

ARTICLE I PREAMBLE

SECTION 1: PREAMBLE

1.01 Purpose

The purposes of this Ordinance shall be to promote the public health, safety, general welfare and interest of the citizens of Coulee Dam, and to implement the Town's Comprehensive Plan by:

1. Establishing and retaining a pattern of land use within the Town reflective of the needs of the residents thereof and considering the existing land uses, structures, and their associated intensities in both residential and commercial areas;
2. Recognizing that the location, river, views, and the associated environmental qualities are valuable assets to the town and its citizens;
3. Achieving public and private land use decisions that are consistent with the goals and policies of the comprehensive plans of the Town;
4. Encouraging the location and use of structures and land for commerce, industry, residences and recreational opportunities where they are most compatible with existing land uses and identified environmental and aesthetic constraints;
5. Providing flexible means to encourage innovative site design and land use patterns responsive to both human and natural environmental needs while maintaining sufficient control to assure compliance with the goals of this Ordinance and the comprehensive plans of the town;
6. Protecting existing land uses and property values from undue adverse impacts of adjacent development;
7. Providing for adequate light, views, open space, air, privacy and fire separation;
8. Insuring efficient use of public investments in community facilities, roads, and improvements;
9. Providing a set of land use regulations to protect the town and its citizens while allowing proper planned growth, giving careful consideration and deliberation in revising the Town's comprehensive land use plan and related comprehensive plans;
10. Providing a clear, orderly, and efficient administrative system for review and approval of proposed projects and developments;

11. Encouraging the development of recreational opportunities and support facilities such as trails, parks, and parking areas.

1.02 Short Title

This Ordinance shall be known and cited as the "Coulee Dam Unified Development Code" hereinafter known as the UDC.

1.03 Authority

This Ordinance is adopted pursuant to the authority of Chapter 35.63 RCW, Chapter 36.70A RCW, Chapter 36.70B RCW, 58.17 RCW and Chapter 197.11 WAC and the Comprehensive Plan of the Town.

1.04 Scope

This Ordinance shall apply to all public and private lands situated within the incorporated limits of the Town, and over which the Town has jurisdiction under the Constitutions and laws of the State of Washington and the United States, and shall set forth minimum standards which are supplemental to the rules and regulations of the Growth Management Act and State Environmental Policy Act and the Town ordinances implementing the same; Town, county, Tribal and state health regulations; building, plumbing, electrical and other codes and regulations; and, subdivision and short subdivision regulations of the Town.

1.05 Interpretation

In interpreting and applying the provisions of this Ordinance, the provisions shall be held to be the minimum requirements adopted for the protection of the health, safety, and welfare of the Town and the citizens thereof.

1. The provisions of this Ordinance shall be liberally construed to further its purposes and in the event controversy as to the meaning of a particular provision of this Ordinance shall arise, such provision shall be construed liberally in favor of the general public interest and the stated purposes of the Ordinance.
2. If the conditions imposed by a provision of this Ordinance are less or more restrictive than, or conflict with, the conditions of any other provision of this Ordinance, or any other law, rule, contract, resolution, or regulation of the state, Tribes or federal government or the counties of Douglas, Grant or Okanogan or the Town of Coulee Dam, then the more restrictive requirement or the higher standard shall govern.

3. Reference in this Ordinance to any existing provisions of law, including Town ordinances or regulations or state, Tribal or federal laws, rules or regulations shall include reference to any amendments to such provision that may occur subsequent to adoption of this Ordinance.

1.06 Scope of Terms

The word "may" as used herein is permissive as indicating a use of discretion in making a decision; the "shall" as used herein is mandatory.

1.07 Review of Provisions

It shall be the responsibility of the Planning Commission to review and update this unified development code every two years. Furthermore, changes and/or additions shall be made whenever it is deemed necessary. Recommendations for changes/additions shall be made by the Planning Commission to the Town Council, which shall hold a public hearing, and shall approve, disapprove or modify the recommendations of the Planning Commission. At their discretion, the Town Council may also remand an issue back to the Planning Commission with specific issues to be reviewed.

1.08 Compliance

A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this Ordinance permits. No lot, area, yard, or off street parking area existing on or after the effective date of adoption of this Ordinance shall be reduced below the minimum requirements of this Ordinance.

ARTICLE II DEFINITIONS

SECTION 2: DEFINITIONS

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future, and plural includes the singular; the word "site" and "building site" have the same meaning; the word "building" includes the word "structure", and the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

