

**TOWN
OF COULEE DAM**

Unified Development Code

**January, 2000
Revised, 2006**

TABLE OF CONTENTS

ARTICLE I PREAMBLE _____ **1**

SECTION 1: PREAMBLE _____ **1**

1.01 Purpose _____ 1

1.02 Short Title _____ 2

1.03 Authority _____ 2

1.04 Scope _____ 2

1.05 Interpretation _____ 2

1.06 Scope of Terms _____ 3

1.07 Review of Provisions _____ 3

1.08 Compliance _____ 3

ARTICLE II DEFINITIONS _____ **4**

SECTION 2: DEFINITIONS _____ **4**

ARTICLE III ESTABLISHMENT OF LAND USE ZONES AND OVERLAYS _____ **25**

SECTION 3: ZONES, OVERLAYS, MAPS AND BOUNDARIES _____ **25**

3.01 Establishment of Zoning Districts and Overlays _____ 25

3.02 Official Map _____ 25

3.03 Data Maps _____ 25

3.04 Interpretation of Data Maps _____ 26

3.05 Effect of Data Maps _____ 26

3.06 Zone Boundary Change _____ 26

3.07 Interpretation of Zone Boundaries _____ 27

3.08 Annexed Property _____ 27

3.09 Compliance _____ 28

ARTICLE IV ZONING DISTRICTS AND OVERLAYS _____ **29**

SECTION 4: FIRST RESIDENTIAL ZONE (R-1) _____ **29**

4.01 Purpose and Intent _____ 29

4.02 Allowed, Conditional and Prohibited Uses _____ 29

4.03 Dimensional Standards _____ 29

4.04 Parking Requirements _____ 29

SECTION 5: SECOND RESIDENTIAL ZONE (R-2) _____ **29**

5.01 Purpose and Intent _____ 29

5.02 Allowed, Conditional and Prohibited Uses _____ 29

5.03 Dimensional Standards _____ 29

5.04 Parking Requirements _____ 30

SECTION 6: THIRD RESIDENTIAL ZONE (R-3) _____ **30**

6.01 Purpose and Intent _____ 30

6.02 Allowed, Conditional and Prohibited Uses _____ 30

6.03 Dimensional Standards _____ 30

6.04 Parking Requirements _____ 30

SECTION 7: SPECIAL RESIDENTIAL ZONE (SR) _____ **30**

7.01 Purpose and Intent _____ 30

7.02 Allowed, Conditional and Prohibited Uses _____ 31

7.03 Dimensional Standards _____ 31

7.04 Parking Requirements _____ 31

7.05 Special Provisions _____ 31

SECTION 8: COMMERCIAL ZONE (C-1) _____ **31**

8.01 Purpose and Intent _____ 31

8.02	Allowed, Conditional and Prohibited Uses	31
8.03	Dimensional Standards	31
8.04	Parking Requirements	32
8.05	Special Provisions	32
SECTION 9:	GOVERNMENT ENTITY (GE)	32
9.01	Purpose and Intent	32
9.02	Allowed, Conditional and Prohibited Uses	32
9.03	Dimensional Standards	32
9.04	Parking Requirements	32
SECTION 10:	INDUSTRIAL ZONE (M-1)	32
10.01	Purpose and Intent	32
10.02	Allowed, Conditional and Prohibited Uses	33
10.03	Dimensional Standards	33
10.04	Parking Requirements	33
10.05	Special Provisions	33
SECTION 11	RESOURCE LANDS OVERLAY	33
11.01	Purpose and Intent	33
11.02	Allowed, Conditional and Prohibited Uses	33
11.03	Dimensional Standards	33
11.04	Parking Requirements	34
SECTION 12:	CRITICAL AREAS OVERLAY	34
12.01	Purpose and Intent	34
12.02	List of Critical Areas	34
12.03	Allowed, Conditional and Prohibited Uses	34
12.04	Dimensional Standards	34
12.05	Parking Requirements	34
ARTICLE V	GENERAL PROVISIONS AND STANDARDS	35
SECTION 13:	LAND USES	35
13.01	Table of Land Uses	35
13.02	Classification of Unlisted Uses	39
SECTION 14:	BULK, HEIGHT AND DIMENSIONAL STANDARDS	39
14.01	Bulk, Height and Dimensional Standards	39
14.02	Height Limitations	40
14.03	Projecting Architectural Features	41
14.04	Visibility at Intersections	41
SECTION 15:	ACCESSORY USES	41
15.01	Permitted Accessory Uses	41
SECTION 16:	HOME OCCUPATIONS	42
16.01	Home Occupation Basic Standards	42
16.02	Permitted Home Occupations	42
16.03	Prohibited Home Occupations	43
SECTION 17:	UTILITY EASEMENTS	44
SECTION 18:	RECREATIONAL VEHICLES AND TRAVEL TRAILERS	44
SECTION 19:	STRIPPING OF SOIL	44
SECTION 20:	TRAFFIC AND PARKING	44
20.01	Traffic Generation Standards	44
20.02	Off-street Parking Requirements	44
20.03	Submittal of Off-Street Parking Plans	46

20.04	Ingress and Egress Standards _____	46
20.05	Grading, Surfacing, and Drainage Standards _____	47
20.06	Loading and Surface Space Requirements _____	47
20.07	Access to Lot _____	47
20.07	Compliance _____	47
SECTION 21: ENVIRONMENTAL STANDARDS _____		48
21.01	Air Quality Standards _____	48
21.02	Noise Level Standards _____	48
21.03	Light and Glare Standards _____	48
21.04	Nuclear Radiation Standards _____	48
21.05	Toxic Chemical Storage _____	48
SECTION 22: SIGNS _____		48
22.01	Signs _____	49
22.02	Sign Standards _____	49
SECTION 23: FENCES _____		50
SECTION 24: SATELLITE RECEIVING SYSTEMS & RADIO ANTENNAS _____		51
24.01	Purpose _____	51
24.02	Permit Required _____	51
24.03	General Requirements _____	51
24.04	Existing Antennas _____	52
ARTICLE VI RESOURCE LANDS AND CRITICAL AREAS _____		53
SECTION 25: RESOURCE LANDS AND CRITICAL AREAS _____		53
25.01	Statutory Authorization _____	53
25.02	Purpose and Intent _____	53
25.03	General Provisions _____	53
25.04	Development Standards _____	54
25.05	Non-Conforming Developments _____	59
25.06	Warning and Disclaimer of Liability _____	59
ARTICLE VII NONCONFORMING STRUCTURES AND USE _____		60
SECTION 26: NONCONFORMING STRUCTURES AND USES _____		60
26.01	Purpose and Intent _____	60
26.02	Continuation of a Nonconforming Structure or Use _____	60
26.03	Discontinuance of a Nonconforming Use _____	60
26.04	Change of a Nonconforming Use _____	60
26.05	Destruction of a Nonconforming Use or Structure _____	60
26.06	Unsafe Structures _____	61
26.07	Dwellings on Small Sites _____	61
ARTICLE VIII BUILDING PERMITS, VARIANCES AND CONDITIONAL USES _____		62
SECTION 27: BUILDING PERMITS _____		62
27.01	Purpose and Intent _____	62
27.02	Application Procedure _____	62
27.03	Building Official Review _____	62
SECTION 28: VARIANCES _____		62
28.01	Purpose and Intent _____	62
28.02	Conditions _____	63
28.03	Criteria for Granting Variances _____	63
28.04	Application Procedure _____	63
28.05	Time Limit _____	63

SECTION 29: CONDITIONAL USE PERMITS	64
29.01 Purpose and Intent	64
29.02 Conditions	64
29.03 Scope of Permit	66
29.04 Application Procedure	66
29.05 Time Limit	66
ARTICLE IX SUBDIVISIONS	67
SECTION 31: GENERAL PROVISIONS	67
31.01 Purpose and Intent	67
31.02 Exemptions	67
31.03 Boundary Line Adjustment - Procedure	70
31.04 Flood Plain Land	72
31.05 Contiguous parcels	72
31.06 Improvement Requirements	72
31.07 Payment of Services	73
31.08 Abandoned Orchard Removal Prerequisite	73
31.09 Vested Use Limitation	73
31.10 Variances	73
31.11 Transfer or Construction Prior to Final Plat Approval	73
31.12 Statutory Authority	74
SECTION 32: SHORT SUBDIVISIONS	74
32.01 Short Subdivision Defined	74
32.02 Re-divisions	74
32.03 Application Procedure - Generally	74
32.04 Application Contents	74
32.05 Land Survey Requirements	76
32.07 Short Plat Recording Form Contents	77
32.08 Filing of Short Plats	78
32.09 Short Plat Amendment	78
SECTION 33: SUBDIVISIONS	79
33.01 Subdivision - Defined	79
33.02 Application Procedure - Generally	79
SECTION 34 PRELIMINARY PLATS	79
34.01 Application	79
34.02 Approval of Preliminary Plat	82
34.03 Relationship of Approved Preliminary Long Plat to Final Long Plat	82
34.04 Agreements to Transfer Land Conditioned on Final Long Plat Approval	82
SECTION 35: IMPROVEMENTS	82
35.01 Construction of Improvements	82
SECTION 36: FINAL PLAT	83
36.01 Application - Generally	83
36.02 Application	83
36.03 Supplementary Information	85
36.04 Time Limit for Submission	86
36.05 Drawings	86
36.06 Review and Approval	86
36.07 Time Limit for Recording	87
36.08 Final Plat Alteration	87
36.09 Final Plat Vacation	88
SECTION 37: BINDING SITE PLAN	89

SECTION 38: MINIMUM STANDARDS	89
38.01 Review	89
38.02 Minimum Standards	89
38.03 Minimum Applicable Only to Subdivisions	90
ARTICLE X ADMINISTRATION OF DEVELOPMENT REGULATIONS	92
SECTION 40: TYPES OF PROJECT PERMIT APPLICATIONS	92
40.01 Conflicts	92
40.02 Authority	92
40.03 Procedures for Processing Project Permits	92
40.04 Determination of Proper Procedure Type	92
40.06 Joint Public Hearings	97
40.07 Legislative Decisions	97
40.08 Legislative Enactments Not Restricted	98
40.09 Exclusions from Project Permit Application Processing	98
40.10 Administrative Interpretations	99
SECTION 41: PROCESSING OF PROJECT PERMIT APPLICATIONS	99
41.01 Pre-Application Conference	99
41.02 Project Permit Application	100
41.03 Submission and Acceptance of Application	101
41.04 Notice of Application	103
41.05 Referral and Review of Project Permit Applications	107
SECTION 42: PUBLIC NOTICE	107
42.01 Required Public Notice of Application	107
42.02 Optional Public Notice	108
42.03 Notice of Public Hearing	109
SECTION 43: CONSISTENCY WITH DEVELOPMENT REGULATIONS AND SEPA	112
43.01 Determination of Consistency	112
43.02 Initial SEPA Analysis	113
43.03 Categorically Exempt and Planned Actions	114
SECTION 44: OPEN RECORD PUBLIC HEARINGS	115
44.01 General	115
44.02 Responsibility of Director for Hearing	115
44.03 Conflict of Interest	116
44.04 Ex Parte Communications	116
44.05 Burden and Nature of Proof	117
44.06 Order of Proceedings	117
44.07 Findings and Notice of Decision	118
44.08 Calculation of Time Periods for Issuance of Notice of Final Decision	119
SECTION 45: CLOSED RECORD DECISIONS AND APPEALS	120
45.01 Appeals of Decisions	120
45.02 Consolidated Appeals	120
45.03 Standing to Initiate Administrative Appeal	121
45.04 Appeals - Type I, II, III or IV Project Permit Decisions or Recommendation	121
45.05 Procedure for Closed Record Decision/Appeal	122
45.06 Judicial Appeals	122
SECTION 46: DEVELOPMENT AGREEMENTS	122
46.01 Type of Approval	122
46.02 Authority	123
46.03 General Provisions of Development Agreements	123
46.04 Enforceability	124
46.05 Form of Agreement, Council Approval, Recordation	124

