;

D. Maximum building height: forty (40) feet.

(Ord. 358 § 7 (part), 1987)

17.28.050 Lighting.

Lighting from public/institutional uses shall not be cast into or illuminate adjacent residential properties.

(Ord. 358 § 7 (part), 1987)

17.28.060 Signs.

All signs shall conform to the following safety requirements:

A. No sign shall be located in or project into the present or future right-of-way of any public street.

B. No sign shall be so designed or constructed as to interfere with the sight distance of motorists proceeding on or approaching adjacent streets, alleys, driveways or parking areas, or of pedestrians proceeding on or approaching adjacent sidewalks or pedestrian ways.

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C. No sign suspended over or projecting into the area above a driveway located on private property shall be situated at a height of less than fifteen (15) feet above the surface of the said driveway.

D.No sign suspended over or projecting into the area above a public sidewalk or pedestrian way shall be situated at a height of less than eight and one-half feet above the surface of the said sidewalk or pedestrian way and no sign may project more than seventy-five (75) percent of the distance between the property line and the curb line except for signs attached to the underside of a canopy or other architectural projection.

(Ord. 358 § 7 (part), 1987)

17.28.070 Parking.

Parking shall be provided pursuant to Chapter 17.36.

(Ord. 358 § 7 (part), 1987)

17.32 MOBILEHOMES, MOBILEHOME PARKS, TRAILER COACHES AND TRAILER COURTS

17.32.010 Mobilehomes on individual lots not in a mobilehome park.

Mobilehomes used as dwellings on individual lots shall be permitted in the town provided they meet the following requirements:

A. Have a minimum width of not less than seventeen (17) feet as measured at all points perpendicular to the length of the mobilehome;

B. Were manufactured after June 15, 1976, or otherwise substantially comply with federal manufactured housing standards effective June 15, 1976, as evidenced by appropriate seal(s) affixed to their outer skin:

Substantial compliance: as determined by the administrative official will include mobilehomes manufactured after January 1, 1972, and bearing the Washington State insignia, where modifications are undertaken which provide fire-proofing in furnace and gas-fired water heater compartments in accordance with Federal manufactured housing standards. (Such modifications are subject to permit requirements of the Washington State Department of Labor and Industries, Mobile Home Division).

C. Shall contain not less than eight hundred fifty (850) square feet of living space enclosed within the walls;

D. Are provided with water and sanitary sewerage service at least equal to that required by conventional on-site constructed buildings;

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E. Have permanent fire-resistant skirting installed to enclose all areas between the lower edge of the outside walls and the ground;

F. Are sited in accordance with all applicable single-family dwelling regulations for the district in which located;

G. Are placed on permanent foundations or on footings and piers or on blocks in accordance with manufacturer's recommendations, or specifications as developed by the Naches building inspector;

H. Are securely tied down at each corner, or as an alternative, in accordance with the manufacturer's recommendations;

I. Maintain a minimum eighteen (18) inch clear crawl space under the entire unit;

J. Have permanent steps affixed to all exits;

K. Have the tongue removed except in the floodplain areas where it may be camouflaged to the extent that it is unrecognizable.

(Ord. 358 § 8 (part), 1987)

17.32.020 Mobilehome parks.

It is the intent of this section to provide for the development of mobilehome parks in the town within designated zones. The density provisions set forth in this section, and the following design standards, are intended to allow flexibility in the physical design of a mobilehome park with the purpose of enhancing the availability of housing for the people of Naches. The following standards shall be required for a mobilehome park:

A. Shall not contain fewer than ten lots and no lot shall be less than three thousand six hundred (3,600) square feet;

B. Shall provide a minimum thirty (30) foot width of private improved right-of-way providing access to a public street. All dead-end roadways shall include adequate vehicular turning space or cul-de-sac with a minimum radius of forty (40) feet. Access and internal circulation shall be designed to prevent interference with traffic movement;

C. A minimum of ten percent of the gross area of the mobilehome park shall be devoted to improved park and recreational purposes;

D. A sight-obscuring hedge, fence or wall not less than six feet in height shall surround a mobilehome park;

E. Attached structures shall be considered part of the mobilehome for setback purposes;

F. Each mobilehome shall have a space number assigned to it for emergency purposes;

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G. No mobilehome shall be located closer than five feet from any lot line common to two mobilehome spaces or any building, except storage shed, within the park or from any property line bounding the park;

H. The mobilehome park shall have an accessible, approved fire hydrant within three hundred (300) feet of any mobilehome space;

I. Each application for a mobilehome park shall be accompanied by a fee of seventy-five dollars ($75.00) and a development plan showing lot lines, topography, utilities, streets, sidewalks, lighting, parking, landscaping, location of mobilehome placement sites, beginning and completion dates (when known) and other pertinent information.

(Ord. 468 (part), 1998; Ord. 358 § 8 (part), 1987)

17.32.030 Signs.

The following signs shall be permitted provided they are not illuminated:

A. One name plate for each dwelling unit not to exceed one and one-half square feet in area;

B. One sign identifying a mobilehome park not to exceed six square feet in area;

C. One sign pertaining to the sale or lease of the property not to exceed eight square feet in area;

D. One temporary sign advertising the sale of a tract of land or subdivision. Such sign shall not exceed forty (40) square feet in area and shall be back at least ten feet from the property line.

(Ord. 358 § 8 (part), 1987)

17.32.040 Parking.

Parking shall be provided for pursuant to Chapter 17.36.

(Ord. 358 § 8 (part), 1987)

17.34.010 Purpose and intent.

A. This chapter describes the criteria and conditions to be met in obtaining a home occupation permit. A home occupation permit may be approved by either (1) the mayor or his/her designee, or (2) the planning commission subsequent to a public hearing and final approval by the town council.

B. It is the intent of this chapter to recognize the needs of people who are engaged in small-scale business ventures which could not be sustained if it were necessary to

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lease commercial quarters for them, or which, in the nature of the home occupation cannot be expanded to full-scale enterprises. Additionally, it is the intent of this chapter that full-scale commercial or professional operations, which would ordinarily be conducted in a commercial or industrial district, continue to be conducted in such districts and not at home.

(Ord. 525 (part), 2000)

17.34 HOME OCCUPATIONS

17.34.020 Home occupation.

"Home occupation" means a business, profession or craft which is secondary to the main use of the premises as a dwelling place; not one in which the use of a premises as a dwelling place is largely incidental to the business carried on. Such business may only be carried on by a member of the family residing within the dwelling place, with the addition of no more than one non-family member at any one time.

(Ord. 525 (part), 2000)

17.34.030 Permit required.

It is unlawful for a person or individual, company, corporation or association or any other entity to engage in a home occupation without first having obtained a permit in compliance with the provisions of this chapter. The permit shall not be transferred, nor shall it be valid at any address other than the one appearing on the permit.

(Ord. 525 (part), 2000)

17.34.040 Home occupation minimum standards.

A home occupation must meet the following minimum conditions:

A. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use as a residence. In the event that no more than twenty-five (25%) percent of the combined gross floor area of the primary residence and accessory buildings is used to conduct the home occupation, it shall be presumed that the use is incidental and subordinate to the residential use. If more than twenty-five (25%) percent, but less than forty-nine (49%) percent of the combined gross floor area of the primary residence and accessory buildings is used to conduct the home occupation, the applicant may show by a preponderance of evidence to the planning

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commission at a hearing pursuant to this code that the use is incidental and subordinate to the use as residence. In no event shall the use of a dwelling unit for a home occupation exceed fifty (50%) percent of the primary residence and accessory buildings.

B. No home occupation permit shall be granted by the mayor or his/her designee unless the applicant shall furnish proof of having registered with the Washington State Department of Revenue, or furnish proof that they are exempt from registering with said Department of Revenue.

C. Possess a valid town business license.

D. No structure in which a home occupation is conducted or is proposed to be conducted will be altered or remodeled in any manner that would detract from the residential character of a home or accessory building.

E. No person, other than family members living in the dwelling unit plus a maximum of one non-family member working at the residence at any one time, may be employed in the home occupation.

F. There shall be no exterior or window displays, signs, storage of materials, or sample commodities displayed outside of the premises, with the exception of one non-illuminated business sign not to exceed one square foot in area.

G. No materials or equipment shall be permitted which would be detrimental to the residential use of nearby residences by causing vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.

H. Materials or commodities may only be delivered to or from the home occupation between the hours of seven a.m. and six p.m. Monday through Saturday.

I. No parking shall be allowed beyond that normal in a residential area and no excessive vehicular or pedestrian traffic shall be present as a result of the home occupation. Designated or additional off-street parking may be required depending on the business, as determined by the planning commission or town council.

J. The hours of operation for a home occupation may only be from seven a.m. to seven p.m., Monday through Saturday, unless otherwise stipulated by the mayor or his/her designee.

K. Buffers or screens will be provided when deemed necessary by the planning commission or town council to reduce potential impacts to adjacent properties.

L. Such use shall conform to all other requirements specified in this chapter, as well as any special conditions imposed on the home business.

(Ord. 525 (part), 2000)

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17.34.050 Permitted uses.

A. The following uses may be approved by the mayor or his/her designee:

1. Dressmaking, seamstresses, tailors;
2. Artists and sculptors;
3. Authors and composers;
4. Resident owned and operated beauty and/or barbershops;
5. Home crafts, such as model-making, rug weaving, and lapidary work;
6. Office facility of a minister, rabbi or priest;
7. Office facility of a salesman, sales representative or manufacturer's representative;
8. Repair shop for small household items;
9. Telephone answering or soliciting;
10. Computer programming and small scale repair;
11. Home cooking and preserving;
12. Arts instruction (not more than two students at one time);
13. Accountant;
14. Architect:
15. Attorney;
16. Engineer;
17. Insurance agent;
18. Photographer;
19. Office for computer design and layout;
20. Office for limited energy service and installation;
21. Office for electrical contractor.

B. If an applicant wishes to obtain a home occupation permit for a use not listed above, the applicant may without cost have the matter heard by the planning commission.

(Ord. 542, 2001: Ord. 531, 2000; Ord. 525 (part), 2000)

17.34.060 Prohibited uses.

By way of example and not limitation the following uses are examples of uses which are not appropriate for a home occupation permit:

A. Clinics or hospitals;
B. Mortuaries or funeral homes;
C. Commercial print shops;
D. Rental of trailers;

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E. Restaurants or cafes;

F. Stables or kennels;

G. Vehicle repair or auto detailing shops;

H. Outdoor storage of building or construction materials not intended for immediate use in or on the premises;

I. Family child day care homes providing services for over twelve (12) children; and

J. Antique/gift shop.

(Ord. 525 (part), 2000)

17.34.070 Conditional uses.

Conditional uses include:

A. Bed and Breakfast. Bed and Breakfast Facility. Bed and breakfast facility shall be any facility within a one-family dwelling unit offering a maximum of three lodging units to travelers and transient guests for periods of less than one month.