1. **Accessory building:** A subordinate building customarily incidental to and located on the same lot occupied by the main or primary structure, including a detached garage.
2. **Accessory dwelling:** An independent dwelling unit that contains separate kitchen facilities, located within an existing single-family residence or within an accessory building or structure that is subordinate to the primary use of the lot.
3. **Accessory use:** A use of a building, structure, or a part of a building or structure which is subordinate and incidental to the primary use of a building, structure, or a part of a building or structure.
4. **Accessory living quarters:** Living quarters within an accessory building or structure for the sole use of the residents or employer occupying the primary building, structure, or a part of a building or structure. Such living quarters are further defined as temporary quarters for guests or employees and shall have no kitchen facilities and are not rented or used as a separate dwelling unit.
5. **Administrative authority:** Those public officials authorized by this ordinance to administer the provisions and employ the procedures set forth in this chapter.
6. **Administrator:** The Town Clerk, or other person designated by the Mayor, as responsible for administering and enforcing the UDC. Also referred to in this code as the Development Administrator and/or Plat Administrator.
7. **Adult family home:** The regular family abode of a person or persons who are providing personal care, room, and board to more than one but not more than twelve adults who are not related by blood or marriage to the person or persons providing the services, not including family members.
8. **Agriculture lands:** Lands that are not already characterized by urban growth and are of long-term significance for the commercial production of horticultural, viticultural, floricultural, dairy, bee, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to excise tax, or livestock.

9. **Alley:** A public right-of-way that affords a secondary means of access to abutting property.
10. **Alteration:** A movement of the components of a structure which changes its height, width or depth, the moving of a structure from one location to another, or the moving of internal partitions which affect more than one-third of the area of the floor being altered.
11. **Amendment:** A change in the wording, context or substance of this Ordinance or the Comprehensive Plan, including any changes to the maps associated herewith.
12. **Annexed property:** New areas or territory added to the Town of Coulee Dam which will revise and expand the existing corporate limits.
13. **Antenna:** The outdoor portion of equipment used for the reception or transmission of data, voice, television or radio waves.
14. **Apartment:** A room or suite of two or more rooms in a multi-family dwelling, having its own kitchen and bathroom facilities.
15. **Apartment house:** See Dwelling, multi-family.
16. **Apartment, walk-up:** An apartment located on the second or third floor of a commercial building.
17. **Application, complete:** The application form, together with all the accompanying documents and exhibits required by this Ordinance or the responsible official, and all appropriate fees having been reviewed and accepted as complete by the appropriate responsible official or his/her designee (including SEPA Checklist and fee therefore as required).
18. **Area, site:** The total area measured on a horizontal plane within the property lines of a building site excluding external streets.
19. **Automobile, boat, trailer, and recreational vehicles sales area:** An open area used for the display, sale or rental of automobiles, boats, or recreational vehicles and where no repairs, other than incidental maintenance, shall be made to said vehicles, recreational vehicles or boats.
20. **Basement:** A story partly underground but having less than half of its clear height above finished grade. A basement shall not be considered in determining the permissible number of stories.

21. **Bed and breakfast:** An owner-occupied single family dwelling in which no more than three (3) bedrooms for guests are rented for money or other consideration to the traveling public. Only one meal, breakfast, may be served to guests only.
22. **Best Available Science:**
23. **Binding site plan:** A drawing to a scale specified by provisions of this code which:
- A. Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open space, and any other matters specified by local regulations;
 - B. Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan;
 - C. Contains provisions making any development be in conformity with the site plan; and,
 - D. Contains specific provisions for enforcement and penalties for nonconformance with the approved site plan.
24. **Buffer:** A space generally running along property lines, but sometimes along areas to be protected, made up of trees, vegetation and/or other natural features which is intended to reduce the impacts of a proposed use. Buffers generally are used to block or reduce noise, glare or other emissions, protect natural features or fish and wildlife habitat, or to maintain privacy.
25. **Building:** Any structure used or intended for supporting or sheltering any use or occupancy.
26. **Building or structure height:** The vertical distance above the average finished grade measured to the highest point of the building or structure.
27. **Building official:** The designated official representing the Town of Coulee Dam who is charged with the responsibility to ensure that all structures are designed and built per officially adopted state and federal building standards and the provisions of this Ordinance, as well as tribal standards when appropriate and applicable.
28. **Building line, front:** The line running parallel to the front lot or property line separated by the setback distance specified by this Ordinance.
29. **Building line, rear:** The line running parallel to the rear lot or property line separated by the setback distance specified by this Ordinance.

30. **Building line, side:** The line running parallel to the side lot or property line separated by the setback distance specified by this Ordinance.
31. **Building, principal:** The principal building(s) or other structure on a lot which is designed to accommodate the primary use to which the premises are devoted.
32. **Building site:** The location on a lot, parcel or tract of land where a building or structure is to be placed, erected or constructed, as established by the provisions of this Ordinance.
33. **Business or commerce:** The purchase, sale, offering for sale or any other transaction involving the handling, disposition of any Ordinance, service, substance or commodity for livelihood or profit.
34. **Carport:** A roofed structure with not more than two walls, maintained for the purpose of providing weather protection for one or more vehicles.
35. **Cellar:** A story partly underground and having more than one-half of its clear height below the average finished grade.
36. **Child care home, family:** The residence of a state licensed day care provider who regularly provides day care for not more than twelve children in the family living quarters. For the purposes of this Ordinance a day care home may include pre-school activity.
37. **Child day care center:** A state licensed agency which regularly provides care for a group of children for periods less than twenty-four hours in a place of business other than a residence or where a residence may be involved but the children do not have access to the residence during hours of operation. For the purposes of this Ordinance a day care center may include pre-school activity.
38. **Church:** A structure intended for use as a place for religious worship and containing spaces incidental to this use including residential uses for nun and clergy but excluding training facilities for religious orders.
39. **Commercial significance, long term:** The growing capacity, productivity, and soil composition of the land for long-term commercial production in consideration with the land's proximity to population areas and the possibility of more intense uses of land.
40. **Comprehensive plan:** Any map, plan or policy statement, and amendments, pertaining to the development of land use, streets or public utilities and facilities, for all or any portion of the town, which has been officially adopted by the planning commission of the town and the town council.