SECTION 47: COMPREHENSIVE PLAN & DEVELOPMENT REGULATION

AMENDMENTS 124

47.01 Purpose and Intent _____ 124

47.02 Type of Action _____ 124

47.03 Suggesting Amendments _____ 125

47.04 Identified Deficiencies _____ 125

47.05 Docketing Suggested Amendments _____ 125

47.06 Timing and Order of Consideration of Suggested Amendments _____ 126

47.07 Public Participation _____ 126

47.08 GMA/SEPA Integration _____ 126

SECTION 48: SEPA POLICIES AND GUIDELINES _____ 127

48.01 Adoption by Reference _____ 127

48.02 Lead Agency Determination and Responsibilities _____ 127

48.03 Transfer of Lead Agency Status to a State Agency _____ 128

48.04 Categorical Exemptions and Threshold Determinations - Adoption by Reference _____ 129

48.05 Categorical Exemptions - Adoption by Reference _____ 129

48.06 Categorical Exemptions - Flexible Thresholds _____ 129

48.07 Categorical Exemptions - Determination _____ 130

48.08 Determination - Review at Conceptual Stage _____ 131

48.09 Threshold Determination - Environmental Checklist _____ 131

48.10 Threshold Determinations - Mitigated DNS _____ 132

48.11 Environmental Impact Statement (EIS) - Adoption by Reference _____ 134

48.12 EIS - Additional Elements _____ 134

48.13 EIS - Preparation _____ 134

48.14 EIS Commenting - Adoptions by Reference _____ 135

48.15 Public Notice _____ 136

48.16 Designation of Official to Perform Consulted Agency Responsibilities for the Town _____ 136

48.17 Using Existing Environmental Documents - Adoption by Reference _____ 137

48.18 SEPA Decisions - Adoption by Reference _____ 137

48.19 SEPA Decisions _____ 137

48.20 SEPA Decision - Substantive Authority _____ 138

48.21 SEPA - Policies _____ 138

48.22 SEPA Appeals _____ 139

48.23 Definitions - Adoption by Reference _____ 141

48.24 Compliance with SEPA - Adoption by Reference _____ 142

48.25 Critical Areas _____ 143

48.26 Forms - Adoption by Reference _____ 144

48.27 Responsible Official _____ 144

ARTICLE XI MISCELLANEOUS _____ 145

SECTION 50: ENFORCEMENT _____ 145

50.01 Filing of Complaints _____ 145

50.02 Violations _____ 145

50.03 Penalty Clause _____ 145

SECTION 51: ANNEXATIONS _____ 145

SECTION 52: SEVERABILITY _____ 146

SECTION 53: ADMINISTRATION _____ 146

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 intended 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

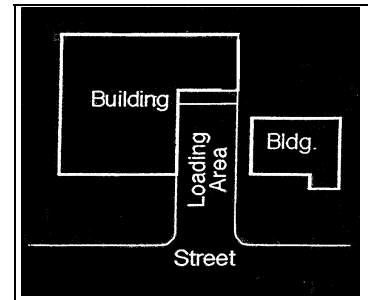
facilities include hazardous waste handling through such means as containers (barrels, drums), above and underground tanks, and waste piles and surface impoundments that will be cleaned up and not closed as landfills. Hazardous waste generators that do not accumulate their wastes on-site are not treatment 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.

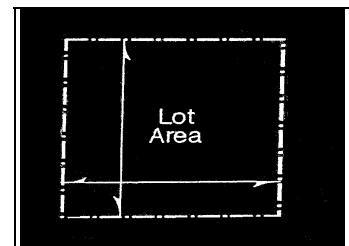
- 93. **Kitchen:** Any room, or rooms or portions thereof used or intended for the cooking or preparation of food.
- 94. **Land division:** The act of dividing land into separate lots in accordance with this Unified Development Code and applicable state regulations, including without limitation short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

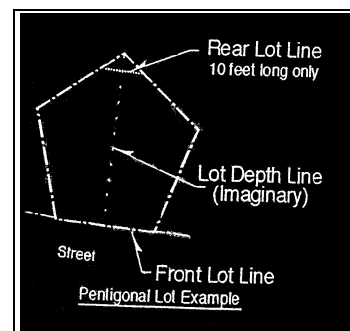
100. **Lot area:** The total horizontal area (measured in square footage) within the boundary lines of a lot.

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.

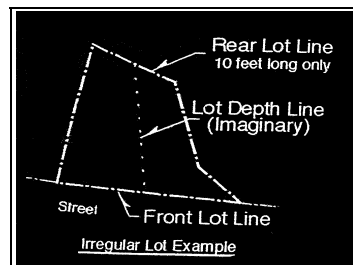
104. **Lot lines:** The line bounding a lot as defined herein. Also known as property line.



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

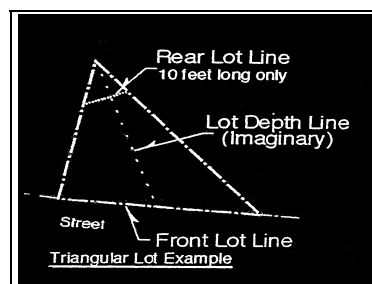
from the street other than an alley. Where a lot is not adjacent to a street, the property owner shall designate a front lot line.

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.

ARTICLE III ESTABLISHMENT OF LAND USE ZONES AND OVERLAYS

SECTION 3: ZONES, OVERLAYS, MAPS AND BOUNDARIES

3.01 Establishment of Zoning Districts and Overlays

In order to classify, segregate and regulate the use of land, buildings and structures and to protect resource lands and critical areas according to the provisions of this Ordinance, the Town of Coulee Dam and its projected growth area is hereby divided in to the following use zones and overlays:

<u>SYMBOL</u>	<u>ZONE</u>
R-1	FIRST RESIDENTIAL
R-2	SECOND RESIDENTIAL
R-3	THIRD RESIDENTIAL
SR	SPECIAL RESIDENTIAL
C-1	COMMERCIAL
M-1	INDUSTRIAL
GE	GOVERNMENT ENTITY
RAO	RESOURCE AREAS OVERLAY
CAO	CRITICAL AREAS OVERLAY

3.02 Official Map

This ordinance shall consist of the text herein and, as though contained herein, that map identified as the Town of Coulee Dam Comprehensive Zoning Map. Such map shall be approved by the Town Council and shall contain the signatures of the Mayor and the Town Clerk as verification of the approval of the Town Council. The map shall be kept on file at the office of the Town Clerk. This ordinance and all of its terms is to be read and interpreted in light of the contents of said map. In cases where there may be conflicts of interpretation between the map and the text of the ordinance, the text of the ordinance shall prevail.

3.03 Data Maps

Resource lands and critical areas are hereby designated on a series of data maps maintained at the Coulee Dam Town Hall. These maps contain the best available graphic depiction of resource lands and critical areas and will be updated as reliable data becomes available. These maps are for information and illustrative purposes only and are not regulatory in nature.

The resource lands and critical areas data maps are intended to alert the development community, appraisers, and current or prospective property owners of a potential encounter with a use or development limiting factor based on the natural systems. The presence of a critical area or resource designation on the data maps is sufficient foundation for the designated town official (i.e., the Town Clerk, or his or her designee) to order an analysis for the factor(s) identified prior to acceptance of a development application as being complete and ready for processing under the Coulee Dam Municipal Code.

3.04 Interpretation of Data Maps

The Planning Commission of Coulee Dam is hereby declared the Administrator of this ordinance for the purpose of interpreting data maps. An affected property owner or other party with standing has a right to appeal the administrative determination of the Town of Coulee Dam Planning Commission.

The data maps are to be used as a general guide to the location and extent of resource lands and critical areas. Resource lands and critical areas indicated on the data maps are presumed to exist in the locations shown and are protected under all the provisions of this ordinance. The exact location of resource lands and/or critical areas shall be determined by the Town of Coulee Dam based on the results of field investigations that are supplied by the applicant and as a result of field investigations performed by qualified professionals using the definitions found in Article II of this code. All development applications are required to show the boundary(ies) of all resource lands and critical areas on a scaled drawing prior to the development application being considered "complete" for processing purposes.

3.05 Effect of Data Maps

The conclusion by the administrative authority that a parcel of land or a part thereof, that is the subject of a proposed development application is within the boundary(ies) of one or more critical areas or resource lands as shown on the data maps, shall serve as cause for additional investigation and analysis to be conducted by the applicant. The site specific analysis shall be limited to those resource lands and critical areas indicated on the data maps. In the event of multiple designations, each subject matter will be addressed independently and collectively for the purpose of determining development limitations and appropriate mitigating measures.

3.06 Zone Boundary Change

Changes to the boundaries of the zones shall be made by ordinance of the Town Council adopting an amended zoning map. At the time of amendment, the adopted changes shall become part of the unified development code. In adopting zone boundary changes, the procedures described in Article XI, Section 47 shall be followed.

3.07 Interpretation of Zone Boundaries

In interpreting the boundaries of any zone on the zoning map, the following rules shall apply:

1. Where zone boundaries are indicated as approximately following street or alley lines, the centerline of a street or alley right-of-way, or lot lines, such lines shall be determined to be the boundaries of the zone.
2. Where a zone boundary line divides an un-subdivided property, unless the location of the boundary is indicated by dimensions, the boundary line shall be determined by measurement on the map utilizing the scale appearing on the map.
3. Any lands located within an alley or street that has been vacated shall acquire the zoning classification of the property to which it reverts.
4. When a lot is subdivided and recorded subsequent to zoning of an area in which it is located, and when the boundary line of a zone longitudinally bisects said lot, the boundary shall be considered as following the lot line so that the lot is placed wholly into the classification which applies to the major portion of the lot.
5. When a zone boundary line equally bisects a lot, the entire lot shall acquire the most restrictive use classification and the requirements of that zone classification.
6. When a zone boundary line bisects a lot and this boundary line parallels or approximately parallels the street on which the lot fronts, the total lot shall acquire the same zone classification as the front portion of the lot.
7. Where physical features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by the above subsections of this section, the planning commission shall interpret the boundaries.