(Ord. 525 (part), 2000)

17.34.080 Exemptions.

Exemptions from this chapter include, but are not necessarily limited to, the following:

A. Family child day care services for up to twelve (12) children or adults at any one time including those children living in the home provided for in this code.

B. Newspaper delivery; and

C. Garage and yard sales as long as the sale involves only the sale of household goods, none of which were purchased for the purpose of resale; the sale does not continue for more than three consecutive days in any calendar month; and is not in violation of any other provisions of this code.

(Ord. 525 (part), 2000)

17.34.090 Administration.

A. Any person or party wishing to establish a home occupation shall make application through the town. The mayor or his/her designee may administratively approve any use listed in 17.34.050, provided the use meets all other requirements of this chapter. The planning commission, after a public hearing, shall recommend to the town council approval or denial of any uses not listed in Section 17.34.050.

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B. Applications for all home occupation permits shall be subject to payment of a nonrefundable permit fee and business license fee as established by the town.

C. If a public hearing is required, the town shall notify by first class mail the property owners within three hundred (300) feet of the subject property (according to the records of the Yakima County assessor) affording them an opportunity to voice their opinions regarding the advisability of authorizing the proposed home occupation.

D. The town may issue a permit for a home occupation provided that the conditions set forth in Section 17.34.040 are met. The planning commission or town council may impose such additional conditions deemed necessary to assure that the impact of such home occupation will be minimal upon the neighboring properties.

E. All permit applications subject to the mayor's or designee's approval shall be approved or denied within thirty (30) days of the filing of the permit application and payment of the permit fee.

F. All permit applications subject to the planning commission's approval shall be approved or denied within forty-five (45) days of the filing of the permit application and payment of the permit fee.

G. Any individual affected by the decision of the town shall have twenty-one (21) days from the date of the decision to appeal the decision in writing to the superior court.

(Ord. 525 (part), 2000)

17.34.100 Revocation of permit.

A permit issued under this chapter to conduct a home occupation is revocable upon a determination by either the planning commission or the mayor or his/her designee that there has been a violation of any condition imposed by this chapter on home occupations.

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 to the permit holder. The permit holder shall, within twenty-one (21) days of the mailing of the notice of violation, comply with all of the conditions imposed by the notice or show cause in writing why the permit should not be revoked.

B. Upon revocation of the permit, a written notice of the revocation shall be sent by certified mail by the town to the permit holder together with a written statement of findings upon which the revocation is based.

C. The holder of a home occupation permit may appeal a revocation of a home occupation by filing a notice of appeal with the town. Said notice shall be filed within ten days of the notice of revocation. The appeal shall be heard by the town council who shall either affirm or overturn the prior decision.

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(Ord. 525 (part), 2000)

17.34.110 Violation—Penalty.

A. Any person who violates any of the provisions of this chapter or any order or decisions of the town entered pursuant to this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with this code.

B. The instigation of misdemeanor proceedings in accordance with subsection A of this section shall not prevent the town from exercising all available civil remedies to force removal of prohibited conditions or compliance with this chapter.

(Ord. 525 (part), 2000)

17.34.120 Public hearing notification.

In the event that an application is to be reviewed before a public hearing, notice of the public hearing shall be given as follows:

A. The mayor and/or his/her designee shall send copies of the notice by mail not less than fifteen (15) calendar days prior to the date of the hearing to all property owners within three hundred feet (300') of the exterior boundaries of the property involved, and it shall be the responsibility of the applicant to provide mailing labels with the name and addresses of owners as shown on the records of the Yakima County assessor.

B. At the discretion of the staff, additional announcement of the public hearing may be given by posting copies of the notice in a conspicuous place at or near the location of the proposal, or by such press advertisement as deemed necessary.

(Ord. 525 (part), 2000)

17.34.130 Existing home occupations.

Any home occupation in the town in operation on the effective date of this chapter shall not expand without meeting the provisions of this chapter.

(Ord. 525 (part), 2000)

17.35 SPECIAL DEVELOPMENT STANDARDS – HOUSING

17.35.010 Accessory Dwelling Units.

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The Town intends to promote and encourage the creation of Accessory Dwelling Units, subject to the design and development standards found herein, for the purposes of:

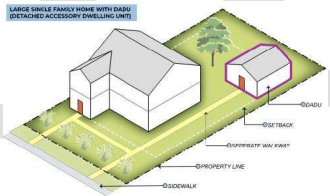
1. Providing homeowners with the opportunity and flexibility to establish separate living quarters within or adjacent to their homes, whether for the purposes of caring for or providing housing for family members, or for obtaining rental income to help meet the rising costs of home ownership, or for any other legal purpose;

2. Increasing the range and availability of housing choices within the Town;

3. Protecting neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed in accordance with the provisions of this Section; and

4. Otherwise comply with the requirements of RCW 36.70A and other applicable portions of state law.

Detached Accessory Dwelling Units



Attached Accessory Dwelling Unit

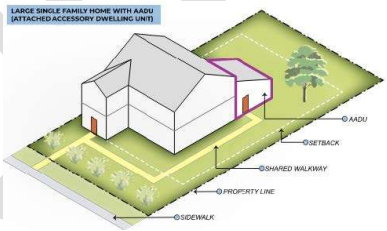


Diagram Source: Town of Moses Lake

A. *Where Allowed*. The installation or construction of an ADU, subject to the specific design and development standards found in this Chapter, shall be allowed in all residential zones that allow for single-family homes as follows, provided only two ADUs are allowed per lot as an accessory use to a single-family home.

(i) One attached accessory dwelling unit and one detached accessory dwelling unit;

(ii) Two attached accessory dwelling units; or

(iii) Two detached accessory dwelling units, which may be comprised of either one or two detached structures;

B. *Where Prohibited.* ADUs are prohibited on any lot for which the primary use is commercial or industrial in nature, except that living quarters or dwelling units used for on-site security personnel may be allowed.

C. *General Performance Standards Apply.* All standards for the underlying zoning district, including lot size, minimum setbacks, and overall building/lot coverage shall be met with respect to the siting and dimensions of ADUs, except that a detached ADU may be sited at the lot line if that lot line abuts a public alley. Provided,

- Five foot setback on alley.

1. The town may not assess impact fees on the construction of accessory dwelling units that are greater than 50 percent of the impact fees that would be imposed on the principal unit;
2. The town may not require the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot;

D. *Administrative Review.* An ADU permit application shall be processed as a Type I permit.

E. *General Design Standards.* The ADU shall be designed and constructed to maintain the appearance of the principal unit, including exterior finish materials, trim, roof pitch, window design, and color. Any and all requirements, limits, restrictions, or design criteria that apply to the principal unit shall also apply to the ADUs and their placement.

F. *Number Allow Per Lot.* No more than two (2) ADUs shall be permitted in conjunction with the principal unit on a single lot of record; provided, that adequate provisions for water and sewage are met, and all other applicable criteria, standards, and code requirements can be satisfied.

G. *Allowable Size.* An ADU shall have a gross floor area that is no less than three hundred (300) square feet and no greater than one thousand (1,000) square feet max.

H. *Permitted Height.* An ADU shall have a maximum roof height limit of twenty-four (24) feet. Except that an ADU to be constructed above an existing structure, including garages, may have a maximum roof height limit of thirty-two (24) feet. If an existing structure is itself being converted to an ADU, then the twenty-four (24) foot limit applies.

Commented [KN15]: Changed from 32' to 24'. 32 seems excessive

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I. *Conversion of Existing Legally Established Structures Allowed.* An existing structure, including detached garages, may be converted to an ADU. Such a conversion is allowed even if the existing structure violates current code requirements for setbacks or lot coverage. All other requirements, including those for building code compliance, and any other provisions for health and safety shall apply.

J. *Parking Requirements.* Parking shall be provided in accordance with NMC 17.36.020.

Commented [KN16]: Updated to comply with Table 17.36.020. Previously said 1 space per ADU.

K. *Home Occupations.* Home businesses or other home occupations shall comply with criteria the same as allowed for the primary residence and adopted standards.

L. *Short-Term Rentals.* Short-term rentals are allowed as a provided for in NMC 17.54 as a Conditional Use for either the primary unit or accessory dwelling unit (ADU).

M. *Overriding State and Local Laws.* This Chapter does not supersede or override other applicable local and state laws designed to protect critical areas or their buffers, environmentally sensitive areas, natural resources, nor any other duly applicable law or regulation designed for the general health and safety of the public.

17.35.020. Co-Living Housing.

RCW 36.70A.538 requires cities and towns to allow co-living housing on all lots located within a UGA that allows at least six multifamily residential units, among other standards for co-living siting and regulation.

A. General Provisions:

1. The town shall not require through development regulations any standards for co-living housing that are more restrictive than those that are required for other types of multifamily residential uses in the same zone.
2. The town shall only require a review, notice, or public meeting for co-living housing that is required for other types of residential uses in the same location, unless otherwise required by state law including, but not limited to, shoreline regulations under chapter 90.58 RCW.
3. The town shall not exclude co-living housing from participating in affordable housing incentive programs under RCW 36.70A.540.
4. Co-living developments must meet habitable space, dwelling unit and sleeping unit standards set forth in the 2024 International Building Code (IBC).

B. Density:

For the purposes of calculating density, sleeping units count as one quarter of a dwelling unit.

C. Parking:

Off-street parking for co-living housing shall be subject to the following:

1. No more than one off-street parking space per four sleeping units shall be required.

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C. Sewer Connection Fees:

1. Sleeping units shall be treated as one-half of a multifamily dwelling unit for the purpose of calculating fees for sewer connections.

17.35.030 Mixed Use buildings including both residential and nonresidential uses

Mixed use ~~buidlings~~buildings may be mixed vertically or horizontally in one building. However, in mixed-use buildings the nonresidential use shall occupy the ground floor of the building, and have frontage and access on the right of way. Access to the residential unit may have frontage on the right of way, but may not constitute the majority of the frontage on the right of way.

§ 17.35.040. Emergency and Transitional Housing.