41. **Conditional use:** A use in one or more classifications of this ordinance which, because of peculiar characteristics attendant to that use, requires the issuance of a conditional use permit to insure that adjacent uses are not subject to extraordinary impacts.
42. **Conditional use permit:** The documented evidence of authority granted by the Town Council to locate a conditional use at a location and containing those conditions intended to mitigate any impacts to adjacent properties.
43. **Conforming use:** Any use that is permitted within the zone in which it is established.
44. **Conservation easement:** A reservation, buffer or encumbrance on a particular piece of real property that precludes building improvement(s) intended for human habitation or other structures or activities that would frustrate the primary purpose of the easement as a buffer.
45. **Contiguous:** Adjoining or touching one another by way of a common boundary, regardless of intervening private easements.
46. **Critical areas:** One or a combination of wetlands, critical aquifer recharge areas, frequently flooded areas or geologically hazardous areas, and fish and wildlife habitat conservation area.
47. **Critical aquifer recharge area:** Those areas that have been identified as having a critical recharging effect on aquifers used for potable water.
48. **Curb level:** The officially established grade of the curb in front of the mid-point of the lot.
49. **Data maps:** The series of maps maintained by the Grant, Douglas, and Okanogan County Planning Departments and by the Coulee Dam Planning Commission for the purpose of graphically depicting the boundaries of resource lands and critical areas.
50. **Day care facilities:** See Child care home, family and/or Child day care center.
51. **Dedication:** The deliberate appropriation of land by its owner for a specified public purpose or use.
52. **Department:** Any division, subdivision or organizational unit of Coulee Dam established by ordinance, rule or order.
53. **Development application:** An application tendered under the provisions of the Coulee Dam Municipal Code (and all repealing chapters and sections).

54. **Director:** The Mayor or his/her appointee. The Director may designate his/her subordinate staff to carry out the responsibilities set forth in this Ordinance but shall be ultimately responsible for the execution of such tasks.
55. **Dwelling:** A building designed exclusively for residential purposes.
56. **Dwelling, multi-family:** A building designed for the exclusive occupancy for three or more families living independently in separate dwelling units and containing three or more dwelling units.
57. **Dwelling, single family:** A building designed for the occupancy by one family and containing one dwelling unit.
58. **Dwelling, two family (duplex):** A building designed for the exclusive occupancy of two families living independently in separate dwelling units.
59. **Dwelling unit:** One or more rooms occupied by one family and containing kitchen and bathroom facilities for the sole use of that family and which has access to all rooms through the interior doors.
60. **Early notice:** The Town's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance (DNS) procedures).
61. **Easement:** A quantity of land over which a specified privilege or use, distinct from ownership, is granted to someone other than the landowner.
62. **Erosion hazard area:** Areas containing soils which, according to the United States Department of Agriculture Natural Resource Conservation Service Soil Classification System, may experience severe to very severe erosion.
63. **Exterior boundaries:** The full extent of property that is subject to a development permit proposal.
64. **Family:** An individual, or two or more persons related by blood, marriage, adoption or legal guardianship, living together in a dwelling unit in which meals or lodging may also be provided for not more than two additional persons excluding servants; or a group of not more than three unrelated persons living together in a dwelling unit. Persons with functional disabilities, as defined in this Ordinance, shall be considered the same as related individuals.
65. **Fence:** Any barrier composed of wood, metal, concrete, stone, ornamental plantings or hedges to screen, or restrict ingress or egress to and from the lot on which it is situated.

66. **Fish and wildlife habitat conservation areas:** Areas with a given federal- or state-listed endangered, threatened, sensitive, candidate and/or monitor species has a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.
67. **Flood or flooding:** A general and temporary condition of partial or complete inundation of normally dry lands from the overflow of streams, rivers or other inland waters.
68. **Flood, 100 year:** The highest level of flooding that, on the average, is likely to occur once every 100 years.
69. **Flood damage:** Harmful inundation, water erosion of soil, stream banks and beds, stream channel shifting and changes, harmful deposition by water of eroded and shifted soils and debris upon property or in the beds of streams or other bodies of water.
70. **Flood hazard area:** A land area adjoining a river, stream, watercourse or lake which is likely to be flooded.
71. **Flood-proofing:** Any combination of structural and nonstructural additions, changes, or adjustments to property and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.
72. **Floodway:** The regular stream channel plus that portion of the flood plain which would contain deep or fast flowing water during a 100 year flood and is required to carry and discharge flood waters.
73. **Frequently Flooded Areas:** Lands in the floodplain that are subject to a one (1) percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and the like.
74. **Functional disabilities, people with:**
- A person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of:
- A. Needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living, or
 - B. Needing supports to lessen or compensate for the effects of the functional disability so as to lead as independent a life as possible, or
 - C. Having a record of having such an impairment, or
 - D. Being regarded as having such impairment, but such term does not include current illegal use of, or active addiction to a controlled substance.