3.08 Annexed Property

All property which may hereafter be annexed to the Town of Coulee Dam pursuant to Chapter 35.14 RCW, Laws of the State of Washington, shall be zoned consistent with the land use designations of the Town of Coulee Dam Comprehensive Plan, as it now exists or is hereafter amended, at the time of the annexation.

3.09 Compliance

Except as otherwise provided for in this Unified Development Code, no building or land shall hereafter be used, subdivided or occupied, and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the zone in which it is located.

ARTICLE IV ZONING DISTRICTS AND OVERLAYS

SECTION 4: FIRST RESIDENTIAL ZONE (R-1)

4.01 Purpose and Intent

The purpose of the First Residential Zone is to create a stable low-density residential environment. The intent of the R-1 Zone is to implement the single family residential designation of the Town of Coulee Dam Comprehensive Plan.

4.02 Allowed, Conditional and Prohibited Uses

Article V, Table 13.1, the Table of Land Uses, contains a listing of permitted, conditional and prohibited uses within the R-1 Zone. All uses are subject to Article V - General Provisions and Standards.

4.03 Dimensional Standards

Lot sizes, allowable densities, lot coverage, height and setback requirements in the conservancy overlay shall be as set forth in Article V, Table 14.1.

4.04 Parking Requirements

Off-street parking shall be required in accordance with Section 20 of Article V - General Provisions and Standards.

SECTION 5: SECOND RESIDENTIAL ZONE (R-2)

5.01 Purpose and Intent

The purpose of the Second Residential Zone is to create a stable medium density residential environment for single family and duplex dwelling units, along with locations for clubs, lodges, social and recreational centers that are not operated for a gain (profit) and for professional offices. The intent of the R-2 Zone is to implement the medium density residential designation of the Town of Coulee Dam Comprehensive Plan.

5.02 Allowed, Conditional and Prohibited Uses

Article V, Table 13.1, the Table of Land Uses, contains a listing of permitted, conditional and prohibited uses within the R-2 Zone. All uses are subject to Article V - General Provisions and Standards.

5.03 Dimensional Standards

Lot sizes, allowable densities, lot coverage, height and setback requirements in the conservancy overlay shall be as set forth in Article V Table 14.1.

5.04 Parking Requirements

Off-street parking shall be required in accordance with Section 20 of Article V - General Provisions and Standards.

SECTION 6: THIRD RESIDENTIAL ZONE (R-3)

6.01 Purpose and Intent

The purpose of Third Residential Zone is to create a zone compatible with uses permitted in the R-1 and R-2 Zones and to provide for the creation of manufactured home parks. It will allow a variety of housing types, including multi-family residential development. The intent of the R-3 Zone is to implement the high density residential designation of the Town of Coulee Dam Comprehensive Plan.

6.02 Allowed, Conditional and Prohibited Uses

Article V Table 13.1, the Table of Land Uses, contains a listing of permitted, conditional and prohibited uses within the R-3 Zone. All uses are subject to Article V - General Provisions and Standards.

6.03 Dimensional Standards

Lot sizes, allowable densities, lot coverage, height and setback requirements in the conservancy overlay shall be as set forth in Article V Table 14.1.

6.04 Parking Requirements

Off-street parking shall be required in accordance with Section 20 of Article V - General Provisions and Standards.

SECTION 7: SPECIAL RESIDENTIAL ZONE (SR)

7.01 Purpose and Intent

The purpose and intent of the Special Residential Zone is to facilitate the shared use of community facilities such as parking areas in a higher density mixed residential and public use area. The uses in this area are characterized by high levels of day time usage, and very low night time use.

7.02 Allowed, Conditional and Prohibited Uses

Article V Table 13.1, the Table of Land Uses, contains a listing of permitted, conditional and prohibited uses within the SR Zone. All uses are subject to Article V - General Provisions and Standards.

7.03 Dimensional Standards

Lot sizes, allowable densities, lot coverage, height and setback requirements in the conservancy overlay shall be as set forth in Article V Table 14.1.

7.04 Parking Requirements

Off-street parking shall be required in accordance with Section 20 of Article V - General Provisions and Standards.

7.05 Special Provisions

Permitted commercial uses in this district must coordinate shared facilities such as parking lots to minimize conflicts with residential uses and the public health, safety and welfare in terms of traffic flows and densities, day and night usage patterns and costs of maintaining shared facilities. Agreements between shared use partners will be subject to review by the planning commission and other governmental regulatory agencies as appropriate, and will be filed with the Town Clerk.

SECTION 8: COMMERCIAL ZONE (C-1)**8.01 Purpose and Intent**

The purpose of the Commercial Zone is to encourage the location in the business areas of the Town major commercial development that is compatible with current uses in those areas. The intent of the C-1 Zone is to implement the Commercial designation of the Town of Coulee Dam Comprehensive Plan.

8.02 Allowed, Conditional and Prohibited Uses

Article V Table 13.1, the Table of Land Uses, contains a listing of permitted, conditional and prohibited uses within the C-1 Zone. All uses are subject to Article V - General Provisions and Standards.

8.03 Dimensional Standards

Lot sizes, allowable densities, lot coverage, height and setback requirements in the conservancy overlay shall be as set forth in Article V Table 14.1.

8.04 Parking Requirements

Off-street parking shall be required in accordance with Section 20 of Article V - General Provisions and Standards.

8.05 Special Provisions

In general, uses which may be obnoxious or offensive by reason of the emission of odor, dust, refuse matter, garbage, smoke, gas, noise, or that is dangerous to the comfort, peace, enjoyment, health or safety of the community or tending to its disturbance or annoyance are prohibited.

SECTION 9: GOVERNMENT ENTITY (GE)**9.01 Purpose and Intent**

The purpose and intent of the Government Entity Zone is to recognize those areas that are owned and/or operated by governmental entities to accommodate needed public facilities and services.

9.02 Allowed, Conditional and Prohibited Uses

Article V Table 13.1, the Table of Land Uses, contains a listing of permitted, conditional and prohibited uses within the GE Zone. All uses are subject to Article V - General Provisions and Standards.

9.03 Dimensional Standards

Lot sizes, allowable densities, lot coverage, height and setback requirements in the GE Zone shall be as set forth in Article V Table 14.1.

9.04 Parking Requirements

Off-street parking shall be required in accordance with Section 20 of Article V - General Provisions and Standards.

SECTION 10: INDUSTRIAL ZONE (M-1)**10.01 Purpose and Intent**

The purpose and intent of the Industrial Zone is to provide locations for those uses which may involve some on-site retail services but which are primarily fabrication, assembly, manufacturing, or processing uses.

10.02 Allowed, Conditional and Prohibited Uses

Article V Table 13.1, the Table of Land Uses, contains a listing of permitted, conditional and prohibited uses within the M-1 Zone. All uses are subject to Article V - General Provisions and Standards.

10.03 Dimensional Standards

Lot sizes, allowable densities, lot coverage, height and setback requirements in the conservancy overlay shall be as set forth in Article V Table 14.1.

10.04 Parking Requirements

Off-street parking shall be required in accordance with Section 20 of Article V - General Provisions and Standards.

10.05 Special Provisions

In general, uses which are primarily for the processing, storage or treatment of hazardous wastes or may be obnoxious or offensive by reason of the emission of odor, dust, refuse matter, garbage, smoke, gas, noise, or that is dangerous to the comfort, peace, enjoyment, health or safety of the community or tending to its disturbance or annoyance are prohibited.

SECTION 11 RESOURCE LANDS OVERLAY**11.01 Purpose and Intent**

The purpose of the Resource Lands Overlay Zone is to provide regulation of development within areas classified and designated as resource lands of long term commercial significance. At the present time no such lands have been so classified and designated therefore this Section is held in reserve.

11.02 Allowed, Conditional and Prohibited Uses

Within an RAO overlay, those uses shall be permitted as set forth in Article V Table 13.1, the Table of Land Uses for the underlying zone district. All uses are subject to Article V - General Provisions and Standards and Article VI - Resource Lands and Critical Areas.

11.03 Dimensional Standards

Lot sizes, allowable densities, lot coverage, height and setback requirements in the RAO overlay shall be as set forth for the underlying zone district.

11.04 Parking Requirements

Off-street parking shall be required in accordance with the requirements for the underlying zone district.

SECTION 12: CRITICAL AREAS OVERLAY**12.01 Purpose and Intent**

The purpose of the Critical Area Overlay Zone is to provide supplemental regulation or design review requirements in addition to the basic standards of the underlying zone district. The intent of the CAO Zone is to provide protection against adverse environmental impacts resulting from uses of land within an underlying zone district when such land is classified and designated as a critical area in the comprehensive plan in accordance with RCW 36.70 (as it now exists or hereinafter amended).

12.02 List of Critical Areas

The incorporated area of the Town of Coulee Dam is hereby divided into the following critical areas, where appropriate:

1. Wetlands
2. Critical aquifer recharge areas
3. Fish and wildlife conservation areas
4. Frequently flooded areas
5. Geologically hazardous areas

12.03 Allowed, Conditional and Prohibited Uses

Within a CAO, those uses shall be permitted as set forth in Article V Table 13.1, the Table of Land Uses for the underlying zone district. All uses are subject to Article V - General Provisions and Standards and Article VI - Resource Lands and Critical Areas.

12.04 Dimensional Standards

Lot sizes, allowable densities, lot coverage, height and setback requirements in the CAO shall be as set forth for the underlying zone district and shall be subject to the standards contained in Article VI of this Ordinance.

12.05 Parking Requirements

Off-street parking shall be required in accordance with the requirements for the underlying zone district.

ARTICLE V GENERAL PROVISIONS AND STANDARDS

SECTION 13: LAND USES

13.01 Table of Land Uses

Table 13.1 contains a listing of allowed, conditional and prohibited uses for each zoning district.