Emergency and Transitional Housing – Design Standards and Approval Criteria:

A. *Underlying Standards Apply.* An application for emergency shelter, emergency housing, transitional housing, permanent supportive housing, or transitional parking shall be subject to all locally applicable land use, development, zoning, and building regulations requirements.

B. *Additional Standards.* In addition to the requirements, an application for emergency shelter, emergency housing, transitional housing, permanent supportive housing, or transitional parking shall be subject to the following standards:

1. Transitional housing and permanent supportive housing shall be limited to no more than ten (10) adults per dwelling unit, not including children under the age of eighteen (18).

2. All residents, staff, and operators shall comply with all Yakima County Health District requirements related to food preparation, service, and donations.

3. Trash receptacles shall be provided in multiple locations throughout the facility and site. Managing parties shall contract with the applicable trash service provider for the duration of the use.

4. The number of parking spaces shall be required based on the population served and the projected needs of the emergency shelter, emergency housing, transitional housing, or permanent supportive housing facility as outlined in the parking plan and subject to review and approval of the Town. Spaces shall be provided at a minimum, and may increase at the discretion of the Town after review of the parking plan as follows:

   a. One (1) space for the maximum number of staff on duty throughout each day; and

   b. Five (5) spaces for transitional housing and permanent supportive housing in residential zones; or

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c. Ten (10) spaces for emergency shelters, emergency housing, transitional housing and permanent supportive housing in nonresidential zones;

d. Transitional parking uses do not need to provide additional parking in nonresidential zones;

e. Off-street parking shall comply with all other requirements of the Naches Municipal Code including, but not limited to, paving, drainage, location, dimensions, and design standards.

5. On-site supervision shall be provided at all times, unless it can be demonstrated through the operations plan that this level of supervision is not warranted for the population being served.

6. No children under the age of eighteen (18) are allowed to stay overnight in emergency shelters, emergency housing, transitional housing, permanent supportive housing or transitional parking sites unless accompanied by a parent or guardian, or unless the facility is licensed to provide services to youth. If a child under the age of eighteen (18) without a parent or guardian present attempts to stay in a facility not specifically licensed for providing housing to youth, the sponsor and/or managing agency shall immediately contact Child Protective Services and actively endeavor to find alternative housing for the child.

7. The sponsor and/or managing agency shall designate points of contact and provide 24-hour accessible phone contact information to the patrol operations commander for the Yakima County Sherriff's Office. The names of the on-duty points of contact shall be posted on site daily, and their contact information shall be provided to the Yakima County Sherriff's Office.

8. Transitional parking programs are subject to the following additional requirements:

a. Restroom access either within the buildings on the property or through use of portable facilities. Restrooms shall include handwashing stations or facilities in an adequate number as determined by the Town. Restroom and handwashing station access shall be available at all hours of the day and night.

b. Organizations providing transitional parking spaces must continue to abide by the parking requirements so that the provision of transitional parking spaces does not reduce the total number of available parking spaces required for the primary use.

c. Recreational vehicles shall be allowed on a temporary basis less than fourteen 3 consecutive calendar days.

§ 17.35.050. Cluster Development – Condominiums and Cottages:

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A. *In General.* Cluster development may consist of tiny homes, cottage style housing, or other similar co-housing clusters that consist of a mixture of smaller units fixed on a single parcel of development. The purpose of this development type is to have the housing types arranged in clusters of typically (3) to (12) units around a green space. These developments are meant to allow for flexibility and uniqueness in design.

B. *Screening Requirements.* In order to be compatible in character with single-family houses in the R-1 and R-2 zones, boundaries between Cluster Developments and adjacent residential zoned properties shall be screened with landscaping or architectural treatments to reduce the appearance of bulk or intrusion onto adjacent residential properties.

C. *Property Maintenance Association.* A legally established property maintenance association for the maintenance of common open space is required to be created for the purpose of regulating and providing for the use and maintenance of common areas, buildings, and similar shared improvements or features.If the Cluster Development is a condominium, a property owners association is required. If it owned by Covenants reflecting such use and maintenance requirements shall be recorded with the ~~Grant~~~~Yakima~~Yakima County Auditor.

Cluster Housing Developments

Source: Moses Lake Municipal Code

17.35.060 Cluster Development - Cottage Housing

Configuration

Cottage housing may be configured as condominiums or fee-simple lots provided they meet the standards in this title.

Development Standards.

1. Dimensional Standards

a. Maximum floor area: 1,200 square feet.

b. Minimum common space: 400 square feet/unit

c. Minimum private open space: 200 square feet/unit

2. Parking and driveway location and design
   a. Parking shall be located on the same property as the cottage development;
   b. Where lots abut an alley, the garage or off-street parking area is required;
   c. Parking areas shall be located to the side or rear of cottage clusters and not between the street and cottages. Parking is prohibited in the front and interior setback areas;
   d. Sitescreening the parking areas?
   e. Garages may be attached to individual cottages provided all other standards of this chapter are met and the footprint of the ground floor, including garage, does not exceed 1,000 square feet. Such garages shall be located away from the common open spaces;
   f. No more than one driveway per cottage cluster shall be permitted, except where clusters front onto more than one street.

3. Common open space requirements
   a. Open space shall abut at least 50 percent of the cottages in the housing development;
   b. Open space shall have cottages abutting on at least two sides;
   c. Cottages shall be oriented around and have the main entry from the common open space;
   d. Cottages shall be within 60 feet walking distance of the common open space; and
   e. Open space shall include at least one landscaped courtyard, plaza, garden, or other central open space, with access to all units. The minimum dimensions of this open space are 15 feet by 20 feet.

4. Private open space requirements
   a. Private open space shall be required adjacent to each dwelling unit for the exclusive use of the cottage resident(s). The space shall be usable and oriented toward the common open space as much as possible, with no dimension less than ten feet.

5. Character and diversity. Cottages and accessory buildings within a particular cluster shall be designed within the same "family" of architectural styles. Examples of common elements include:
   a. Similar building/roof form and pitch;
   b. Similar siding materials;
   c. Similar porch detailing; and/or
   d. Similar window trim.

17.35.070. Unit Lot Subdivisions.

The purpose of these provisions is to allow for the more flexible creation of lots of varying sizes and types, including for single-family detached, attached housing, cottage housing, and ADUs with more than one dwelling unit on a parent lot, while applying only those site development standards applicable to the parent lot as a whole, rather than to individual lots resulting from the subdivision.

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A. Unit lot subdivisions shall follow the application, review, and approval procedures set forth by the Town of Naches.

B. Development as a whole on the parent lot, rather than individual unit lots, shall comply with all the design and improvement requirements for short plat and plats set forth in Naches municipal code, unless otherwise specified in this section.

C. A lot may be divided into separately owned unit lots and common areas, provided the following standards are met:

1. The lot is located in the following zones:

a. R-1; R-2

2. Each unit lot shall have a dwelling unit;

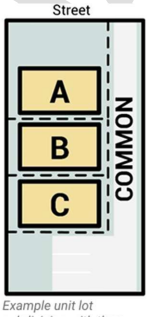
3. Only one unit is located per unit lot, and no dwelling units are stacked;

4. The density of the parent lot does not exceed the maximum net density of the zone, up to 9 units;

5. All buildings meet applicable provisions of the building and fire code.

6. If a common open space outside of an access driveway is proposed,

7. *Property Maintenance Association*. A legally established property maintenance association for the maintenance of common open space is required to be created for the purpose of regulating and providing for the use and maintenance of common areas, buildings, and similar shared improvements or features.If the Cluster Development is a condominium, a property owners association is required. If it owned by Covenants reflecting such use and maintenance requirements shall be recorded with the Yakima County Auditor.



Example unit lot subdivision with three unit lots and a tract held in common.

Diagram Source: City of Seattle

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~~The Town of Naches, under ,The Town~~

17.36 PARKING AND LOADING REQUIREMENTS

17.36.010 Off-street parking.

At the time a new structure is erected, off-street parking spaces shall be provided as set forth in this chapter. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if it would result in less space than is required by this title. When square feet are specified, the area measured shall be the gross floor area of the building but shall exclude any space within a building devoted to off-street parking or loading. When the number of employees is specified, persons counted shall be those working on the premises during the largest shift.

(Ord. 358 § 9 (part), 1987)

17.36.020 Parking standards.

The following minimum parking standards apply to this title:

A. Residential Uses	
1. Single-family dwelling, duplex	2 spaces per dwelling unit
2. Multiple-family housing	1.5 spaces per dwelling unit
3. Manufacture/ Mobilehome park	2 spaces per manufactured/mobilehome site
4. Accessory Dwelling Units	1 space for each ADU on lots smaller than 6,000 square feet before any zero lot line subdivisions or split lots
	2 spaces per unit as a condition of permitting development of accessory dwelling units on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.
5. Co-Living Housing	One parking space per four sleeping units
B. Commercial Residential Uses.	
1. Motel, hotel	1 space per guest room plus 1 additional space for each employee
2. Club, lodge, grange	1 space per 2 persons
C. Commercial Uses.	
1. Retail store, except as provided in the following subsections of this section	1 space per 200 square feet of floor area
2. Mixed use structure	1 space per 200 square feet of floor area
3. Service or repair shop; retail store handling exclusively bulky merchandise such as automobiles and furniture	1 space per 500 square feet of floor area

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4. Bank or office (except medical or dental clinic)	1 space per 400 square feet of floor area plus one space per employee
5. Medical or dental clinic	1 space per 200 square feet plus 1 space per employee
6. Eating or drinking establishment	1 space per 100 square feet, or 1 space per 3 patron seats, whichever is greater, plus 1 space per employee
D. Place of Public Assembly.	
1. Church, auditorium meeting room, theater	1 space per 200 square feet
2. Nursery school, primary school	1 space per classroom plus 3 spaces
3. Junior high	1 space per classroom plus 6 spaces
4. Senior high school	1 space per classroom plus 16 spaces
5. Industrial Uses.	
Storage warehouse manufacturing establishment, rail or truck freight terminal, wholesale establishment	1 space per employee plus 1 space per 700 square feet of patron serving area

~~A. Residential Uses.~~	
~~1. Single-family dwelling, duplex~~	~~2 spaces per dwelling unit~~
~~2. Multiple-family housing~~	~~1.5 spaces per dwelling unit~~
~~3. Mobilehome park~~	~~2 spaces per mobilehome site~~
~~B. Commercial Residential Uses.~~	
~~1. Motel, hotel~~	~~1 space per guest room plus 1 additional space for each employee~~
~~2. Club, lodge, grange~~	~~1 space per 2 persons~~
~~C. Commercial Uses.~~	
~~1. Retail store, except as provided in the following subsections of this section~~	~~1 space per 200 square feet of floor area~~
~~2. Service or repair shop; retail store handling exclusively bulky merchandise such as automobiles and furniture~~	~~1 space per 500 square feet of floor area~~
~~3. Bank or office (except medical or dental clinic)~~	~~1 space per 400 square feet of floor area plus one space per employee~~
~~4. Medical or dental clinic~~	~~1 space per 200 square feet plus 1 space per employee~~
~~5. Eating or drinking establishment~~	~~1 space per 100 square feet, or 1 space per 3 patron seats, whichever is greater, plus 1 space per employee~~
~~D. Place of Public Assembly.~~	
~~1. Church, auditorium meeting room, theater~~	~~1 space per 200 square feet~~
~~2. Nursery school, primary school~~	~~1 space per classroom plus 3 spaces~~

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~~3. Junior high~~	~~1 space per classroom plus 6 spaces~~
~~4. Senior high school~~	~~1 space per classroom plus 16 spaces~~
~~E. Industrial Uses.~~	
~~Storage warehouse manufacturing establishment, rail or truck freight terminal, wholesale establishment~~	~~1 space per employee plus 1 space per 700 square feet of patron serving area~~

(Ord. 358 § 9 (part), 1987)

17.36.030 Off-street loading.

A. A school having a capacity greater than twenty-five (25) students shall have a driveway designed for continuous circulation of passenger vehicles for the purpose of loading and unloading students.