75. **Garage, private:** An accessory building, roofed with three or more walls, or an accessory portion of a main building designed primarily for the shelter or storage of vehicles and/or other personal property owned and/or operated by the occupants of the main buildings.
76. **Garage, public:** A building used for the care, repair or storage of vehicles or where such vehicles are kept for remuneration, hire or sale.

Geologically Hazardous Areas: Areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns. Geologically hazardous areas include erosion hazard, landslide hazard, seismic hazard, volcanic hazard and mine hazard areas.

77. **Grade:** (Adjacent Ground Elevation) The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.
78. **Grade, average finished:** The mean between the highest and lowest points of the finished surface of the ground at its intersection with the building lines as shown on the plot plan required herein.
79. **Group Home:** A place for handicapped, physically or developmentally disabled adults, or dependent or pre-delinquent children which provides special care in a homelike environment. This definition does not include homes of this nature for three or fewer persons (excluding house parents).
80. **Halfway House:** A home for juvenile delinquents and adult offenders leaving correctional and/or mental institutions; or leaving a rehabilitation center for alcohol and/or drug users; which provides residentially oriented facilities for the rehabilitation or social adjustment of persons who need supervision or assistance in becoming socially reoriented but who do not need institutional care.
81. **Hazardous waste and/or material:** Any substance, liquid, solid, gas, sludge, including any material substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste (RCW 70.105.010) that is manufactured, stored, used or disposed of in such a quantity or concentration that it is regulated by and requires approval from the Washington State Department of Ecology, State Department of Social and Health Services, and/or the Environmental Protection Agency.
82. **Hazardous waste treatment and storage facility:** A facility that requires an interim or final status permit from the State Department of Ecology under the Dangerous Waste Regulations, Chapter 173-303 WAC. Treatment and storage

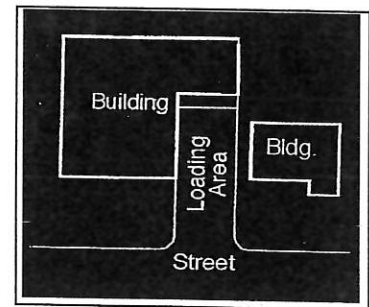
facilities include hazardous waste handling through such means as containers (barrels, drums), above and underground tanks, and waste piles and surface impoundments that will be cleaned up and not closed as landfills. Hazardous waste generators that do not accumulate their wastes on-site are not treatment and storage facilities, nor are hazardous waste incinerators and land disposal facilities which are state preempted facilities (RCW 70.105.240).

- 83. **Helipad:** A designated touchdown spot for short-term occasional use by helicopters.
- 84. **Heliport:** All helicopter landing sites except for helipads, and a site for one, privately owned, noncommercial helicopter. The heliport may include maintenance, refueling, repairs or storage facilities.
- 85. **Historic preservation:** The protection, rehabilitation, and restorations of districts, sites, buildings, structures and artifacts of local, regional, state or national significance in history, architecture, archaeology, or culture.
- 86. **Hearing body:** The Town Council, Planning Commission or Board of Adjustment.
- 87. **Home occupation premises:** An accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods or services.
- 88. **Hospital:** An institution licensed under state law to provide clinical, temporary and emergency medical or surgical services.
- 89. **Hospital or clinic, animal:** An establishment in which veterinary medical services, clipping, bathing and similar services are rendered to animals.
- 90. **Hotel/motel:** A building or buildings containing five or more guest rooms for lodging for compensation including any customary accessory uses such as restaurants and/or lounges, and which may contain some limited cooking facilities for the lodgers but may contain an apartment for the manager.
- 91. **Junk yard:** Any lot, parcel, tract of land, building, structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of waste paper, rags, scrap metal, vehicular parts, glass, used building materials, household appliances, brush, wood or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor or recreational vehicles or any other type of junk. This definition shall not include recycling drop off stations.
- 92. **Kennel:** Any lot or premises on which five or more dogs and/or cats over four months old are kept for compensation or not.

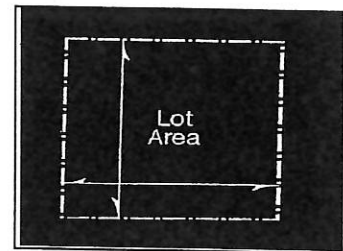
93. **Kitchen:** Any room, or rooms or portions thereof used or intended for the cooking or preparation of food.
94. **Land division:** The act of dividing land into separate lots in accordance with this Unified Development Code and applicable state regulations, including without limitation short subdivisions, subdivisions and binding site plans.

95. **Landslide hazard area:** Areas potentially subject to risk of mass movement due to a combination of geologic, topographic and hydrologic factors.