**Table 13.1
TABLE OF LAND USES**

A = Allowed Use

CUP = Conditional Use

X = Prohibited

**R-1 First Residential
SR Special Residential
M-1 Industrial**

**R-2 Second Residential
C-1 Commercial**

**R-3 Third Residential
G-E Government Entity**

ZONE DISTRICT	R-1	R-2	R-3	SR	C-1	G-E	M-1
RESIDENTIAL USES							
Accessory Living Quarters	CUP	A	A	A	A	X	A
Adult Family Homes	A	A	A	A	A	X	A
Family Child Care Homes	A	A	A	A	A	X	A
Group Homes	CUP	A	A	A	A	X	A
Halfway House	CUP	CUP	CUP	CUP	CUP	X	CUP
Home Occupation/Business	A ¹	A ¹	A ¹	A ¹	A ¹	X	A ¹
Manufactured/Modular/Factory Built Homes	A	A	A	A	A	X	A
Manufactured/Mobile Home Parks	X	X	CUP	X	X	X	X
Mobile Homes	X	X	A ²	X	X	X	X
Multi-Family Dwellings	X	X	A	A	CUP	X	CUP
Nursing Homes/Rest Homes/Assisted Living/Residential Care Facilities	X	X	CUP	CUP	CUP	X	CUP
One Family Dwellings	A	A	A	A	A	X	A

¹ - permitted subject to compliance with Article V, Section 16.

² - only permitted in approved manufactured home parks.

TABLE OF LAND USES

A = Allowed Use

CUP = Conditional Use

X = Prohibited

R-1 First Residential
SR Special Residential
M-1 Industrial

R-2 Second Residential
C-1 Commercial

R-3 Third Residential
G-E Government Entity

ZONE DISTRICT	R-1	R-2	R-3	SR	C-1	G-E	M-1
Two Family Dwellings	A	A	A	A	A	X	A
COMMERCIAL USES							
Auto Courts	X	X	X	X	A	X	A
Auto Repair/Filling Stations	X	X	X	X	A	X	A
Automobile, Boat, Trailer, and Recreational Vehicles Sales area	X	X	X	X	A	X	A
Bed and Breakfasts	CUP	CUP	CUP	A	A	X	A
Child Day Care Centers	CUP	CUP	CUP	A	A	X	A
Clothing Sales	X	X	X	X	A	X	A
Financial/Insurance Services	X	X	X	A	A	X	A
Hotels/Motels	X	X	X	CUP	A	X	A
Indoor Entertainment/Recreational Facilities	X	CUP	CUP	CUP	A	X	A
Laundromat/Cleaning Establishments	X	X	X	X	CUP	X	CUP
Mini Storage Facilities	X	X	X	X	A	X	A
Museums, Art Galleries - Commercial	X	X	X	CUP	A	X	A
Museums, Non-Profit Historical	X	X	X	CUP	A	X	A
Personal Services	CUP ₃	CUP ₃	CUP ₃	CUP ₃	A	X	A
Pet shops, Grooming Establishments	X	X	X	X	CUP	X	CUP
Private Outdoor Recreation	X	X	X	X	CUP	X	CUP
Professional/Business Offices	X	A	A	CUP	A	X	A
Radio/Broadcast Station	X	X	X	A	CUP	X	CUP

³ - permitted subject to compliance with Section 16 herein.

TABLE OF LAND USES

A = Allowed Use

CUP = Conditional Use

X = Prohibited

R-1 First Residential
SR Special Residential
M-1 Industrial

R-2 Second Residential
C-1 Commercial

R-3 Third Residential
G-E Government Entity

ZONE DISTRICT	R-1	R-2	R-3	SR	C-1	G-E	M-1
Recreational Vehicle Parks	X	X	X	CUP	CUP	X	CUP
Rental Shops	X	X	X	X	CUP	X	A
Restaurants, Taverns, Cafes	X	X	X	X	A	X	A
Retail Sales and Services	X	X	X	X	A	X	A
Retail Trade	X	X	X	X	A	X	A
Small Convenience Stores	X	X	X	X	A	X	A
Supermarkets and Grocery Stores	X	X	X	X	A	X	A
Variety Stores	X	X	X	X	A	X	A
Veterinarian Clinic, Small Animal Hospital, Kennels	X	X	X	X	CUP	X	CUP
INDUSTRIAL USES							
Wholesale Storage or Warehouse Facilities, Freezers, Lockers	X	X	X	X	CUP	X	CUP
Agriculture Related Industry	X	X	X	X	X	X	CUP
Asphalt Manufacturing Plants	X	X	X	X	X	X	CUP
Bulk Storage Facilities	X	X	X	X	X	X	CUP
Cement/Concrete Plants	X	X	X	X	X	X	X
Explosive Manufacturing/Processing	X	X	X	X	X	X	X
Gravel Mining Operations	X	X	X	X	X	X	CUP
Heavy Equipment Storage	X	X	X	X	X	X	CUP
Junkyards/Wrecking Yards	X	X	X	X	X	X	CUP
Nuclear Processing/Storage	X	X	X	X	X	X	X
Off-Site or On-Site Hazardous Waste Manufacture/Processing/Treatment and/or Storage Facilities	X ⁴	X ⁴	X ⁴	X ⁴	X ⁴	X ⁴	X ⁴

⁴ - permitted by CUP if appurtenant to an existing permitted use.

TABLE OF LAND USES

A = Allowed Use

CUP = Conditional Use

X = Prohibited

R-1 First Residential
SR Special Residential
M-1 Industrial

R-2 Second Residential
C-1 Commercial

R-3 Third Residential
G-E Government Entity

ZONE DISTRICT	R-1	R-2	R-3	SR	C-1	G-E	M-1
Tire Shredding/Processing/Storage	X	X	X	X	X	X	X
OTHER USES							
Accessory Uses and Buildings	A	A	A	A	A	X	CUP
Cemeteries	X	A	A	X	X	X	CUP
Churches and Similar Places of Worship	A	A	A	A	A	X	CUP
Helipad	X	X	X	CUP	CUP	X	CUP
Heliport	X	X	X	X	X	X	CUP
Hospitals and Medical Clinics	X	X	CUP	CUP	A	X	CUP
Clubs, Lodges, Social and Recreation Centers - non-commercial	X	CUP	CUP	CUP	CUP	X	CUP
Municipal or Public Facility Pad	X X ⁵	CUP X ⁵	A X ⁵	A X ⁵	A X ⁵	A X	CUP X ⁵
Parking Lot, commercial	X	X	X	CUP	CUP	CUP	CUP
Parking Lot, Private	A	A	A	A	A	X	A
Parking Lot, Public	X	X	X	CUP	CUP	CUP	CUP
Parks, Private	CUP	CUP	CUP	CUP	CUP	X	CUP
Parks, Public	A	A	A	CUP	CUP	CUP	CUP
Portable Structures/Buildings on Utility Easements	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Public Utilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Recycling Drop Station	CUP	CUP	CUP	A	A	CUP	A
Schools - Elementary and Secondary	A	A	A	A	CUP	CUP	CUP
Schools - Vocational	X	X	X	X	CUP	CUP	A

⁵ - prohibited unless located within an approval manufactured home or recreational vehicle park.

TABLE OF LAND USES

A = Allowed Use

CUP = Conditional Use

X = Prohibited

R-1 First Residential
SR Special Residential
M-1 Industrial

R-2 Second Residential
C-1 Commercial

R-3 Third Residential
G-E Government Entity

ZONE DISTRICT	R-1	R-2	R-3	SR	C-1	G-E	M-1
Signs	A ⁶	A ⁶	A ⁶	A ⁶	A ⁶	A ⁶	A ⁶
Utilities/Communications Facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP

13.02 Classification of Unlisted Uses

The characteristics of uses that make them compatible, comparable or similar have been used to create the use zones in this ordinance. It is not possible to list every use to which land may be devoted. When any use is proposed or identified that is not specifically identified as first or conditionally permitted in any zone, or where any use changes through changes in processes, equipment or materials which make it impossible to meet those standards set for that use, the following shall occur:

1. The planning commission shall conduct an investigation of the use to ascertain all pertinent facts in relation to that use.
2. If the planning commission finds in its investigation that such use is substantially similar to one that is already enumerated, a finding shall be written to that effect and the standards applicable to the similar use shall be applied.
3. If the planning commission finds that such use is not substantially similar to one that is already enumerated, the addition of such use, if needed, shall be considered an amendment to the ordinance and the procedures as set forth for amending the ordinance shall be followed.
4. In considering the addition of an unclassified use to the ordinance, proper standards shall be established to insure that all impacts to adjacent uses created by that use are sufficiently mitigated.

SECTION 14: BULK, HEIGHT AND DIMENSIONAL STANDARDS

14.01 Bulk, Height and Dimensional Standards

⁶ - subject to compliance with Section 22 herein.

The following standards for bulk, height and dimensions are for all zoning districts.

Table 14.1 Bulk, Height and Dimensional Standards

ZONE DISTRICT	R-1	R-2	R-3	SR	C-1	SC	M-1
Lot Area ⁷ (minimum)	4,800	4,800	3,000	3,000	5,000	3,000	5,000
Lot Width (minimum)	50'	50'	45'	25'	0'	0'	0'
Setbacks ⁸ - front	20'	20'	20'	10'	0'	0'	0'
Setbacks ⁸ - side	5'	5'	5'	5'	0'	0'	0'
Setbacks ⁸ - rear	20'	20'	20'	10'	0'	0'	0'
Setbacks ⁸ - corner	15'	15'	15'	15'	5'	5'	5'
Setbacks ⁸ - accessory buildings	5'	5'	5'	0'	0'	0'	0'
Building Height	30' ¹²	30' ¹²	30' ¹²	30' ¹²	35'	35'	50'
Lot Coverage ^{13, 14}	40%	40%	40%	75%	90%	90%	90%

⁷ - measured in square feet.

⁸ - unless otherwise specified, all setbacks are measured from the appropriate lot line.

⁹ - except front yards along Aspen Street where setback is 15' measured from curb line.

¹² - limited to two (2) stories.

¹³ - All structures including temporary and permanent accessory buildings, including covered carports and sheds, but not including parking spaces, driveway or sidewalks shall cover no more than 40 percent of the lot.

¹⁴ - Total Lot coverage for structures and impervious surfaces cannot exceed 60% of the Lot size.

14.02 Height Limitations

The height limitations in Table 14.1 shall not apply to church spires, belfries, cupolas, penthouses, and domes not used for human occupancy; nor to chimneys, ventilators, flagpoles, skylights, water tanks, bulkheads, similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be

Section 2. Effective:

This ordinance shall become effective from and after its passage by the town council, approval by the mayor, and after publication by summary in the official newspaper of the town, as provided by law

erected only to such height as is necessary to accomplish the purpose they are to serve. Nor shall the provisions of this code apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five (5) feet.

14.03 Projecting Architectural Features

1. The space in any required yard shall be open and unobstructed except for ordinary projections of window sills, belt courses, cornices, eaves, and other architectural features, provided, however, that such features shall not project more than 3 feet into any required yard, as long as other separation requirements of the UBC are met.
2. Patio roofs: Patio areas may be roofed for shade and other purposes provided such roof area does not exceed 30 percent of the yard area in which it is located.

14.04 Visibility at Intersections

On a corner lot in any residential district no fence, wall, hedge, or other structure or planting more than two (2) feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting curb lines and a straight line joining said street curb lines at points which are 30 feet distant from the point of intersection, measured along said street lines.