B. Buildings or structures to be built or substantially altered and which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and sized to handle the needs or the particular uses.

C. Loading space that has been provided in connection with an existing use or is added to an existing use shall not be eliminated if it would result in less space than is required to handle the needs of that particular use. Off-street parking space used to fulfill the requirements of this title shall not be used for loading and unloading except during periods of the day when it is not required to meet the parking needs.

(Ord. 358 § 9 (part), 1987)

17.36.040 Additional provisions for off-street parking and loading.

A. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner or occupant. Should the owner or occupant of a lot or building change the use of the lot or building is put to, thereby increasing off-street parking or loading requirements, it shall be in violation of this title to begin or maintain such altered use until such time the increase in off-street parking or loading is made.

B. Requirements for types of buildings and uses not specifically listed in this title shall be determined by the building inspector, based upon the requirements of comparable uses listed.

C. If several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

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D. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the town council in the form of deeds, leases or contracts to establish the joint use.

E. Off-street parking spaces for dwellings shall be located on the same lot as with the dwelling. Other required parking spaces shall be located not further than fifty (50) feet from the building or use they serve.

F. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

G. Oversize vehicles, such as trucks, recreational vehicles, or machinery, shall not park on a street for more than three days.

(Ord. 358 § 9 (part), 1987)

17.36.050 Design requirements for parking lots.

A. Areas used for parking and loading shall have durable surfaces maintained adequately for all weather use.

B. Access aisles shall be wide enough to permit easy turning and maneuvering.

C. Except for single-family dwellings and duplexes, groups of more than four parking spaces shall be served by a driveway so that their use will require no movements or other maneuvering within a street other than an alley.

D. Lighting of a parking area shall not shine or create glare in any residential zone or on any adjacent dwelling.

(Ord. 358 § 9 (part), 1987)

17.36.060 Completion time for parking lots.

Required parking spaces shall be improved and available for use by the time the use served by the parking is ready for occupancy. An extension of time may be granted by the building inspector providing a performance bond, or its equivalent, is posted equal to one hundred ten (110) percent of the cost to complete the improvements as estimated by the building inspector. In the event the improvements are not complete within one year's time, the bond or its equivalent shall be forfeited and the improvements henceforth constructed under the direction of the town.

(Ord. 358 § 9 (part), 1987)

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17.36.070 Clear vision areas.

A clear vision area shall be maintained on the corners of all property at the intersection of two streets or of a street and a railroad for the purpose of traffic safety.

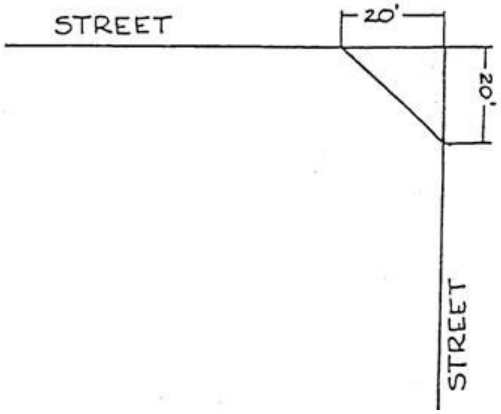
A. A clear vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the curb line for a distance of twenty (20) feet, and the third side diagonally connecting the ends of two lines.

B. A clear vision area shall contain no plantings, fences, walls, structures, or other temporary or permanent obstruction exceeding three feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except for one sign on each corner pertaining to the control of traffic movement. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of eight feet.

C. Maintenance of the clear vision triangle shall be the responsibility of the property owner abutting the clear vision triangle pursuant to the requirements herein.

Diagram 17.36.070

CLEAR VISION TRIANGLE



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17.42 DAY CARE FACILITIES

17.42.010 Family day care home provisions.

Family day care facilities shall:

A Be properly licensed by the State of Washington Department of Social and Health Services, Division of Children and Family Services;

B. Comply with all building, fire, safety, health codes and business licensing requirements;

C. Conform to lot size, building size, setbacks, and lot coverage standards applicable to the zoning district except if the structure is a legal nonconforming structure;

D. Be certified by the Washington State Office of Child Care Policy licensor as providing a safe passenger loading area;

E. Meet signage requirements applicable to the zoning district;

F. Limit hours of operations to facilitate neighborhood compatibility;

G. Apply for and obtain a home occupation permit concurrently with state licensing. The home occupation permit may be administratively approved by the mayor or his/her designee, certifying that all conditions in this section are met;

H. Prior to state licensing, provide proof of written notification to the immediately adjoining property owners, that they have been informed of the intent to locate and maintain such a facility. If a dispute arises between neighbors and family day care provider over licensing requirements, the licensor may provide a forum to resolve the dispute. Written notification to immediately adjoining property owners shall include the following information:

1. Nature of the application;
2. Maximum number of children to be cared for;
3. Maximum number of employees;
4. Days and hours of operation.

(Ord. 522 (part), 1999)

17.42.020 Day care center provisions.

A day care center shall meet all of the requirements contained within Chapter 17.44, Conditional Uses, and Chapter 17.34, Home Occupations.

(Ord. 522 (part), 1999)

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17.44 NONCONFORMING, TEMPORARY AND CONDITIONAL USES AND VARIANCES

17.44.010 Nonconforming uses.

A. Intent. The intent of this section is to permit pre-existing uses and structures which do not conform to the use or dimension standards of this title to continue under conditions specified herein. Alteration or expansion of these nonconforming uses and structures, thereby creating potentially adverse effects in the immediate neighborhood or in the town, are not permitted except as outlined in the following subsections.

B. Continuation of a Nonconforming Use or Structure.

1. A nonconforming use or structure may be continued and shall be maintained in reasonable repair but shall not be altered or expanded.
2. An exception may be granted to allow extension of a portion of a structure that was provided prior to the time the ordinance codified in this title was adopted.

C. Discontinuation of a Nonconforming Use.

1. If a nonconforming use involving a structure is discontinued from use for a period of one year, further use of the structure shall conform to this title.
2. f a nonconforming use not involving a structure is discontinued for a period of six months, continuation of the use shall conform to this title.

D. Change of a Nonconforming Use. A nonconforming use may be changed to another nonconforming use only if it can be shown to the town council that the new use would have less of an impact than the original nonconforming use.

E. Destruction of a Nonconforming Use or Structure. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding sixty (60) percent of fair market value as indicated by the records of the county assessor, a future structure or use on the site shall be in accordance with the provisions of the zone in which the property is located.

F. Completion of a Structure. Nothing in this title shall require any changes in the plans, construction, alteration or designation use of a structure for which a building permit has been issued and construction has commenced prior to adoption of the ordinance codified in this title, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within one year from the time the permit is issued.

G. Repairs and Maintenance. Any building housing a nonconforming use may be maintained or restored to conform with the standards of the building code, including

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repair or replacement of fixtures, wiring, plumbing, provided the floor area of the building is not increased.

(Ord. 358 § 11, 1987)

17.44.020 Conditional uses.

A. Purpose. The purpose of this section is to provide standards and procedures so that uses which are classified as conditional uses can be allowed in a particular zone in a manner so that the best interests of surrounding property, the neighborhood, and the town are protected.

B. Authorization to Grant or Deny a Conditional Use. Conditional uses listed in this title may be permitted, altered or enlarged by the authority of the town council in accordance with the standards and procedures set forth in this section.

1. In taking action on a conditional use permit application, the town council may either approve, disapprove, or approve with conditions, the application. Such conditions are outlined in Section 17.44.040.

2. Actions by the planning commission and the town council regarding the proposed use must be based on reasons relating to the appropriate development and best interests of the surrounding property, neighborhood, and the town considering such items as the bulk, coverage or density of the proposed use, the availability of public facilities and utilities, and generation of traffic, or other similar matters.

C. Application for a Conditional Use Permit.

1. A property owner may initiate a request for a conditional use permit by filing an application with the town clerk using forms prescribed pursuant to Section 17.08.040.

2. Before the planning commission may act on a conditional use application, a public hearing shall be held in accordance with the provisions of Section 17.08.030.

D. Building Permits for an Approved Conditional Use. Building permits for a conditional use shall be issued only on the basis of the plan for the conditional use as approved by the town council. Any proposed change in the approved plan shall be submitted to the planning commission for a conditional use.

E. Time Limit on an Approved Conditional Use Application. Authorization of a conditional use shall be void one year after the date of approval of a conditional use application, unless a building permit has been issued and substantial construction has been initiated in a substantial manner. Upon written request, the town council may extend authorization for additional period not to exceed one year.

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F. Termination of a Conditional Use. A conditional use may be revoked or modified by the town council, after a public hearing, on any one or more of the following grounds:

1. Approval of the conditional use was obtained by fraud or misrepresentation;
2. The use for which approval was granted was changed;
3. The use is in violation of any provision of this title or any other applicable statute, ordinance or regulation;
4. The use does not meet the conditions specifically established for it at the time of approval of the application.

G. Limitation.

1. No request for a conditional use shall be considered by the planning commission within the one-year period immediately following a denial of such request, except the planning commission may consent to a new hearing if, in their opinion, new evidence of a change of circumstances warrants it.
2. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, a change in use or in lot area or an alteration or enlargement of a structure shall conform with the requirement for a conditional use.