96. **Livestock:** Includes, but is not limited to, horses, bovine animals, sheep, goats, swine, chickens, fowl, donkeys, mules and other farm animals, and includes exotic animals raised and sold for profit or consumption.



97. **Loading space:** A space on the site of use designed to provide for the temporary parking of vehicles while loading or unloading merchandise, materials or passengers.



98. **Local government:** The Town of Coulee Dam.

99. **Lot:** 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 include tracts or parcels.

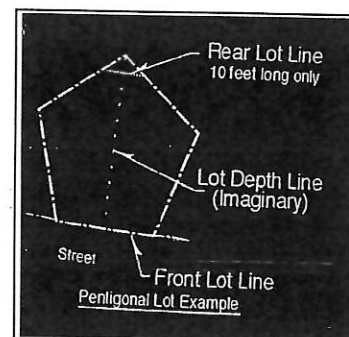
100. **Lot area:** The total horizontal area (measured in square footage) within the boundary lines of a lot.

101. **Lot, corner:** A lot situated at the intersection of two or more streets.

102. **Lot, interior:** A lot other than a corner lot.

103. **Lot, through:** A lot that has two opposite sides abutting two parallel or approximately parallel streets, other than an alley.

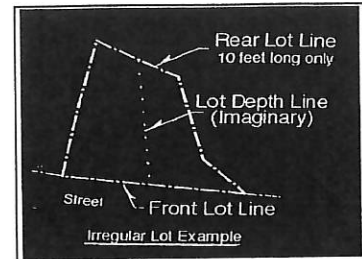
104. **Lot lines:** The line bounding a lot as defined herein. Also known as property line.



105. **Lot line, front:** The property line separating the lot

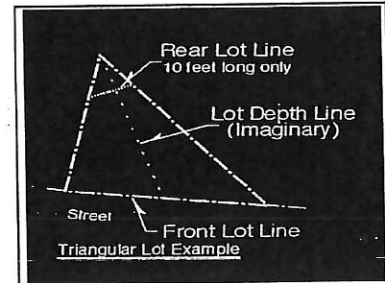
from the street other than an alley. Where a lot is not adjacent to a street, the property owner shall designate a front lot line.

106. **Lot line, rear:** A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line.



107. **Lot line, side:** Any property line not a front or rear lot line.

108. **Lot of Record (Parcel of Record, Tract of Record):** A lot as designated on a plat which has been approved and filed for record with the Auditor of Grant County, Douglas County, or Okanogan County, State of Washington. Also, any parcel having a metes and bounds description lying outside of any plat as the same existed pursuant to the records of the Grant County, Douglas County, or Okanogan County Assessor's Office as of the effective date of this ordinance.



109. **Lot width:** The average horizontal distance between the side lot lines, ordinarily measured at the front building line.
110. **Major remodeling:** Any existing structure for which application or applications for enlargement of the structure results in an increase of 25% or more of the usable floor space in the structure, or when cumulative remodeling projects result in 25% increase in usable floor space.
111. **Manufactured Home:** A dwelling unit on one or more chassis for towing to the point of use which bears an insignia issued by a state or federal regulatory agency indicating that the structure complies with all applicable construction standards of the U.S. Department of Housing and Urban Development definition of a manufactured home. Manufactured homes are further classified as follows:
- A. **Multi-wide.** Have a minimum width if not less than seventeen (17) feet as measured at all points perpendicular to the length of the manufactured home.
 - B. **Single-Wide.** Have a minimum wide of less than seventeen 17 feet as measured at any point perpendicular to the length of the manufactured home.
112. **Mine hazard area:** Areas underlain by, adjacent to, or affected by, mine workings such as adits, gangways, tunnels, drifts or airshafts.

113. **Mineral lands:** Lands that are not already characterized by urban growth and are of long-term commercial significance for the extraction of aggregate and mine resources, including sand, gravel and valuable metallic substances.
114. **Mobile home:** A single family residence transportable in one or more sections that are eight feet or more in width and 32 feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976.
115. **Mobile/manufactured home, state certified:** Any dwelling manufactured after January 1, 1968 and having affixed to it an insignia of the Washington State Department of Labor and Industries indicating that it is an approved mobile or manufactured home meeting fire and safety inspections and certifications for residential use. This definition does not include modular homes, travel trailers, commercial coaches, recreational vehicles or motor homes.
116. **Mobile home park:** A parcel of land under single ownership, consortium or corporation and used or available for rent for the placement of two or more mobile or manufactured homes used as dwellings and meeting the certification requirements of this Ordinance
117. **Modular home:** Means a residential structure constructed in a factory of factory assembled parts and transported to the building site in whole units which meets the requirements of the Uniform Building Code as adopted by the Town. The completed structure is not a mobile or manufactured home.
118. **Multiple occupancy or mixed use building:** A single structure housing more than one retail business, office, commercial venture, or residential use.
119. **Museums, art galleries - commercial:** Buildings for the display, exhibits, sale and/or public viewing of art work, artifacts, natural or human history or similar exhibition.
120. **Museums, nonprofit historical:** Buildings and/or exterior display for public viewing of natural or human historical artifacts, or exhibitions, operated by a licensed, registered not-for-profit organization.
121. **New construction:** The initial structure planned to be constructed on a vacant lot.
122. **Nonconforming lot:** A lot, the area and dimension of which was lawful prior to adoption or amendment of this Ordinance, but which fails to conform to the present requirements of the zoning district in which it is located.
123. **Nonconforming structure:** A structure which was lawful prior to the adoption or amendment of this Ordinance, but which fails by reason of such adoption or

amendment, to conform to the present requirements of the zoning district in which it is located.