SECTION 15: ACCESSORY USES

15.01 Permitted Accessory Uses

The following accessory uses, in addition to those hereinafter specified, shall be permitted in any zoning district.

1. Customary accessory uses and buildings are permitted provided such uses are incidental to the principal use and do not include any activity commonly conducted for financial gain, except under the following conditions:
2. Such use will not reduce real estate values or the desirability of the neighborhood due to offensive noise, odors, unsightliness or other reason.
3. Approval of such use by the Town Planning Commission or, if applicable, by the Town Council.
4. Structures and land uses for necessary government and public utility functions.

5. Signs, in addition to those otherwise permitted in Section 22, when not exceeding a total area of six (6) square feet and pertaining only to the prospective sale or lease of land or building upon which displayed.

SECTION 16: HOME OCCUPATIONS

16.01 Home Occupation Basic Standards

Home occupations are permitted outright provided no home occupation shall be permitted that:

1. Changes the outside appearance of the dwelling or is visible from the street.
2. Generates traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood.
3. Creates a hazard to person or property, results in electrical interference, or becomes a nuisance.
4. Results in outside storage or display of materials or signs related to said home occupation.
5. Involves employment of help other than the members of the resident family.
6. Involves the use of commercial vehicles for delivery of materials to or from the premises.
7. Involves any use of advertising sign on the premises or any other local advertising media which calls attention to the fact that the home is being used for business purposes, telephone number listing excepted.

16.02 Permitted Home Occupations

The following are permitted home occupations provided they do not violate any of the performance standards described in Subsection 16.01:

1. Dressmaking, sewing, and tailoring
2. Painting, sculpting, or writing
3. Telephone answering
4. Home crafts

5. Tutoring, limited to four students at a time
6. Computer programming and repair; word processing
7. Resident owned and operated beauty and barbershops
8. Office facility of a salesperson, sales representative, accountant, tax preparer, investment counselor
9. Musical instruction
10. Adult Family Homes
11. Childcare facilities with 12 or fewer children
12. Home offices, without customer coming to the home

16.03 Prohibited Home Occupations

The following are prohibited as home occupations:

1. Animal hospitals
2. Dancing studios
3. Mortuaries
4. Nursery schools
5. Private clubs
6. Restaurants
7. Stables or kennels
8. Automobile repair or paint shops
9. Clinics and hospitals
10. Commercial print shops
11. Day care centers with 13 or more children
12. Any use involving the handling, treatment, or storage of hazardous waste as defined by RCW 70.105.010

SECTION 17: UTILITY EASEMENTS

Where necessary, utility easements have been established throughout the Town to provide a corridor for installation and maintenance of services to individual lots or parcels. No permanent buildings or structures shall be located on utility easements. Portable structures may be placed upon utility easements after obtaining a conditional use permit as set forth in Article IX of this ordinance. When required for installation, replacement, or maintenance activities of the utility, the landowner will be required to move the portable structures at his or her expense upon the Town's request.

SECTION 18: RECREATIONAL VEHICLES AND TRAVEL TRAILERS

Recreation vehicles and travel trailers are not permitted to be used as primary residences.

SECTION 19: STRIPPING OF SOIL

No person, firm or corporation shall strip, excavate or otherwise remove top soil for sale or for use other than on the premises from which the same shall be taken except in connection with construction or alteration of a building on such premises and excavation or grading incidental thereto. In the event of discovery of any site which is or may be archaeologically significant during an excavation, applicable state, federal or tribal regulations shall be followed.

SECTION 20: TRAFFIC AND PARKING**20.01 Traffic Generation Standards**

Uses likely to generate more than twenty-five (25) trips per day per acre, as determined by the Town of Coulee Dam, to or from the premises shall be permitted only if the lot, parcel or tract containing the use is directly served by a public street.

20.02 Off-street Parking Requirements

1. Each property within the Town of Coulee Dam limits is required to have off-street parking spaces in accordance with Table 20.1, the table of minimum parking standards, for specific uses, set forth below. However, compliance with the

requirements of this chapter is limited to new construction and rehabilitation projects as defined herein. No building permits will be issued for such construction without a plan for compliance with the requirements set forth in this chapter.

Table 20.1 - Minimum Parking Standards

Use	Number of Spaces
Single family dwelling	1 per dwelling unit
Duplex	1 per dwelling unit
Triplex	1 per dwelling unit
Four or more units (1 building)	1 per dwelling unit ⁹
Motel or hotel	1 per guest room
Medical/dental office	1 per 150 sq. ft. floor space ¹⁰
Offices with on-site customer services	1 per 400 sq. ft. floor space ¹⁵
Offices without on-site customer services	1 per 800 sq. ft. floor space
Eating and drinking establishments	1 per 200 sq. ft. floor space
Retail	1 per 500 sq. ft. floor space

2. In cases where any of the above properties should abut or adjoin a Town-owned parking area, excluding a Town street with curb parking, , the Town-owned parking area may be substituted for UP TO fifty-percent (50%) of the above required parking requirements upon the recommendation of the Planning Commission, including a determination by the Commission that full compliance of the intent of this ordinance will be assured.
3. In addition to the basic standards and requirements established by this ordinance, the Planning Commission, and/or the Town Council, may make such other requirements or restrictions as shall be deemed necessary in the interest of public safety, health, and general welfare, facilities, entrances and exits, accessory uses and conditional exceptions. Further, performance bonds may be required in such cases where the Planning Commission or Town Council determines that such shall be necessary to guarantee proper completion of improvements within the time period specified.

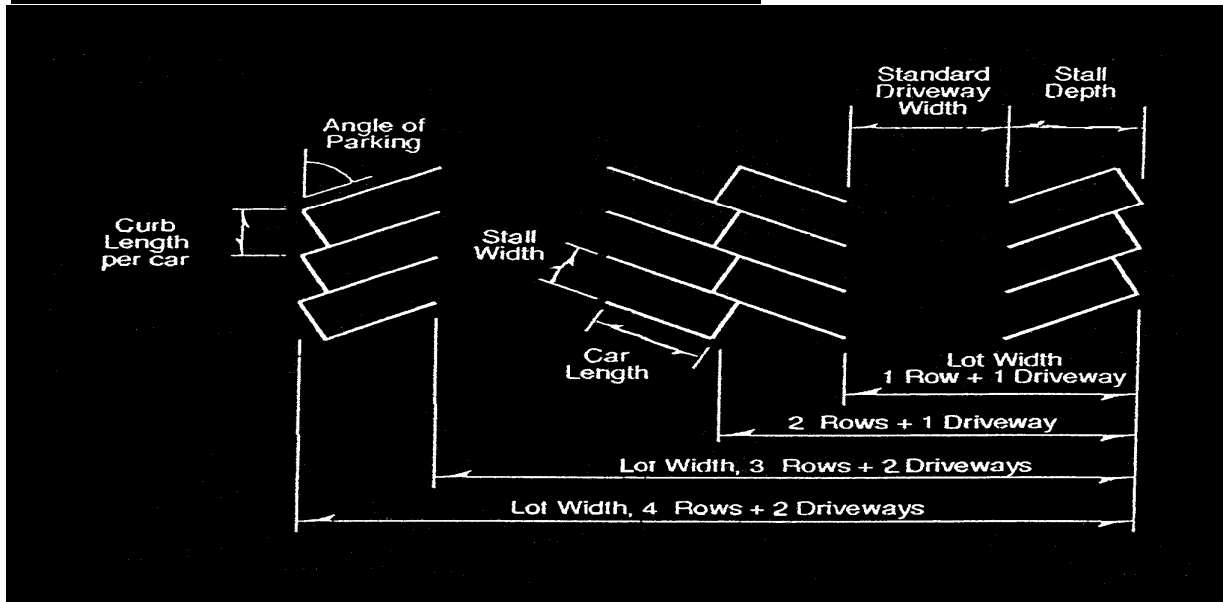
⁹ - Applies whether building is classified as an apartment or a condo.

¹⁰ - Minimum of 2 per office

4. Joint use agreements which are not in violation of statutes and regulations may be made between adjacent property owners, and after review by the Planning Commission shall be filed with the Town clerk.
5. Changes in an existing land use or structure shall carry existing agreements and privileges of use forward with the new use, where said use will not endanger the public safety or inflict a loss on adjacent land owners. Projects which involve the change in use of structures within commercially zoned areas, and major remodels and other projects which entail the redevelopment of structures which existed prior to January 1, 1998, are exempt from the requirements of this chapter.

The following figure depicts the different parameters of parking stalls, access isles and other pertinent features of parking lots.

20.03 Submittal of Off-Street Parking Plans



Any party developing an off-street parking lot shall submit a plan of the proposed parking area showing adjacent streets and structures and proposed traffic circulation, drainage, lighting, landscaping, fencing and screening to the Building Official to review for compliance with this ordinance.

20.04 Ingress and Egress Standards

All ingress and egress to a parking lot must be arranged such that no vehicle shall back onto a public street or otherwise cause or create unsafe or hazardous conditions for traffic on adjacent streets. All vehicles exiting a parking lot or area shall have clear vision of all traffic. Access to state highways shall require approval of an access permit

in accordance with Section _____ and be designed and constructed to meet the standards of 47.50 RCW.

20.05 Grading, Surfacing, and Drainage Standards

All required off-street parking areas shall be graded and surfaced to a standard comparable to the street or road which services the parking area. Such standards shall be determined by the Building Official. The surfacing shall be dustless and drainage shall be accomplished to adequately dispose of all storm water and snow melt in an approved manner. All access lanes adjoining state right-of-ways shall meet the requirements of the state agencies administering said right-of-ways, or of the Town of Coulee Dam, whichever are greater.

20.06 Loading and Surface Space Requirements

Land uses which require service vehicle access for deliveries and shipments shall have an off-street loading space with access to a public thoroughfare. The size of the space shall be large enough to accommodate all servicing vehicles. No servicing vehicle shall extend into the public thoroughfare when using the loading space.

20.07 Access to Lot

All buildings hereafter erected or moved shall be on a lot adjacent to a public or approved private street. All buildings shall also be located on the lot to provide safe and convenient access for servicing, fire protection and required off-street parking.

20.07 Compliance

1. Compliance with the requirements of this section is mandatory for new construction, rehabilitation projects and major remodeling projects as defined herein. No building permits will be issued for construction without detail of plans that include off-street parking.
2. Compliance with the requirements of this section may be made mandatory as a requirement for re-licensing of a home occupation business if a complaint has been made with respect to congested traffic.
3. Compliance with the requirements of this section is not mandatory or required for any property at its present level of development.
4. New developments will be prohibited, if it negatively affects the adopted LOS adopted by the town, unless transportation improvements or strategies, such as traffic demand strategies (TDM), to accommodate the impacts of development are made concurrent with the development (as required under GMA).