(Ord. 620 § 12, 2006; Ord. 468 (part), 1998; Ord. 358 § 12, 1987)

17.44.030 Variances.

A. Authorization to Grant or Deny Variances. The town council may authorize variances from the requirements of this title where it can be shown that owing to special and unusual circumstances related to a specific piece of property, the literal interpretation or strict application of this title would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the town council may attach conditions outlined in Section 17.44.040 which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this title.

B. Circumstances for Granting a Variance. A variance may be granted only in the event that all of the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the applicant has no control;
2. The variance is necessary for the preservation of the same property rights as possessed by owners of other property in the same zone or vicinity;

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3. The authorization of the variance will not be detrimental to the purposes of this title, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of a ~~city~~town plan or policy;

4. The variance requested is the minimum variance which will alleviate the hardship.

C. Application for a Variance.

1. A property owner may initiate a request for a variance by filing an application with the town clerk using forms prescribed pursuant to Section 17.08.040. The application shall be accompanied by a plan, drawn to a suitable scale, showing the condition to be varied and the dimensions and arrangements of the proposed project.

2. Before the planning commission may act on a variance application, a public hearing shall be held in accordance with the provisions of Section 17.08.030.

D. Building Permits for an Approved Variance. Building permits for all or any portion of an application involving an approved variance shall be issued only on the basis of the plan for the variance as approved by the town council. Any proposed change in the approval shall be submitted to the planning commission as a new application for a variance.

E. Time Limit. Authorization of a variance shall be void one year after the date of approval of a variance application, unless a building permit has been issued and substantial construction has been initiated in a substantial manner. Upon written request, the town council may extend authorization for an additional period not to exceed one year.

F. Termination of a Variance. A variance may be revoked or modified by the town council, after a public hearing, on any one or more of the following grounds:

1. Approval of the variance was obtained by fraud or misrepresentation;

2. The use for which approval was granted was changed;

3. The use does not meet the conditions specifically established for it at the time of the approval of the application;

4. The variance is in violation of any of the applicable statutes, ordinances or regulations.

(Ord. 620 § 13, 2006; Ord. 468 (part), 1998; Ord. 358 § 13, 1987)

17.44.040 Conditions for approving a conditional use or variance.

A. Standards and Criteria for Granting a Conditional Use Permit. A conditional use shall only be granted after the ~~city~~town council has reviewed the proposed use to determine if it complies with the standards and criteria listed below. A conditional use shall only be granted if the following such findings are made:

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1. The proposed use in the proposed location will not be detrimental to other uses legally existing or permitted outright in the zoning district;
2. The size of the site is adequate for the proposed use;
3. The traffic generated by the proposed use will not unduly burden the traffic circulation system in the vicinity;
4. The other characteristics of the proposed use are compatible with those of other uses in the neighborhood or vicinity;
5. Adequate buffering devices such as fencing, landscaping, or topographic characteristics protect adjacent properties from adverse effects of the proposed use, including adverse visual and auditory effects;
6. The other uses in the vicinity of the proposed site are such as to permit the proposed use to function properly;
7. That the proposed use complies with other requirements under this title;
8. Any other similar considerations that may be appropriate to a particular case.

B.

Conditions for Approving a Variance. In approving a conditional use or a variance, the town council may impose, in addition to those standards and requirements specified by this title, additional conditions which the town council considers necessary to protect the appropriate development and best interests of the surrounding property, the neighborhood, and the town as a whole. The conditions may include, but are not limited to the following:

1. Increasing the required lot size, lot width, or yard dimensions;
2. Limiting the height, size or location of building or other structure;
3. Controlling the location and number of vehicle access points;
4. Increasing the street width;
5. Increasing the number of required off-street parking or off-street loading spaces;
6. Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
7. Limiting the number, size, location and lighting of signs;
8. Designating sites for open space or outdoor recreation areas;
9. Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor;
10. Providing internal property improvements such as utilities, drainage facilities, streets, curbs, gutters, walkways, parking areas, landscaping, fencing, screening or recreation in areas in order to enhance the area and to protect adjacent or nearby property;

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11. Other conditions necessary to permit the development of the ~~city~~town in conformity with the intent and purpose of this title and the policies of the comprehensive plan.

(Ord. 358 § 14, 1987)

17.44.050 Temporary use permits.

A temporary use permit shall be issued by the building inspector in the following circumstances:

A. An applicant who is in the process of building a conventional dwelling may apply for a temporary permit to locate a mobilehome or travel trailer on the building lot during the course of construction of the dwelling. Such permit shall not be issued until after a building permit for the dwelling has been first obtained;

B. When a temporary structure is used for the housing of equipment or used as offices in connection with construction projects;

C. An applicant whose health necessitates continual care may apply to locate a mobilehome adjacent to the resident of one who is able to provide such care;*

D. A permit issued under this section shall be issued for a period not to exceed one year unless extended by the authority of the building inspector for no more than one additional year;

E. Mobilehomes used for temporary uses must have an approval on sewage disposal systems, water supply and electrical connection by the building inspector.

(Ord. 620 § 14, 2006; Ord. 468 (part), 1998; Ord. 358 § 15, 1987)

* **Editor's Note:** Per action of the town council 9-11-89, water and sewer charges for a mobilehome temporary permit for placement on a lot next to the home of a caregiver shall be:

A. If water or sewer is hooked to existing private lines, the hook-up fee shall be one-half the regular rate for water or sewer hookups. Each unit will be charged the basic monthly fee plus one-half of the overage on water;

B. If hooked to main system, the fee for hook-ups and meter will be the same as for a regular individual residential hook-up.

17.44.060 Prohibited uses.

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A. General. Uses that are deemed illegal under local, state, or federal law are prohibited and not permitted within any zoning district within the town.

B. Marijuana-Related Businesses. Marijuana-related businesses, both medical and recreational, such as marijuana cultivation, production, processing, and retail sale and retail outlets for the sale of cannabis/marijuana as may be allowed by RCW Chapter 69.50, as now existing or hereafter amended, are expressly prohibited and not permitted within any zoning district within the town.

(Ord. No. 711, § 2, 8-8-2016)

17.50 PLANNED UNIT DEVELOPMENTS

17.50.010 Purpose.

The purpose of the Planned Unit Development (P.U.D) option is to provide a degree of flexibility and encourage additional design creativity that may not be available under conventional standards and development approaches, provided it complies with the goals and policies of the Town of Naches Comprehensive Plan. The P.U.D. is intended to:

A. Promote efficient use of land;

B. Promote efficient and cost effective extension of public infrastructure;

C. Promote a more efficient street and utility system by clustering units in order to create and encourage affordable housing, land development and maintenance costs and reduce the amount of impervious surface on the site;

D. Encourage innovative approaches to pedestrian and vehicular circulation within the P.U.D. which are interconnected to circulation systems surrounding the subject site;

E. Allow flexible, creative and innovative design for difficult sites which preserves existing natural characteristics of a site such as trees, watercourses, wetlands, topography, geologic features, aesthetics, historical and cultural resources and scenic qualities beyond the requirements of the code;

F. Allow for a variety of residential product types and densities;

G. Promote the development of affordable housing to meet the needs of a wide range of income and age groups;

H. Allow for a compatible and complementary mix of residential and small-scale compatible nonresidential land uses;

I. Provide appropriate onsite amenities not typically provided in conventional development;

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J. Allow the clustering of structures to preserve environmentally sensitive areas or to create open spaces for the recreational and aesthetic enjoyment of residents;

K. Ensure a design which is compatible with the value, character, and integrity of surrounding areas that have been or are being developed under the Town of Naches Comprehensive Plan; and

L. Ensure that minimum development standards are not reduced or modified beyond a point which is inconsistent with the purpose of this title and the intent and purpose of the standard.

(Ord. No. 648, § 1(Exh. A), 7-13-2009)

17.50.011 Applicability.

A. A planned unit development (P.U.D.) may only be located in the Residential Zoning Districts.

B. Uses permitted in the P.U.D. shall be governed by the use regulations of the underlying zoning classification of the subject site, or as otherwise approved.

C. This chapter shall not be applied to single-family residential lots incapable of further subdivision due to lot size or as a means to avoid other standards or procedures more appropriately reviewed as a variance under Chapter 17.44.

D. Accessory incidental retail may be specifically and selectively authorized in a residential P.U.D. Permitted accessory uses, however, shall be scaled to meet only the needs of the inhabitants of the project, unless otherwise approved.

E. The minimum project size for a P.U.D. is one-half (½) acre.

F. To ensure complete compliance with town approval, planned unit developments shall be completed in a single phase, unless otherwise permitted by the planning commission or town council.

(Ord. No. 648, § 1(Exh. A), 7-13-2009)

17.50.015 Application requirements.

Planned unit developments require conditional use permit authorization as specified in Chapter 17.44. Applications are processed according to the procedures described in Chapter 17.44. The application process shall specifically include the following steps:

A. A pre-submittal meeting with the town administrator will be held first, and secondly, with the planning commission for informal review. The pre-submittal meetings are required for all P.U.D. proposals. The applicant shall then prepare concept level plans to be further reviewed by the town

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administrator and planning commission for conformance to the standards and purpose of this chapter, as provided for in subsection C (below).

B. The applicant is encouraged to share concept plans with adjacent property owners, neighborhood representatives, and other stakeholders to solicit their comments and suggestions. Only after the town administrator and planning commission review of concept level plans at separate pre-submittal meetings, and the offering of such plans for public review, shall the town accept a detailed application. The neighborhood public review is not mandatory, but is recommended for all proposed P.U.D. projects. P.U.D. applications are otherwise subject to the provisions of Chapter 17.08.030, Notice of Application/Public Hearings.

C. Each application shall comply with the minimum submittal requirements for site plan review set forth in Chapter 17.08040. Applications for developments involving subdivision shall also comply with the corresponding minimum submittal requirements set forth in Title 16.12. In addition to the minimum submittal requirements specified above, the application shall also contain; elevations of proposed buildings; proposed development standards including but not limited to land use, density, setbacks, site coverage, street and sidewalk design, building heights and plans for development of common land and amenity areas.

(Ord. No. 648, § 1(Exh. A), 7-13-2009)

17.50.020 Types of planned unit development.

Planned unit development subdivision (P.U.D.) applies to the following types of land development:

A P.U.D.s which include only the sale or lease of lots with streets and common land for residential use. This type of development is administered as a "subdivision" in conformance with Chapter 16; or

B. P.U.D.s which include only the sale or lease of condominiums. This type of development is administered as a "binding site plan" subdivision as provided under Chapter 16.24.