124. **Nonconforming use:** A use of land or structures which was lawfully established and maintained at the effective date of this Ordinance but does not conform to this Ordinance for the district in which it is located.
125. **Nuisance:** Any use, activity or structure that interferes with the enjoyment and use of one's property by endangering personal health or safety, offending the human senses and/or failing to conform with the provisions, intent, or standards of the district in which the use, activity or structure occurs.
126. **Occupancy:** The purpose for which a structure, portion of a structure, or lot is used or intended to be used. For the purposes of this Ordinance, a change of occupancy is not intended to include a change of tenants or proprietors, but is intended to indicate a change in the type of use.
127. **Off-street parking space:** An off-street enclosed or un-enclosed surface area, as defined in Article V, of this Ordinance, permanently reserved for the temporary storage of automobiles in ratios appropriate to the use of the associated buildings or activities, and connected with a street by a paved driveway which affords ingress and egress for automobiles.
128. **On-street parking:** The positioning and leaving of any vehicle within the public right-of-way on the edge of either side of a paved town street used for through traffic.
129. **Open record hearing:** A hearing, conducted by a single hearing body or officer, authorized by the Town Council to conduct such hearings, that creates the Town's record through testimony and submission of evidence and information, under procedures prescribed under Article XI of this Ordinance.
130. **Open space:** Any parcel, tract of land or water feature that is essentially unimproved or improved with low intensity agricultural or garden uses and which has been set aside, dedicated, designated or reserved for public or private use or enjoyment.
131. **Open Space, Common:** Land within or related to development, not individually owned (owned in undivided interest), which is designed and intended for the common use or enjoyment of the residents of the development.
132. **Ordinance:** The ordinance, resolution, or other procedure used by the Town to adopt regulatory requirements.
133. **Pad:** A paved, graveled or improved space in a mobile home or recreational vehicle (RV) park for the purpose of installing a mobile home or parking a recreational vehicle and which usually contains utility connections.

134. **Parcel:** A tract or plat of land of any size that may or may not be subdivided.
135. **Park:** A public or privately owned area with day use facilities or areas for outdoor passive recreation by the public.
136. **Parking angle:** The angle formed by a parking stall and the edge of a parking bay, wall or driveway of the parking facility, ranging from 0 to 90 degrees.
137. **Parking bay:** The section of a parking facility containing a driveway and containing one or two rows of parking stalls.
138. **Parking lot, commercial:** A privately owned open area which is used for the paid parking of more than four automobiles.
139. **Parking lot, private:** An open area other than a street, alley, or other public property limited to the parking of automobiles of occupants or employees of uses to which these areas are associated.
140. **Parking lot, public:** An open area other than a street or alley, whether publicly or privately owned which is used for parking more than four automobiles and available for public use without compensation.
141. **Parking space or parking stall:** An off-street area that is developed maintained and used for the temporary storage of one motor vehicle.
142. **Park (travel) trailer:** A vehicular unit manufactured in accordance with State requirements for park trailers, and bearing the appropriate insignia of the Washington State Department of Labor and Industries.
143. **Party of record:** A party of record must be at least one of the following:
- A. The applicant;
 - B. Any person who testified at the open record public hearing on the application; and/or
 - C. Any person who submitted comments concerning the application at the open record public hearing
 - D. Any person who submitted written comments pursuant to a SEPA comment period.
144. **Person:** An individual, firm, partnership, association, corporation, estate, trust, receiver, syndicate, branch of government, social or fraternal organization, or any group or combination acting as a legal entity, and including representative(s) thereof.
145. **Planning commission:** The Planning Commission for the Town of Coulee Dam.

146. **Plat:** A map or representation of a land division showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys or other divisions and dedications.
147. **Plat, final:** The final drawing of a land division and any associated dedications, prepared for filing with the county auditor, and containing all elements and requirements set forth in Article X of this Ordinance.
148. **Plat, preliminary:** A neat, approximate drawing of a proposed land division designed to act as a basis for approval or disapproval of the general layout of streets, alleys, lots, blocks and other elements as required in Article X of this Ordinance.
149. **Plat, short:** A map or representation of a short subdivision.
150. **Permitted uses:** A use that is specifically permitted in a zone and does not require a conditional use permit.
151. **Principal use:** The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are necessary.
152. **Processing or handling of hazardous wastes:** The use, storage, manufacture, production, or other land use activity involving hazardous substances, excluding individually package household consumer products or quantities of hazardous substances less than 5 gallons on volume per container.
153. **Professional office:** An office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers and surveyors, and persons engaged in other similar occupations, which may require licenses.
154. **Project permit or project permit application:** Any land use or environmental permit or license required from the Town for a project action, including but not limited to building permits, subdivisions, binding site plans, conditional uses, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this Ordinance.
155. **Property:** One or more lots occupied and controlled by one entity.
156. **Public meeting:** An informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the Town's decision. A public meeting may include, but is not limited to, a Planning Commission meeting, a design review or

architectural control board meeting, a special review district or Town Council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the Town's project permit application file.