SECTION 21: ENVIRONMENTAL STANDARDS**21.01 Air Quality Standards**

The emission of any of the following air pollutants shall be subject to the National Ambient Air Quality Standards:

1. Smoke and gas.
2. Dust, dirt and flying ash.
3. Noxious or odorous matter.

21.02 Noise Level Standards

The intensity of sounds emitted by any use shall not exceed the levels prescribed by the Washington State Department of Ecology (WAC 173.60 and WAC 173.62). Any construction activities that create noise that may be a nuisance to surrounding properties shall be limited to the hours between 7:00 a.m. and 8:00 p.m. All noise standards shall be subject to state or local regulations, whichever are greater.

21.03 Light and Glare Standards

Any intensive glare or light associated with a land use shall be screened to obscure the view of this glare and light from any point along the property except during periods of construction.

21.04 Nuclear Radiation Standards

The use, storage, transportation and disposal of all radioactive materials and radiation machines shall be subject to the provisions contained in Rules and Regulations for Radiation Protection, issued by the Radiation Control Agency of the Washington State Department of Health.

21.05 Toxic Chemical Storage

Any toxic chemical shall be stored in containers and at locations that prevent leakage and are not hazardous to adjacent or nearby property, and are subject to all regulations from state or federal agencies that manage the use and storage of those materials. Materials that may come into contact with the public or employees of a facility shall have material safety data sheets available to the public and to emergency personnel in accordance with state and federal regulations.

SECTION 22: SIGNS

22.01 Signs

Signs shall be permitted subject to the following limitations:

1. All signs shall conform to the general architecture of the building.
2. No sign or part thereof shall extend more than 35 feet above average finished grade.
3. Any sign extending over a sidewalk or other public area shall have a minimum clearance of 8 feet.
4. All signs shall be located within or attached to a support located within the site on which the business being advertised or product being sold is located, and meeting the requirements of strength and stability necessary for public safety as determined by the town building official.

22.02 Sign Standards

Any signs erected in the Town of Coulee Dam shall conform to the following standards:

1. The following signs shall be prohibited:
 - A. Signs that in the opinion of the Town Police Department interfere with the view of traffic signals, signs, or devices and approaching and merging traffic,
 - B. Signs with flashing, moving, intermittent or uncomfortably intense lights.
 - C. Obsolete or unsafe signs,
 - D. Signs erected, maintained or painted on trees, rocks, or other natural features,
 - E. Signs which obstruct view from any public or private property,
2. An on-premise commercial sign shall mean any exterior sign or device conveying a message advertising or attracting the attention of prospective patrons and which either is attached or lettered on a structure or is erected freestanding on a property upon which the advertised activity is located. Such signs shall conform to the following standards.
 - A. The maximum size of any on-premise sign for any individual use in a structure shall not exceed 100 square feet. For two sided signs only one side shall be used for calculating the area.

- B. Signs shall not project more than 6 feet from the side of a building and shall not interfere with pedestrian or vehicular traffic.
 - C. The number of on-premise commercial signs shall not exceed the number of sides abutting a public right-of-way on the lot on which the business is located. In cases where there is more than one use per lot, each use shall be permitted one sign per street frontage.
 - D. On-premise commercial signs shall not be erected in an R-1, R-2, R-3, or SR-1 except as allowed for a home occupation for produce stands, or the sale of property and temporary real estate sales offices in those zones.
3. Noncommercial signs shall mean any exterior residential nameplate erected for the purpose of identifying a residence, or a permanent sign for naming and identifying a residence, or a permanent sign for naming an institution, recreational development or building, apartment, or subdivision. Noncommercial signs shall comply with the following regulations:
- A. Noncommercial signs may be erected in any zone,
 - B. Noncommercial signs in R-1, R-2, and R-3 zones shall comply with the following regulations:
 - i. Nameplates identifying the residents of a single-family dwelling shall not exceed 2 square feet.
 - ii. One unlighted sign not exceeding 6 square feet may be placed on a property advertising the sale, lease, or hire of a building on that property.
 - iii. One unlighted sign identifying an institutional, recreational development or building, apartment or subdivision not exceeding 12 square feet may be placed on property containing that use.
 - iv. Real estate signs advertising the sale or lease of a property on which they are located shall not exceed (6) square feet.
4. Political campaign signs may be displayed 30 days prior to an election and must be removed no later than 7 days after the election. For a successful candidate in a primary election, the sign may remain between the primary and the final election, providing that it is maintained. The candidate for whom the sign is displayed is responsible for its removal.

SECTION 23: FENCES

No perimeter fences shall be erected in a residential zone beyond a height exceeding 6 feet; nor shall any fence extend into a front yard beyond the permissible front building lines. In the case of corner lots, no fence shall be erected within 15 feet of the side property line abutting the side street line.

SECTION 24: SATELLITE RECEIVING SYSTEMS & RADIO ANTENNAS**24.01 Purpose**

The purpose of this section is to minimize the adverse visual and physical impacts of telecommunications and satellite receiving systems exceeding 3 feet in diameter and/or installed at a height not greater than the adjoining structure(s).

24.02 Permit Required

A building permit shall be required for installation of the satellite receiving system. The building official shall review the application for compliance with general regulations and, where needed identify specific conditions for each installation. The official findings, with recommendations, will be given to the Planning Commission for final approval. A building permit fee as established in the Uniform Building Code shall be charged.

24.03 General Requirements

The building official shall use, but not be limited to, the following criteria in developing appropriate conditions for the location and screening of satellite receiving stations, hereinafter referred to as "antennas".

1. Aluminum mesh antennas shall be used whenever possible instead of solid fiberglass types for units exceeding 3 feet in diameter.
2. Where possible, antennas shall be painted colors that will blend with their backgrounds and shall be compatible with the appearance and character of the residential neighborhood.
3. Antennas shall not be greater than 12 feet in diameter.
4. Antennas larger than (3) feet in diameter in any dimension shall be screened, if visible from the street, with plant materials, fences, etc. to minimize visual impact on the area.
5. Installation shall meet all applicable construction codes.
6. If guy wires are used on ground mounted units, they shall be confined within the screened area.
7. Antennas shall comply with all applicable federal or state regulations. The Town assumes no responsibility to administer these regulations.

8. Antennas greater than (3) feet in any dimension shall not be roof mounted in residential zoning districts unless the antenna will not be visible from any streets or surrounding properties within 500 feet. Commercial antennas greater than 36 inches may be roof mounted if they do not exceed the building height ordinance and are certified by a structural engineer that they do not impose a load that the structure cannot bear.
9. Antennas shall not be located in the front yard of any residential site.
10. Antennas shall be located at least 5 feet from any property line. The setback is measured from the part of the antenna or its base nearest the property line. The building official may vary this setback for antennas if it will achieve a result superior to that which would be achieved by strictly following the standards.
11. Each antenna shall serve only the building, or buildings, located upon the lot on which said antenna are installed.
12. The location of the antenna on the lot shall not restrict the adjacent landowners rights within the limits as set forth by town ordinances and building codes. Should conflicts arise due to reception interference, they shall be resolved by the owner of the antenna reaching an agreement with the adjacent landowner, or by relocating the antenna.
13. The antenna installation shall bear no advertising emblem or information other than the name of the manufacturer in letters not to exceed two inches in height.

24.04 Existing Antennas

Antennas in existence prior to the enactment of this ordinance shall be considered "grand-fathered", or nonconforming structures. Should they ever be relocated, the reinstallation shall be subject to all the requirements of this ordinance.

ARTICLE VI RESOURCE LANDS AND CRITICAL AREAS

SECTION 25: RESOURCE LANDS AND CRITICAL AREAS

25.01 Statutory Authorization

The legislature of the State of Washington has, in 36.70A.060 RCW, mandated local governments required to plan under 36.70A.040 RCW to adopt development regulations to ensure the conservation of agricultural, forest and mineral resource lands and to adopt development regulations precluding land uses or development that are incompatible with critical areas designated under 36.70A.170 RCW.

25.02 Purpose and Intent

It is the purpose of this section to provide standards and regulations applicable to those areas within the Resource Lands and Critical Areas Overlays. The intent is to promote the public health, safety and general welfare by inclusion of provisions designed to:

1. Protect human life and health;
2. Further the public's interest in the conservation and wise use of our lands;
3. Assure the long-term conservation of resource lands;
4. Preclude land uses and developments that are incompatible with critical areas;
5. Classify and designate critical areas and resources lands; and
6. To develop appropriate regulatory and non-regulatory actions in response.

25.03 General Provisions

Prior to accepting a development application, the zoning and data maps shall be consulted for the purposes of determining whether or not the property subject to the application is within any area shown as a resource land or critical area. The presence of critical areas is determined by the Town Clerk or designee by reference to critical features inventory documents currently existing or generated by research and analysis, using best available science. When such areas are encountered, the applicant will immediately be notified and the types of resource or critical areas disclosed. Instructions shall be provided to the applicant on the type of evaluation and site specific analysis that will be required as a supplement to the application materials necessary to bring the application up to standard that can be characterized as complete. Also any land owned by or adjacent to United States Bureau of Reclamation land will be required to comply with all pertinent regulations including the Downstream Plan as set by the United States Department of Interior, Bureau of Reclamation and the State of Washington.

Until the Town of Coulee Dam adopts, as necessary, a Shoreline Master Plan the most restrictive SMP adopted by Grant, Douglas, and Okanogan County shall be used for all shoreline development.

If the subject property does not lie within or partly within the resource lands or critical areas as depicted on the zoning and data maps, the application will be considered complete, provided the application requirements of the ordinance governing the process at issue are satisfied.

From the effective date of this ordinance, no development application processed under this ordinance shall be approved without a written finding that:

1. This article has been considered,
2. Additional information has been assembled under this chapter or was not required, and
3. The purpose and intent of this ordinance has been accorded substantial consideration.

25.04 Development Standards

1. Resource Lands: The Town has not identified any resource lands located within or immediately adjacent to the incorporated limits, and therefore reserves this section for future use when or if the need arises.
2. Critical Areas:
 - A. Wetlands
 - i. Site analysis - required for the purpose of establishing an exact wetland boundary using the criteria found in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. Field delineation of the boundary is required and a scaled map must be produced. The Washington State Four-Tier Wetlands Rating System must then be applied to the wetlands area to establish the category of wetlands in evidence. The analyzes required by this section shall be done by qualified professional and technical scientists, the Washington Department of Ecology, or others who can demonstrate through a combination of formal training and field experience the ability to function professionally in this capacity.

ii. Development Standards

- (a) Category III and IV Wetlands of ten thousand (10,000) square feet or less are excluded from all provisions of this chapter.
- (b) A buffer zone shall be required adjacent to, and outside of, all regulated wetlands according to the following schedule:

Category I Wetland	250 feet
Category II "	150 feet
Category III "	75 feet
Category IV "	50 feet

The above buffers may be reduced by a maximum of 50 percent if the site analysis demonstrates that the adjacent land is, and will remain, extensively vegetated, is topographically remote from the wetland and that no direct adverse impacts on the regulated wetlands is a reasonable probability as a result of the buffer reduction.