(Ord. No. 648, § 1(Exh. A), 7-13-2009)

17.50.025 Minimum area for a planned unit development.

There shall be a minimum gross area for a planned unit development subdivision of at least one-half (½) acre for the parent parcel(s).

(Ord. No. 648, § 1(Exh. A), 7-13-2009)

17.50.030 Components of a planned unit development.

A. Common Land. All residential P.U.D.s shall contain a minimum of five percent of gross acreage as common land for the shared use of residents in the development. This common land shall be shown on the development plan and permanently dedicated to the common use. The common land shall consist of a single area of land, not separate dispersed pieces, of common land throughout the Planned Unit Development. In lieu of the minimum five percent common land requirement, the developer may make a one-time cash contribution to the Town of Naches for recreational purposes. The amount of the cash contribution is up to five percent of assessed value on all individual lots within subdivisions or five percent of the total project cost in the case of condominiums. The exact percentage cost will be recommended by the planning commission and approved by the town council. No private or individual use or right shall be assigned or permitted on common land.

B. Property Owner's Association. P.U.D.s must include a property owner's association which is an incorporated, nonprofit corporation, to operate under recorded land agreements through which: (a) each property owner in the P.U.D. is a member, and (b) each property is subject to a charge, as determined in the property owner's association, of the expenses for the organization's activities and maintenance of common land.

C. Common Land Improvements. Common land improvements which may be required to accomplish the P.U.D. concept may include such facilities as walkways, bicycle paths, tennis courts, golfing, play-apparatus for children, recreation hall, etc. for the benefit of the residents within the P.U.D. The common land improvements may be used by the public (outside residents) if approved by town planning commission or town council. Common land may also be used to preserve and protect natural environmental features of a site such as streams, wetlands, riparian habitat or other natural, cultural or topographical features.

(Ord. No. 648, § 1(Exh. A), 7-13-2009)

17.50.040 Residential density and density bonus.

A. Net Developable Area Calculation. The net developable area of a P.U.D. shall be the gross area of the subject property, less the area of streets, right-of-ways and access easements.

B. Base Density. The development density of a parcel determined by dividing the net developable area by the minimum lot size of the applicable zone.

C. Density Bonus. A density bonus of up to twenty-five (25%) percent of the base density (development density allowed by the minimum lot size required by the applicable zone) may be allowed if:

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1. The developer makes substantive improvements to the common land including but not limited to: facilities for active and passive recreation or community service facilities appropriate for the residents of the development, restoration of the natural environment in accordance with an approved restoration plan, or installation of extensive landscaping; or
2. The developer provides common land in excess of fifteen (15%) percent in order to protect natural environments or cultural features. The additional common land must represent at least five percent of the gross acreage in order to be eligible for the density bonus.

D. Dimensional Standards. Dimensional standards and street standards may vary in order to achieve clustering and common land design objectives. Such variations shall be justified based on consistency with the goals and policies of the Town of Naches Comprehensive Plan and the purpose and intent of this chapter. Variations shall be documented and become the applicable standards for the project.

(Ord. No. 648, § 1(Exh. A), 7-13-2009)

17.50.050 Appeals.

Appeals of the planning commission recommendation will be considered by the town council at the closed record hearing. Closed record appeals will be considered by the Superior Court of Yakima, Washington, or as otherwise allowed by law.

(Ord. No. 648, § 1(Exh. A), 7-13-2009)

17.52 LATECOMERS AGREEMENTS

17.52.010 Purpose.

The purpose of the latecomers agreements code sections is to establish a uniform methodology and process for the administration of latecomers agreements for developers in circumstances where a developer uses private funds to construct a public utility and/or street system improvement(s) and desires to be compensated by property owners who will be benefited by the improvements. The ordinance [this chapter] is intended to establish a methodology to the agreements which are authorized under Revised Code of Washington 35.72 and Revised Code of Washington 35.91.

(Ord. No. 674, 6-11-2012)

17.52.020 Definitions.

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A. "Adjacent" means abutting on public roads, streets, right-of-way or easements in which street system improvements are installed or directly connecting to street system improvements through an interest in real property such as an easement or license.

B. "Assessment" means an equitable pro-rata charge to be paid by an owner of property within the assessment reimbursement area for the cost of private construction of public street and/or utility improvements made pursuant to a public facilities agreement.

C. "Assessment reimbursement area" means that area which includes all parcels of real property adjacent to street system improvements or likely to require connection to or service by utility system improvements constructed by a developer.

D. "Construction interest" mans the sum of money to be added to the direct construction cost and reimbursed to the developer for the use of developer's monies during the construction term. The interest rate shall be one percent above the Federal Reserve Bank prime loan rate published most recently before the date of the latecomers agreement. Interest accrual begins on the date of execution of the latecomers agreement and will continue throughout the construction term. Construction interest shall be computed utilizing the two-third rule; i.e., direct cost of construction x construction interest rate divided by 365 × the construction term expressed in days × 0.67 = construction interest.

E. "Construction term" means the period of time between the date of execution of the latecomers agreement and the date of acceptance of the project by the town, or the construction completion date as set forth in the latecomers agreements, whichever occurs first.

F. "Cost of construction" is the sum of the direct construction costs incurred to construct the street and/or utility systems improvements plus indirect costs which are limited to the town's latecomers administrative fee, and developer administrative costs provided herein. "Direct construction costs" include but are not limited to all related design services, engineering, surveying, legal services, bonding costs, environment mitigation, relocation and/or new construction of private utilities as required by the town, (i.e., power, telephone, cable and gas), relocation and/or installation of street lights, relocation and/or signage, acquisition of right-of-way and/or easements, government agency fees, testing services, inspection, plan review and approved labor, materials, equipment rental, and contractor and/or subcontractor fees or charges.

G. "Developer" is the individual or entity that contracts with the town for the construction of street and/or utility system improvements, where such improvements are a requirement for development of real property owned by such entity or individual.

H. "Developer administrative costs" means all indirect costs incurred by the developer in the creation and execution of a latecomers agreement and managing the project;

such as office supplies, mailings, clerical services, telephone expenses, accounting expenses, project oversight, and the like. Administrative costs shall not exceed three percent of all direct construction costs.

I. "Latecomers agreement" means a written contract between the town and one or more developers providing reimbursement for cost of construction of street system improvements and/or utility system improvements to the developer by owners of property who are likely to utilize the improvements and who did not contribute to the original cost of construction.

J. "Direct connection" means a service connection, to be owned and maintained by the property owner and not the town, from existing or new utility improvements including, but not limited to, the following:

1. Water system direct connections are single and dual water service taps;
2. Sewer system direct connections include side sewer (service) connections;
3 Storm sewer system direct connections are hereby defined as, but not limited to, tight line, down spout, and roof leader service connection to storm sewer mains for the conveyance of site specific storm sewer (if required).

K. "Street system improvements" mean public street and alley improvements made in existing or subsequently dedicated or granted rights-of-way or easements and any improvements associated therewith including but not limited to such things as acquisition of right-of-way and/or easements, design, engineering, surveying, inspection, grading, paving, installation of curbs, gutters, pedestrian facilities, street lighting, bike lanes, and traffic control devices, relocation and/or construction of private utilities as required by the town, (i.e., power, telephone, cable and gas), relocation and/or construction of street lights, traffic control devices, signage and other similar improvements.

L. "Utility system improvements" mean public water, sewer and public or private storm drainage system improvements including but not limited to the acquisition of right-of-way and/or easements, design, engineering, surveying, inspection, testing connection fees, and installation of improvements as required by the town, and includes, but is not limited to, the following:

1. Water system improvements including but not limited to such things as treatment facilities, reservoirs, wells, mains, valves, fire hydrants, telemetry systems, pumping stations, and pressure reducing stations;
2. Sewer system improvements including but not limited to such things as treatment plants, gravity mains, lift stations, force mains, and telemetry systems; or
3. Storm sewer system improvements including but not limited to such things as water quality structures and systems, detention and retention facilities, and stormwater collection and conveyance facilities.

DRAFT

(Ord. No. 674, 6-11-2012)

17.52.030 Applicability.

This chapter is intended to apply to any developer or property owner utilizing private funds to conduct street system improvements or utility system improvements may apply to the town to establish a latecomers agreement for recovery of a pro-rata share of the cost of such improvements from other parties or landowners that subsequently develop their property that will later derive a benefit from said improvements.

(Ord. No. 674, 6-11-2012)

17.52.040 Application for latecomer agreement.

A. Any developer using private funds to construct street system improvements and/or utility system improvements in the town or within the town's utility service area, may apply to the town for a latecomers agreement in order to recover a pro-rata share of the costs of construction from other property owners that will later derive a benefit from the street and/or utility system improvements made by the developer.

B. The application for a latecomers agreement shall be made within thirty (30) days after the date street and /or utility improvements have been accepted by the town or thirty (30) days after this chapter takes effect. Acceptance by the town shall mean, for purposes of this section, the date the public facilities are conveyed to the town by a deed of conveyance or other equivalent written document. Application shall be made on forms prepared by the town and shall be accompanied by the town's fee established by this chapter. The application shall contain the following information which shall be approved by a state of Washington licensed engineer:

1. A legal description of the developer's property.
2. A legal description of the properties within the developer's proposed assessment reimbursement area together with the name and address of the owners of each property as shown in the records of the Auditors' Office of Yakima County.
3. Vicinity map of the developer's property.
4. The developer's proposed assessment reimbursement area, including the proposed assessment for each separate parcel of property within the proposed assessment reimbursement area as determined by apportioning the total project cost on the basis of the benefit of the project to each such parcel of property within said area, and general location of the street and/or utility system improvements.
5. Itemized costs of the street or utility project, including but not limited to design, grading, paving, installing of curb, gutters, storm drainage, sidewalks,

DRAFT

street lights, engineering, construction, water lines, sewer lines, disposal plants, pumping stations, hydrants, reservoirs, property acquisition, costs of preparing the latecomers agreement, and contract administration, all of which shall approved by a State of Washington licensed engineer for the cost of construction.

6. Copies of executed deeds and/or easements in which the applicant is the grantee for all properties necessary for the installation of such street or utility project providing evidence of permission from property owners to conduct such activities on their properties.