157. **Reclassification of a use:** The assignment by amendment of this Ordinance of a use to a different classification than that in which it was originally permitted.
158. **Recreational vehicle:** A vehicle or structure designed for recreational camping or travel use whether self-propelled or mounted on or drawn by another vehicle, which has body width of no more than ten (10) feet or a body length of no more than forty (40) feet; or, any structure inspected, approved and designated a recreational vehicle by and bearing the insignia of the State of Washington or any other state or federal agency having the authority to approve recreational vehicles.
159. **Recreational vehicle park:** Any site, lot or parcel of ground occupied or intended for occupancy by two (2) or more recreational vehicles for travel, recreational or vacation uses, whether or not a fee is charged. Storage of two (2) or more unoccupied recreational vehicles does not constitute an RV park.
160. **Recycling drop station:** A facility or area for consumer deposit of small recyclable household items (glass, paper, aluminum, etc) in enclosed containers which are collected and emptied on a regular basis (not less than weekly), without processing, crushing or other handling, and which does not create a nuisance due to odor, noise, appearance, rodent, or bug attraction.
161. **Rehabilitated lot:** Any property on which 75% or more of the building improvements have been removed for the purpose of redeveloping or improving the property. The percentage is determined by square feet of existing building areas.
162. **Residence:** A building or structure, or portion thereof, which is designed for and used to provide housing for human beings.
163. **Residential care facility:** A facility licensed by the state which has not been licensed as an Adult Family Home pursuant to RCW 70.128.175 or WAC 388-76.
164. **Resource lands:** Agricultural, mineral, and forest lands that have long-term commercial significance with regard to growing capacity, productivity, and soil composition, in consideration with the land's proximity to population areas, and the possibility of more intense use of the land.
165. **Rest home, convalescent home, guest home, home for the aged:** A home operated similarly to a boarding house but not restricted to any number of guests or guest rooms and the operation of which is licensed by the state or county to give nursing, dietary and other personal services furnished to convalescents,

invalids, and aged persons, but in which homes are kept no persons suffering from a mental illness, mental disease, disorder or ailment, or from a contagious or communicable disease, and in which homes are performed no surgery, maternity or other primary treatments such as those customarily performed in sanitariums or hospitals, pursuant to WAC 246-316.

- 166. **Retail sales or services:** Uses providing services, as opposed to products, to the general public. Examples are eating and drinking establishments, motels, beauty and barber shops and similar types of uses.
- 167. **Retail trade:** Those uses primarily engaged in the sale of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
- 168. **Right-of-way, public:** Land deeded or dedicated to, or purchased by the town for existing or future public pedestrian or vehicular access.
- 169. **Road, arterial:** A public road designated as either a principle arterial, or minor arterial by the transportation element of the town comprehensive plan.
- 170. **Road, collector:** A public road designated as either a major collector or minor collector by the transportation element of the town comprehensive plan.
- 171. **Road, local access:** A public road not designed as a arterial, by the town. The primary purpose of a local access road is to connect property along the local access road with the arterial street/road system.
- 172. **Road, private:** A road not designed, built, or maintained by the town, the Washington State Department of Transportation, or any other political subdivision. This definition does not include driveways.
- 173. **Road, public:** The physical improvement of the public right-of-way, including but not limited to surfacing, curbs, gutters and drainage facilities which are maintained and kept open by the town or the state of Washington for public vehicular and pedestrian use.
- 174. **Roof:** A structural covering over any portion of a building or structure including the projections beyond the walls or supports of the building or structure.
- 175. **Satellite receiving stations:** Electronic equipment used for the reception of television waves and/or data and voice transmissions.
- 176. **School:** An institution primarily engaged in academic instructions, public, parochial or private, and recognized or approved as such by the State.