- (c) Wetland buffer zones shall be retained in their natural condition. Where buffer disturbances are unavoidable during adjacent construction, re-vegetation with native plant materials will be required.
- (d) The following activities are allowed to occur in wetlands and wetland buffers zones; outdoor recreational activities, existing and ongoing agricultural activities (provided no additional area is added beyond demonstrable historic levels), maintenance of existing facilities, structures, ditches, roads and utility systems.
- (e) Nothing in this section abrogates, compromises or otherwise subordinates the full force, effect and applicability of the Washington State Shorelines Management Act.
- (f) A use or structure established prior to the effective date of this chapter which does not conform to standards set forth herein, is allowed to continue and be reasonably maintained provided that such activity or structure shall not be expanded or enlarged in any manner that increases the extent of its nonconformity.

B. Frequently Flooded Areas

- i. Site analysis - required only for the purpose of establishing a pre-construction site elevation at the lot's highest point at the proposed building foundation.

- ii. Development Standards: All developments must follow the provisions of the Grant, Douglas, and Okanogan County Flood Damage Prevention Ordinance, Zoning Ordinance, Platting and Subdivision Ordinance, the Short Plat and Short Subdivision Ordinance and all other applicable ordinances and codes as required and any amendments to these ordinances

C. Geologically Hazardous Areas

i. Erosion Hazard

- (a) Site analysis - required to determine the exact location and circumstances that might be expected to precipitate a significant erosion event. The type and effectiveness of mitigating measures available to safeguard the public safety and welfare shall be addressed. The analysis shall also discuss the proposed development's influence on the erosion hazard and suggest appropriate design and development measures that might be taken to minimize such hazards.
- (b) Development Standards
 - 1) Erosion hazard areas shall be avoided as locations for building construction, roads or utility systems where mitigation is not feasible.
 - 2) Development activities or their support infrastructure shall not be allowed that would directly or indirectly worsen the erosion hazard identified in the site analysis.
 - 3) Design considerations shall be established on a case-by-case basis.
 - 4) A run-off management plan or erosion control plan stating how it will manage sedimentation problems must be completed before the project is started.
 - 5) Before a project can be deemed complete within an erosion hazard area, reseeding with native vegetation for stabilization purposes must be completed.
 - 6) Existing uses legally established in Erosion Hazard Areas should be allowed to continue while expansion of any existing use should meet structural standards that ensure the safety of the project.

ii. Landslide Hazard

(a) Site analysis - required to identify and quantify geologic, topographic and hydrologic factors that might contribute to slope instability. The rate and extent of potential hazards to development activity must be assessed and mitigation measures, if any, evaluated. The proposed development must be analyzed in light of the hazards and effects represented by the landslide exposure on proposed private and public investments. Development operational factors should be included in the analysis to account for the effects of residential landscape irrigation and storm water generation from impervious surfaces and the influence of street conveyance on slope stability.

(b) Development Standards

- 1) Documented landslide hazard areas shall be avoided as locations for building construction, roads or utility systems where mitigation is not feasible.
- 2) If the degree of hazard warrants some development activity, post construction slope stabilization and appropriately upgraded road construction specifications shall be employed to eliminate as completely as practicable, any public or private exposure to landslide hazards or abnormal maintenance and/or repair costs.

D. Fish And Wildlife Habitat Conservation Areas

i. Site analysis - required to identify endangered, threatened, candidate, monitor and sensitive and priority species, species and habitats of local and regional importance and the nature and extent of their primary association with the habitat conservation area. The investigation shall include relative density and species richness, breeding, rearing and spawning habitat, seasonal range dynamics and movement and/or migration corridors. The analysis shall address the relative tolerance by species of human activities. The development proposal shall be evaluated in terms of its influence on the above wildlife factors and recommended mitigating measures shall be required for any area that would potentially degrade base-line populations and reproduction rates over the long term.

- ii. Development Standards
 - (a) No development approval shall be granted unless mitigation of adverse effects can be provided that will ensure continuation of base-line populations in the region for all endangered, threatened, candidate, monitor, sensitive and priority species.
 - (b) Development may be allowed when only species and habitats of local importance will suffer population declines or interruption of migration routes provided that adequate regional populations are maintained.
 - (c) Development reviews shall include regional species occurrence and movements and will avoid creating isolated sub-populations where warranted.

E. Aquifer Recharge Areas

- i. Site Analysis - required for the purpose of delineating the recharge areas on a scaled development plan and providing detailed information on the following items:
 - (a) Hydro-geological susceptibility to contamination and contaminant loading potential.
 - (b) Depth to ground water
 - (c) Hydraulic conductivity and gradient
 - (d) Soil permeability and contamination attenuation
 - (e) A vadose, or surface, zone analysis including permeability and attenuation properties
 - (f) An analysis of the recharge area's toleration for impervious surfaces in terms of both aquifer recharge and the effect on water quality degradation
 - (g) A summary of the proposed development's effect on the recharge area, concentrating on items "d" and "f" of this section
 - (h) Existing water quality analysis
- ii. Development Standards:
 - (a) The site analysis will create a water quality baseline that will serve as a minimum standard that shall not be degraded by proposed development.
 - (b) The creation of additional impervious surfaces shall be limited to that amount described in the site analysis that will ensure adequate aquifer recharge and water quality protection.

- (c) Development approvals shall ensure that all best management practices are employed to avoid introducing pollutants into the aquifer. This includes the complete collection and disposal of storm water outside of the aquifer recharge area for all development of impervious surfaces.

25.05 Non-Conforming Developments

Within the natural resource lands and critical areas established by this code or subsequent amendments thereto, there may be developments and lot(s) of record which were lawfully established or approved, but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendments. It is the intent of this Ordinance to permit these non-conformities to continue and to allow previously approved developments to reach the development conclusion anticipated in their approved applications. The lots of record within major subdivisions that have received preliminary plat approval and short plats filed for record at the Grant, Douglas, and Okanogan County Auditor's office will be considered building lots in all respect and exempt from the provisions of this ordinance. Planned Developments, conditional use permits and other land use applications approved prior to the effective date of this ordinance are also exempt from this ordinance.

25.06 Warning and Disclaimer of Liability

The degree of hazard protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Catastrophic natural disasters can, and will, occur on rare occasions. This ordinance does not imply that land outside the critical areas or activities permitted within such areas will be free from exposure or damage. This ordinance shall not create liability on the part of Coulee Dam, and officers or employees thereof, for any damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

ARTICLE VII NONCONFORMING STRUCTURES AND USE

SECTION 26: NONCONFORMING STRUCTURES AND USES

26.01 Purpose and Intent

Invariably, at the time this ordinance is adopted or amended, certain uses and structures that existed prior to the adoption or amendment will not conform to the regulations of this ordinance. These are known as nonconforming uses and structures. In order to adopt the ordinance and so as not to cause undue economic hardship on owners of nonconforming uses and structures, these uses or structures are allowed to continue under special conditions as described in this section.

26.02 Continuation of a Nonconforming Structure or Use

Subject to the provisions of this Ordinance, a nonconforming structure or use may be continued and maintained in reasonable repair, but shall not be altered or extended. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the effective date of this ordinance is not considered an enlargement or expansion of a nonconforming use and may be allowed when the Planning Commission determines that such alterations or extensions are appropriate.

26.03 Discontinuance of a Nonconforming Use

If a nonconforming use of a property or a structure is discontinued for a period of twelve (12) months or more, the nonconforming use is no longer legal, and any subsequent use of the property or structure shall conform to this ordinance.

26.04 Change of a Nonconforming Use

If a nonconforming use not involving a structure is replaced by another use, the new use shall conform to this ordinance. If a nonconforming use involving a structure is replaced by another use, the new use shall conform to this ordinance unless the Planning Commission determines that such site is suitable only for another nonconforming use not more detrimental to surrounding properties than the one to be replaced. Once a nonconforming use has been altered to come into compliance with the requirements of this code, it shall not revert back to a nonconforming use.

26.05 Destruction of a Nonconforming Use or Structure

If a nonconforming use structure or a structure containing a nonconforming use suffers damage or is destroyed by any cause, including intentional destruction exceeding 50 percent of its assessed value, as determined by the applicable County Assessor's office, it shall be repaired or rebuilt in conformity with these regulations.

26.06 Unsafe Structures

Any structure or portion thereof declared unsafe by a proper authority must be restored to a safe condition, according to the provisions of the Uniform Building Code.

26.07 Dwellings on Small Sites

The implementation of the provisions of this code shall not apply to prevent the erection of a single family dwelling on a site, when, at the time of approval of these standards said site is less in area or width than specified for a single family dwelling.

ARTICLE VIII BUILDING PERMITS, VARIANCES AND CONDITIONAL USES

SECTION 27: BUILDING PERMITS

27.01 Purpose and Intent

The purpose of this section is to insure that no building or structure shall be erected, moved added to or structurally altered without a permit issued by the Building Official of the Town Coulee Dam.

27.02 Application Procedure

All applications for building permits are subject to review under Article X.

27.03 Building Official Review

The building official shall review the application for compliance with the provisions of this ordinance and any other applicable codes or ordinances. If the Building Official finds that the proposed structure is not in compliance with applicable ordinances and codes, the Building Official shall deny the application and return the application to the applicant with a written explanation of the reasons for denying the application.

The applicant may resubmit the application provided that the structure is modified to meet the requirements of all codes and ordinances. Upon receipt of a building permit, substantial construction of the structure must start within six months of the issuance of the permit. If substantial construction has not started within 6 months, the applicant must submit a request for extension of the permit.

SECTION 28: VARIANCES

28.01 Purpose and Intent

The purpose of a variance is to provide relief when a strict application of zoning and subdivision regulations and standards would impose unusual practical difficulties or unnecessary physical hardship on the applicant because special conditions or circumstances exist which are peculiar to the size, shape, topography or other physical conditions peculiar to and inherent in the particular site.

28.02 Conditions

Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interests of the surrounding property or neighborhood, and to otherwise secure the purpose and requirements of this section. Guarantees and evidence may be required to insure that such conditions will be and are being complied with.

28.03 Criteria for Granting Variances

Variances to requirements of the unified development code may be granted only if, on the basis of investigation and submitted evidence, all six of the following findings are made:

1. That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship.
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same area.
3. That the exceptional or extraordinary circumstances or conditions did not result from the applicants' action.
4. The granting of the variance will not be detrimental to the public health, safety, or welfare or be materially injurious to properties or improvements in the near vicinity.
5. That granting of the variance would not conflict with the goals and policies contained within the Town of Coulee Dam's Comprehensive Plan.
6. That granting the variance will not confer on the applicant any special privilege that is denied by the ordinance to other lands, structures or buildings in the zone in which the property is located.