C. Within thirty (30) days of the town administrator receiving the application for a latecomers agreements, the town administrator will provide the applicant written notice of whether the application is complete and, if incomplete, what must be done for the application to be considered complete. The applicant will have no more than thirty (30) days from the date of the written notice to respond and provide the information required to complete the application or, if the applicant cannot submit the required information within the thirty-day period, the applicant shall provide the town a written explanation of why they cannot provide the information within the designated time period and a date that the requested information will be submitted. In its discretion, the town administrator may grant the applicant an extension of not more than sixty (60) days to submit the required information. If the applicant fails to meet the foregoing time frame, the town administrator may, in his or her discretion, reject the application as untimely.

D. The town administrator shall establish policies and procedures for processing application and complying with the requirements for this chapter.

(Ord. No. 674, 6-11-2012)

17.52.050 Preliminary determinations.

The town administrator shall formulate a preliminary assessment reimbursement area and preliminary assessment for real property benefited by the street and/or utility system improvements based on the following and provide the same to the developer:

A. The likelihood that the benefited property will be developed within fifteen (15) years from the date of the recording of the latecomer agreement.

B. The likelihood that at the time of development of the benefited property such property will not be required to install similar street and/or utility improvements because they were already installed by the developer.

C. For street system improvements, whether the benefited parcels are adjacent to such street system improvements.

D. For utility system improvements, the likelihood:

DRAFT

1. That such improvements will be tapped into or used (including not only direct connection but also connection to laterals or branches connecting thereto) by properties within the assessment reimbursement area and that such improvements do not constitute mainline extensions to be owned and maintained by the town, as such extension are not defined as direct connections; and/or
2. That such properties will receive a special benefit from the utility system improvements such as, but not limited to pump stations, sewer lift stations, and additional utility pipe depth to accommodate future utility expansion.

E. An equitable allocation of the cost of construction among the properties within the assessment reimbursement area, so that each pays for benefits attributable to those improvements. The method or methods used to calculate the allocation of the assessment may be either by front footage, number of units, square footage or may be the zone and termini method or other recognized methods reasonably calculated to equitably allocate the assessment.

(Ord. No. 674, 6-11-2012)

17.52.060 Preliminary determination notice.

A. The preliminary assessment reimbursement area and the preliminary assessment formulated by the town administrator shall be sent by certified mail to the property owners of record within the preliminary assessment reimbursement area in accordance with RCW 35.72.

B. The applicant or any property owner with the preliminary assessment reimbursement area may, in writing within twenty (20) days of mailing the notice, request a hearing to be held before the Naches Planning Commission to contest the preliminary assessment reimbursement area and preliminary assessment. Notice of such hearing shall be given to all property owners within the preliminary assessment reimbursement area and the hearing before the planning commission shall be conducted as soon is reasonably practical. After the hearing, the planning commission shall develop a report with findings of fact, conclusions of law and recommendations to the town council regarding the assessment reimbursement area and the assessment for each property within the assessment reimbursement area. The town council shall consider the record developed before the planning commission and the commission's report. After considering the record, the planning commission's report and public comments thereon at a public meeting, if any, town council may adopt or reject the commission's recommendations in whole or part or it may render its own findings and conclusions. Town council is the final authority to

DRAFT

establish the assessment reimbursement area and the assessment for each property within the assessment reimbursement area. The town council's determination of the assessment reimbursement area and the assessment shall be determinative and final.

C. In the event no written request for a hearing is received as required, the determination of the town administrator shall be final.

(Ord. No. 674, 6-11-2012)

17.52.070 Developer reimbursement agreement.

Based upon the preliminary assessment reimbursement area and the preliminary assessment, if no hearing is requested, or based upon the town council's determination of the assessment reimbursement area and assessment if a hearing is requested, the town administrator shall prepare and give to the applicant a latecomers agreement.

(Ord. No. 674, 6-11-2012)

17.52.080 Recording, effective date, payment of assessment and lien for non-payment.

A. The latecomers agreement shall be recorded by the town with the Yakima County Auditor within thirty (30) days of its final execution. If it is so filed and recorded, it shall be binding on owners of record within the assessment area who are not a party to the latecomers agreement. All property described and recorded with the latecomers agreement shall be subject to the assessment after it has been approved by the town and the latecomers agreement has been recorded in the Yakima County Auditor's Office.

B. The town shall not issue a building permit or similar development permit or other land use approval nor grant permission to use water or sewer service unless the town has received full payment of the assessment, including interest, applicable to the property connecting to or using the street and/or utility systems improvements constructed by developer; provided, if the latecomers agreement's validity is challenged, the town reserves the right to issue a permit, approval or permission without liability or prejudice to the town, and without prejudicing the developer's rights or remedies under this chapter or otherwise at law or in equity.

C. If improvements are made to a property adjacent to a street improvement or if a property connects to a utility system improvement without payment of an assessment otherwise due, the amount of such assessment shall be a binding obligation upon the owner of record, and successors in ownership, of the affected property.

D. If a property owner fails to pay the assessment due and owing within one hundred eighty (180) days of notice of such payment, the developer may foreclose against the

DRAFT

property in the same manner as a mortgage, and recover reasonable costs and attorney fees ordered by the court.

(Ord. No. 674, 6-11-2012)

17.52.090 Term of latecomers agreements.

Each latecomers agreement shall be valid for a period not to exceed fifteen (15) years from the date of its recording. The latecomers agreement may provide for an extension of the fifteen-year period for a time not to exceed the duration of any moratorium, phasing ordinance, concurrency designation, or other governmental action that prevents making applications for, or the approval of, any new development within the benefit area for a period of six months or more. Any extension must specify the duration of the contract extension and must be filed with the Yakima County Auditor. Property owners affected by the reimbursement agreement shall be notified of the extension.

(Ord. No. 674, 6-11-2012)

17.52.100 Removal of unauthorized connections or taps.

Whenever any tap or connection is made into any utility improvement without payment of the assessment required by this chapter, the town administrator is authorized to remove and disconnect, or cause to be removed and disconnected, such unauthorized tap or connection including all connecting tile or pipe located in the right-of-way, and to dispose of such unauthorized material without liability. The owner of the property where the unauthorized connection is located shall be liable for all costs and expenses of any type incurred to remove, disconnect, and dispose of the unauthorized tap or connection.

(Ord. No. 674, 6-11-2012)

17.52.110 Interest on assessment.

Each assessment established in the latecomers agreement shall bear interest from the date of recording of the latecomers agreement at an interest rate fixed at the Federal Reserve Rate for a two-year treasury note as determined on the date of recording of the latecomers agreement.

(Ord. No. 674, 6-11-2012)

17.52.120 Town administrative fees.

A.

The town shall charge a base fee of three hundred dollars ($300.00) plus one percent of the cost of construction for processing latecomers agreements for utility

DRAFT

system improvements, and four hundred fifty dollars ($450.00) plus one percent of the cost of construction for street system improvements.

B. In addition to the costs outlined in subsection A of this section, for every separate parcel of property within the applicant's proposed assessment reimbursement area, an additional one hundred fifty dollars ($150.00) shall be added to the base fee established pursuant to the above schedule.

C. The town latecomer base fee shall be paid upon application for a developer reimbursement agreement with all remaining fees paid prior to the mailing the preliminary determination notice under NMC 17.52.060.

(Ord. No. 674, 6-11-2012)

17.52.130 Payment of developer reimbursement charges.

Each assessment shall be due in its entirety upon connection to or use of a street and/or utility system improvement by a property subject to an assessment, and shall be paid to the town in one lump sum including interest until date of payment. Any necessary reimbursements to the developer shall be made within sixty (60) days of receipt of full payment of the assessment.

When the assessment for any property has been paid in full, the town administrator shall record a release indicating that such property is no longer subject to the latecomers agreement.

(Ord. No. 674, 6-11-2012)

17.52.140 Enforcement of latecomer obligations.

A. In processing and imposing obligation in this chapter for reimbursement of developers, the town in no way guarantees payment of assessments, or enforceability of the latecomers agreements, or the amount(s) thereof against such persons or property. Nor will the offices or finances of the town be used for enforcement or collection of latecomer obligation beyond those duties specifically undertaken by the town herein. It shall be the obligations of a developer to take whatever authorized means are available to enforce payment of latecomer assessments; and, developers are hereby authorized to take such actions. The town shall not be responsible for locating any beneficiary or survivor entitled to any benefits by or through a latecomers agreement.

B. Any funds collected under this chapter that are unclaimed by developers after three years from the expiration of the latecomers agreements shall be returned to the parties making payment to the town, if they may be reasonably found and minus any

DRAFT

reasonable administrative processing costs. Any undeliverable funds shall be placed into the town's general fund and any rights of any interested parties shall be forfeited.

(Ord. No. 674, 6-11-2012)

17.52.150 Rights and non-liability of the town.

The town reserves the right to refuse to enter into any latecomers agreements or to reject any application therefore. All applications for a latecomers agreement shall be made on the basis that the applicant releases and waives any claims for any liability of the town in establishment or enforcement of latecomer agreements. The town shall not be responsible for locating any beneficiary or surviving beneficiary entitled to benefits by or through the latecomers agreements. Each agreement shall include a provision that every two years a property owner entitled to reimbursements shall provide the town with contact information.

(Ord. No. 674, 6-11-2012)

17.54 SHORT-TERM RENTALS

17.54.010 Purpose.

The purpose of this chapter is to prevent unreasonable burdens on the services and impacts on the health, safety, and welfare of the general public and residential neighborhoods posed by short-term rental homes and to preserve affordable long-term housing stock. Maintenance of existing residential neighborhoods is essential to a continued sense of community and economic strength. It is the intent of this chapter to minimize the impact of short-term rentals on adjacent residences, and to minimize the impact of the commercial character of short-term rentals.

(Ord. No. 786, § 1(Exh. A), 10-9-2023)

17.54.020 Definitions.

"Adjacent properties" means any property contiguous to a property on which a short-term rental unit is located.

"Apartment building" means a standalone building with five or more residential units that share common walls.

"Host" means any owner of record of residential real property, or agent or lessee thereof, who offers that dwelling unit, or portion thereof, for short-term rental either through a hosting platform or individually. All accessory dwelling units shall be considered hosted if the owner resides on the property.

DRAFT

"Hosted short-term rental" means a short-term rental where the host remains in the dwelling unit throughout the short-term renter's stay. A host may rent out a private portion of a residential dwelling unit; however, the rental of an entire dwelling unit may not be classified as a "hosted short-term rental."

"Hosting platform" means a marketplace, in whatever form or format, which facilitates short-term rentals through advertising, matchmaking or any other means, using any medium of facilitation, and from which the operator of the hosting platform derives revenue from providing or maintaining the marketplace and including booking fees or advertising revenue.