177. **Schools, vocational:** An institution engaged in specialized instructional areas, e.g. driving, trades, dance and art, etc.
178. **Screen:** A vertical barrier located in a limited space intended to provide a buffering effect to reduce noise or create visual separation and made of existing or planted vegetation, attractive sight obscuring fencing, hedges, walls, earth berms, or similar techniques.
179. **Seismic hazard areas:** Areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.
180. **SEPA:** The Washington State Environmental Policy Act, RCW 43.21C as the same currently exists or may hereafter be amended.
181. **SEPA rules:** Chapter 197-11 WAC, as the same currently exists or may hereafter be amended and adopted by the Department of Ecology.
182. **Sign:** Any identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a structure or land, and which directs attention to a product, place, activity, person, institution, business, or profession, but not including any flag, badge, or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.
183. **Site improvement, required:** Any specific design, construction requirement or site improvement which is a condition of approval for any permit issued under the provisions of this Ordinance or which is a part of any site plan approved under the provisions of this Ordinance.
184. **Site plan, detailed:** A general site plan incorporating such additional factors as landscaping, drainage, and others as may be specified.
185. **Story, half:** A story under a gable, hip or gambrel roof, the wall plates of which are on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.
186. **Story:** That portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above it, the space between the floor and the ceiling above.
187. **Storage, Hazardous Waste:** The holding of dangerous waste for a temporary period. Accumulation of dangerous waste by a generator (see definition) on the site of generation is not storage providing the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.

188. **Street:** A public or recorded private thoroughfare that affords primary access to abutting property.
189. **Street line:** The boundary line between the street and the abutting property.
190. **Street, private:** A private thoroughfare that affords primary access to abutting property.
191. **Structure:** Anything constructed or erected on the ground, or which is attached to something located on the ground. The term includes building, radio, communications and TV towers/antennas, sheds and signs. The term does not include residential fences and retaining walls less than six feet in height, rockeries, sidewalks and other paved surfaces, and similar improvements of a minor character.
192. **Structural alterations:** Any change to the supporting members of a structure including but not limited to foundations, bearing walls or partitions, columns, beams, girders, trusses or any structural change in the roof or exterior walls.
193. **Subdivider:** Any person, partnership, corporation or other legal entity who undertakes to create a land division of property.
194. **Subdivision, short:** The division or re-division of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership. The land being divided shall not have been part of a short subdivision within the previous five years.
195. **Subdivision:** The division or re-division of land into five or more lots, tract, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.
196. **Substantial improvement:** Any repair, reconstruction, or improvement of a structure the costs of which equals or exceeds fifty percent of the market or assessed value of the structure either (a) before the improvement is started or (b) if the structure has been damaged and is being restored.
197. **Temporary:** Existing or continuing for a limited time, not to exceed UBC codes.
198. **Town:** The Town of Coulee Dam, Washington, an incorporated municipality.
199. **Town Council:** The Town Council of Coulee Dam, Washington.
200. **Town owned parking area:** An paved area of the a street or town owned lots that have been designated for parking. Most of those town street areas can be identified by an increase in the pavement width and/or special curb treatment.
201. **Tract:** The same meaning as lot.

202. **Tribe(s):** The Confederated Tribes of the Colville Indian Reservation.
203. **Use:** The activity or purpose for which land or structures or combination of land and structures are designed, arranged, occupied, or maintained together with any associated site improvement. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself including any grading, leveling, paving or excavation. Use also means any existing or proposed configuration of land, structures, and site improvements, and the use thereof.
204. **Use district or zone district:** A portion of the town within which certain uses of land and structures are permitted and certain other uses of land and structures are prohibited, certain yards and other open space may be required and specific lot areas are established, all as set forth and specified in this Ordinance.
205. **Use, unlisted:** A use that is not specifically named as permitted in any zoning classification defined by this Ordinance.
206. **Urban Growth:** Activities that make intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources.
207. **Utility:** those businesses, institutions, or organizations which use pipes, wires, microwaves, or conductors, in, under, above, or along streets, alleys or easements to provide a product or service to the public, including without limitation sewer, water, power, wireless communications, phone and cable communications services.
208. **Utility services:** Facilities operated by utilities but not including local transmission and collection lines, pipes, conductors, transmitters and receivers. Such facilities include, but are not limited to, electrical power substations, cellular phone and other wireless communication towers, water reservoirs, and sewage treatment plants.
209. **Variance:** A modification of the specific regulations of this Ordinance in accordance with the terms of this Ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district.
210. **Vision area, clear:** A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

211. **Volcanic hazard area:** Areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mudflows, or related flooding resulting from volcanic activity.
212. **Wetlands:** Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands do not include artificial wetlands intentionally created from non-wetlands, including, but not limited to, irrigation or drainage ditches, grass-lined swales, canals, swimming pools, detention facilities, wastewater treatment plants, farm ponds and landscape amenities.
213. **Wrecking yard:** Any premises devoted wholly or in part to the storage or dismantling of wrecked vehicles for the purpose of re-assembly or sale of vehicle parts.
214. **Yard:** An open space on a lot that is unobstructed from the ground upward, except as otherwise provided in the Unified Development Code.
215. **Yard, front:** A yard that extends across the full width of a lot lying between the front lot line and the nearest point of a building measured horizontally and perpendicular from the front lot line.
216. **Yard, rear:** A yard that extends across the full width of a lot lying between the rear lot line and the nearest point of a building measured horizontally and perpendicular from the rear lot line.
217. **Yard, side:** A yard that extends from the front yard to the rear yard between the side lot line and the nearest point of a building measured horizontally and perpendicular from the side lot line.
218. **Zoning map:** The official map delineating the boundaries of zoning districts which, along with the text of this Ordinance, comprise the Unified Development Code for Coulee Dam.