"Local contact person" means the person designated by the owner or host who shall be available twenty-four (24) hours per day, seven days per week for the purpose of: (1) Responding within sixty (60) minutes to the property code violations and/or complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and (2) taking remedial action to resolve such violations and/or complaints.

"Short-term rental" means the rental of any room or rooms, or portions thereof, in any residential dwelling unit for residing, sleeping or lodging purposes for no more than twenty-nine (29) consecutive calendar days. Portions of days shall be counted as full calendar days.

"Short-term renter" means a person who occupies, or is entitled to occupy a short-term rental, by reason of fee, concession, permit, right of access, license or other agreement for a period of no more than twenty-nine (29) consecutive calendar days. Portions of days shall be counted as full calendar days.

(Ord. No. 786, § 1(Exh. A), 10-9-2023)

17.54.030 Permits, licensing, and taxes.

A. Permit.

1. Short-Term Rental/Permit Required. It shall be unlawful for any host to rent a short-term rental without first applying for and obtaining a conditional use permit from the [town]. Applications for short-term rental permits shall be submitted on a form provided by the [town]. Applications shall include all information required on the form and shall be accompanied by the appropriate permit fee,
2. Permit Fee. The initial permit fee and renewal permit fee shall be established by resolution of ~~city~~town council, as may be amended from time to time, and payable annually in advance. Fees for applications received at any time during the calendar year shall not be prorated
3. Separate Permits Required. A separate short-term rental permit is required for each short-term rental, regardless of ownership.

DRAFT

4. Limited Permits by Owner. A single host shall be limited to owning and operating a maximum of three short-term rentals.

5. Term of Permit. A short-term rental permit shall be on a calendar-year basis. Approved permits shall be personal to the host, are not assignable or transferable and shall automatically expire upon sale or transfer of the property on which the short-term rental is located.

6. Annual Renewal. A short-term rental permit compliant with this chapter shall be renewed annually upon payment of permit renewal fees as established by resolution of the [town] council and remittance of all required taxes associated with the short-term rental. The host shall also submit such information as may be required to enable the mayor or their designee to verify the amount of tax paid. Failure to submit a short-term rental renewal application prior to December 15 of each calendar year will result in expiration of the permit and a new permit, including fees, must be applied for.

B. Business License Required. A ~~city~~town of Naches business license is required for all short-term rentals. A business license shall be obtained pursuant to Chapter 17.34 as established or hereafter amended.

C. Insurance Required. The applicant shall maintain on file at ~~city~~town hall a current certificate of insurance documenting that the premises are insured as a short-term rental, or as appropriate for the proposed use.

D. Display of Information. Each short-term rental unit shall have a clearly visible notice posted within the unit that includes the following, current information:

1. Contact information for the host and local contact person;
2. The [town] short-term rental permit number;
3. Contact information for emergencies including police and fire services;
4. Identification of emergency escape routes and location of fire extinguishers;
5. Location of emergency shut-offs and any other emergency information;
6. The maximum number of people in terms of permitted sleeping occupancy;
7. The maximum number of persons permitted in the unit at any one time;
8. The location for parking vehicles and the maximum number of parked vehicles permitted for the unit;
9. Alternative parking locations for extra vehicles, trailers, and campers;
10. Requirements, if allowed, for smoking;
11. Methods and timing of trash disposal;
12. Snow removal instructions;
13. Notice to keep noise to a minimum between ten p.m. and seven a.m.; and
14. Policy regarding pets.

E. Collection of Taxes.

DRAFT

1. RCW Chapter 82.08 allows cities to adopt a "room tax" or lodging tax, which contributes to the Naches lodging tax fund that provides grant funding for tourism-related activities and facilities for and within the [town]. Chapter 3.32 Room Tax, applies to all short-term rentals within the Naches municipal limits. Short-term rentals that do not automatically pay the appropriate room tax through their hosting platform (e.g., Airbnb), shall pay the taxes as set forth by Chapter 3.32.
2. The applicant shall provide all applicable company or business names the short-term rental may be affiliated with in order for the [town] to track and collect applicable taxes, fees, and charges.

(Ord. No. 786, § 1(Exh. A), 10-9-2023)

17.54.040 Building inspection.

The host shall maintain, on file at ~~city~~town hall, a current building inspection checklist documenting that the premises comply with the provisions for transient accommodations in the International Building Code, as adopted by the [town].

Before issuance of a permit, the host shall allow the building inspector to enter the premises for the purpose of completing the building inspection checklist.

(Ord. No. 786, § 1(Exh. A), 10-9-2023)

17.54.050 Short-term rental operating standards.

A. Applicant. Applicants for short-term rental permits must be the owner of the property where the short-term rental will be located or, if an agent or lessee, shall have the written permission of the property owner to use such property as a short-term rental.

B. Local Contact Person. Short-term rentals must have a local contact person who shall be responsible for ensuring compliance with provisions of this code including, but not limited to, immediately addressing emergency situations at the short-term rental premises, reporting lodging tax, maintaining a current business license, maintaining parking areas, removing of snow and ice, and other property maintenance requirements (see local contact person definition in Section 17.54.020.

C. Zoning. Short-term rentals are permitted only within the commercial and residential zones of the [town], provided they conform to the zoning regulations for each zone.

D. Legal Dwelling. Short-term rentals are permitted only within legal conforming and legal nonconforming residential dwelling units. Short-term rentals are not permitted in an apartment building at any time in any zone.

E. Spacing.

DRAFT

1. Commercial. There shall be no spacing limitations to the number of short-term rentals within commercial zones.
2. Residential. Within any residential zone, short-term rentals shall be separated by at least two hundred fifty (250) feet between parcel boundaries, as confirmed by the [town] based upon the Yakima County assessor's mapping portal data.

F. Quiet Hours. Regular quiet hours shall be observed between the hours of ten p.m. and seven a.m. Activities that produce audible noise to neighbors will take place only between the hours of seven a.m. and ten p.m., although any noise complaint may be subject to ~~city~~town police investigation, including excessive noises made by animals during any hour (for example, [Chapter] 8.28).

G. Pets. Should the permitted property allow guests to have pets, all local animal laws must be followed, including, but not limited to the [town] leash law. All animal waste within the [town] right-of-way or neighboring properties shall be promptly picked up. No exotic animals or exotic pets shall be permitted on the short-term rental premises.

H. Nuisance. No short-term rental shall be operated in such a way as to constitute a nuisance as defined by Chapter 8.24.

I. Occupancy.
1. A dwelling unit for which a short-term rental use is approved may alternatively be used as a full-time residence for the owner or lessee. However, during short-term rental tenancies, the building shall not be used for any other purpose (e.g., home occupation or temporary event) without the appropriate additional permit, license, or other written permission of the [town].
2. The maximum number of occupants permitted in a short-term rental shall be established at the time of the initial unit licensing and shall not exceed the number deemed safe by the Naches Fire Department.

J. Parking. A minimum of two designated off-street parking spaces shall be available on the property. Parking spaces shall be located entirely within the boundaries of the rented property, and located upon standard hard parking surfaces such as concrete or compact gravel driveways, and which shall exclude grass and landscaping.

K. Camping. While the determination of whether recreational vehicles (RVs or other campers) will be allowed to park on site will be the responsibility of the host, no camping within ~~city~~town limits is permitted ([Section 12.16.040]). As such, no additional accommodations within RVs, other campers, or tents shall be allowed under this permit.

L. Appearance and Visibility. Except in the commercial zones, the short-term rental use shall not change the residential character of the outside of a dwelling unit, either by the use of colors, materials, signage, lighting; or by the construction of accessory

DRAFT

structures or garages that are visible off site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations, or odors not commonly experienced in residential areas.

M. Garbage Service. Mandatory garbage services are required within the [town] ([Chapter] 8.12). The appropriate level of garbage collection services shall be maintained so there is no overflow of trash on the short-term rental property or adjacent properties. The mayor or their designee shall be authorized to require a larger garbage cart if the short-term rental receives more than two complaints related to garbage overflowing or leaving the property or if the property receives more than two garbage overage charges from the [town's] garbage service provider, at which time the mayor or designee will determine the appropriate cart size and make the adjustments with the [town's] garbage service provider and the host.

N. Special Events. Weddings, corporate events, commercial functions, large parties and other similar events which have the potential to cause traffic, parking, noise, or other impacts to the neighborhood shall first receive a ~~city~~town event approval by the [town] events committee.

(Ord. No. 786, § 1(Exh. A), 10-9-2023)

17.54.060 Application.

A. Applications for short-term rental permits must be made on the applicable form provided by the [town] and should contain the following information:

1. Host's name, mailing address, physical address, phone number;
2. Local contact name, mailing address, physical address, phone number, business license number (if applicable);
3. Business license number, if known;
4. A ~~city~~town business license will be required before the short-term rental license is issued;
5. Physical address of proposed short-term rental;
6. Number of bedrooms and proposed occupancy;
7. Number of off-street parking spaces;
8. Other information as required by the [town].

B. Requirements Not Exclusive. The approval of a short-term rental permit shall not relieve any host of the obligation to comply with all other provisions of this code applicable to the use and occupancy of the property.

C. Records of Compliance. The host shall retain records documenting the compliance with this chapter for a period of three years after each period of short-term rental, including, but not limited to, records showing payment of lodging taxes by a hosting

DRAFT

platform on behalf of a host. Upon reasonable notice, the host shall provide any such documentation to the [town] upon request for the purpose of inspection or audit.

D. Violation and Enforcement.

1. Revocation of Permit. A short-term rental permit may be revoked for any of the following reasons: fraud, misrepresentation or false statement contained in the application for, or in the operation of, the short-term rental, failure to pay lodging tax, failure to maintain a valid ~~city~~town business license, or more than two responses to the same renters and/or guests on the property by the [town] police or other law enforcement agencies for reasons of noise, parking or nuisance or other violations of the [town] ordinance or law related to the property's use as a short-term rental. Any short-term rental which receives a police response more than four times within a twelve-month period for the listed violations may have the short-term rental permit revoked.
2. Violations. Violations of this chapter and any requirements therein may result in the revocation of a short-term rental permit.
3. Enforcement. Violations of this chapter, including operating a short-term rental without a valid permit, may be enforced by any law enforcement officer or code enforcement officer as set forth by state law or ~~city~~town municipal code (Chapter [17.08]).

(Ord. No. 786, § 1(Exh. A), 10-9-2023)

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