28.04 Application Procedure

All applications for variances are subject to review under Article X.

28.05 Time Limit

Authorization of a variance shall be void after (6) months unless substantial construction pursuant to the variance has taken place. However, the Town Council may extend this period at the request of the applicant.

SECTION 29: CONDITIONAL USE PERMITS**29.01 Purpose and Intent**

The purpose of the section is to establish the procedures for granting conditional use permits for those uses described in Subsections 4.03, 5.03, 6.03, 7.03, and 8.03. Conditional use permits shall not be issued for uses not specifically listed in these sections or within Article V, Table 13.1 of this Ordinance. Proposals for additional conditional uses shall be submitted as amendments to the ordinance and follow the procedures described in Article X. If such uses are added, the applicant may then apply for a conditional use permit.

29.02 Conditions

1. General Conditions. Conditional uses are considered to be unusual uses for any specified zone; therefore, reasonable conditions may be imposed in connection with a conditional use permit as deemed necessary to protect the best interests of the surrounding property or neighborhood and to otherwise secure the purposes and requirements of this ordinance. Guarantees and evidence may be required to insure that such conditions will be and are complied with. In determining any conditions to be applied to the granting of a conditional use permit, the following impacts may require mitigation:
 - A. Erosion potential
 - B. Excessive storm_water runoff
 - C. Environmental hazards
 - D. Environmental pollution
 - E. Fiscal impacts
 - F. Traffic hazards
 - G. Traffic congestion
 - H. Visual and auditory impacts
 - I. Obtrusive visual blight
 - J. Any other usual impact associated with the proposed use.

2. Conditions for Specific Uses. Some uses by their nature provide greater opportunity for impacting adjoining land uses. Therefore the following uses are subject to conditions listed for each in addition to compliance with 37.02 1 above.
 - A. Privately owned parks/recreational sporting facilities in the R-1, R-2, and R-3 zones shall include the following conditions:
 - i. No public amusement devices are constructed.
 - ii. Any lights providing illumination for any building or recreational area shall be so arranged to direct light away adjacent properties.
 - iii. Any buildings or structures shall be no less than 20 feet from any common property line and a public street.
 - B. Manufactured/Mobile Home Parks. Mobile home parks/Manufactured home parks shall meet the following conditions:
 - i. Minimum size - three (3) acres and must be large enough to meet the following requirements:
 - ii. Setbacks from all perimeter site boundaries of ten (10) feet, five (5) foot setbacks on interior lines and twenty-five (25) feet from public rights-of-way.
 - iii. Off-street parking as provided in Article V, Section 22 - Parking Standards
 - iv. Domestic water is to be provided by the Town or by a system approved by the Washington State Department of Health.
 - v. Individual lots must be a minimum of three thousand (3,000) square feet.
 - vi. The site shall have access on a public right of way meeting applicable standards.
 - vii. Above ground storage of flammable gases or liquids must be done with adequate safety precautions and full consideration for the safety of the trailer or mobile home occupants and other buildings, dwellings or trailers on adjoining sites.
 - viii. Ingress and egress to the court or park must be at controlled points.
 - ix. The Park must provide internal traffic options.
 - x. A water source (hydrant or other) for fire control shall be required. Approval must be secured from the Coulee Dam Fire Chief, Public Works Superintendent, and the Building Official.
 - xi. Open spaces for recreation totaling 10% of the overall project site.
 - xii. Screening by fence or planting, landscaping and other special conditions as required for the privacy, welfare or safety of adjoining property owners and/or the occupants of the court or park.
 - xiii. An adequate area for the storage of recreational equipment, recreational vehicles, refuse collection facilities, and other areas as

determined during site review with the building official and planning commission.

29.03 Scope of Permit

Issuance of a conditional use permit shall not imply a variation from any of the specific or general provisions of this ordinance.

29.04 Application Procedure

All applications for conditional use permits are subject to review under Article X.

29.05 Time Limit

Authorization of a conditional use permit shall be void after 6 months unless substantial construction pursuant to the permit has taken place. However, the Town Council may extend this period at the request of the applicant.

ARTICLE IX SUBDIVISIONS

SECTION 31: GENERAL PROVISIONS

31.01 Purpose and Intent

The purpose and intent of this Ordinance is to regulate the division of land and to promote the public health, safety, and general welfare in accordance with standards established by the town to prevent the overcrowding of land; to lessen congestion in the streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on the streets; to provide for adequate light and air; to facilitate adequate provision of water, sewerage, parks and recreation requirements; to provide for proper ingress and egress; to provide for the expeditious review and approval of proposed subdivision which conform to zoning standards and local plans and policies; to adequately provide for the housing and commercial needs of the citizens of the town; and to require uniform monumenting of land divisions and conveying by accurate legal description.

31.02 Exemptions

Pursuant to RCW Section 58.17.040, the provisions of this Ordinance shall not apply to:

1. Cemeteries and other burial plots, while used for that purpose.
2. Divisions of land, in accordance with the applicable zoning density or lot size requirements, into lots or tracts each of which is one thirty-second (1/32) of a section of land or larger, or twenty (20) acres or larger if the land is not capable of description as a fraction of a section of land, unless the town of Coulee Dam adopts a subdivision ordinance requiring plat approval of such divisions: PROVIDED, that for purposes 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 center line.
3. Any division made by testamentary provisions or the laws of descent. Lots formed in this fashion must meet the requirements of all other ordinances and may or may not be buildable lots.
4. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient lot area and dimensions to meet minimum requirements for width and lot area for a building site as contained in Article V, as it now exists or is hereafter amended. For procedure on performing boundary line adjustments see Subsection 31.03.

5. Divisions of land into lots or tracts classified for industrial or commercial use when the town has approved a binding site plan for the use of the land in accordance with local regulations
6. A division for the purpose of lease when no residential structure other than manufactured homes or recreational vehicles are permitted to be placed upon the land when the town has approved a binding site plan for the use of the land in accordance with local regulations.
7. Divisions of land into lots or tracts if:
 - A. Such division is the result of subjecting a portion of a parcel or tract of land to either RCW Chapter 64.32 or 64.34 subsequent to the recording of a binding site plan for all such land.
 - B. The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners; associations have a membership or other legal or beneficial interest.
 - C. The town has approved the binding site plan for all such land.
 - D. Such approved binding site plan is recorded in the appropriate county assessor's office.
 - E. The binding site plan contains thereon the following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the town of Coulee Dam, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units thereon or their owners' associations have a membership or other legal interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein. The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either RCW Chapter 64.32 or 64.34. A site plan shall be deemed to have been approved if the site plan was approved by the town:

- i. In connection with the final approval of a long plat or planned unit development with respect to all of such land, or
 - ii. In connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or
 - iii. If not approved pursuant to Subsection 31.02,7 E (1)and (2), then pursuant to such other procedures as the town may have established for the approval of a binding site plan.
 - F. A division for municipal purposes when approved by the town council.
8. Qualified exemptions. The administrator may exempt the following actions from the requirements of this Ordinance as not constituting divisions of land for the purpose of sale or lease, when satisfied that the conditions set forth in this section have been met.
 - A. A division provided for by law not for the purpose of sale or lease including, in the absence of the administrator finding circumstances to the contrary, the following:
 - i. Financial segregations which do not involve a division of land through transfer of fee simple ordinance. This exemption is limited to mortgages or deeds of trust executed solely for the purpose of securing financial obligations that are conducted in all respects in compliance with the laws governing same.
 - ii. A division by court order limited to the following and not including voluntary transfers of land in lieu of compliance with the applicable judicial procedures governing them: mortgage or deed of trust foreclosures, and property distributions between spouses pursuant to separation or dissolution proceedings.
 - B. A prior division of land as defined in Article II.
 - C. Qualified exemption applications. Applications for qualified exemptions shall be submitted to the town on forms provided by the administrator and shall be accompanied by a non-refundable application fee as set forth in the adopted town fee resolution. The administrator may require submittal of pertinent instruments, court orders, affidavits and the like sufficient to determine whether specific actions may be exempt.
9. Exemptions may be granted by the administrator for only those actions which do not contravene the spirit and intent of this ordinance and the applicable state statutes.

31.03 Boundary Line Adjustment - Procedure

Applications for a boundary line adjustment, which shall be accompanied by an application fee, shall adhere to the requirements of Article X and the following procedure:

1. Boundary line adjustments may be performed between owners of contiguous lots which are legally separate, as allowed by Subsection 31.02 4, provided;
 - A. The administrator certifies the following:
 - i. No new lots are created. If you start with two parcels you must end up with two parcels.
 - ii. The character of the parcels are not substantially altered. If a lot has access to a body of water, a boundary line adjustment may not be performed if the lot loses its access to the water.
 - iii. The new parcel configurations contain sufficient area and dimension to meet minimum requirements for width, area and zoning for a building site. A boundary line adjustment between existing non-conforming lots shall not result in lots of greater non-conformity with the exception of lot area. Lot reduction shall be the minimum necessary to accomplish the objective of the boundary line adjustment.
 - iv. The new parcel configuration does not result in the loss of access to any public or private road. Access may be provided by easement noted on parcel deeds.
 - B. All boundary line adjustments will be reviewed on a case by case basis following submittal of a completed application form. Approval of boundary line adjustments may be conditioned and such conditions can vary greatly. An application form available from the administrator shall be completed including the following information:
 - i. A legal description of the parcels involved in the boundary line adjustment.
 - ii. A legal description and appropriate drawing of sufficient accuracy and legibility to be recorded in the office of the Okanogan, Douglas or Grant County Auditor. Said drawing must indicate the proposed new parcel boundaries.
 - iii. A signature of all fee owners or authorized agents having authority to sign for properties involved in the boundary line adjustment.
 - iv. The signature and stamp of a professional land surveyor, unless alternative method is approved by the administrator.

- v. Conveying document.
 - C. The boundary line adjustment will not take effect until recorded in the office of the appropriate county auditor.
2. A reconfiguration of the boundaries of property may be performed provided the administrator certifies the following for each procedure:
- A. A parcel consolidation of contiguous lots of the same ownership may be joined for tax purposes only PROVIDED the owner files a written request to be acknowledged by the administrator and filed with and approved by the applicable county assessor's office.
 - B. A parcel consolidation of contiguous lots of the same ownership may be joined and be considered one piece of property for development purposes PROVIDED the owner files a written request to be acknowledged by the administrator and filed with and approved by the Okanogan, Douglas or Grant county assessor's office. Said consolidation parcels shall remain joined so long as the development exists.
 - C. Previously platted property that has been consolidated for tax purposes and/ or planning purposes may have property lines recognized along said plat lines PROVIDED the development on each lot or groups of lots can be supported by the existing zoning, building, fire, and access codes at the time of reconfiguration. Said pieces of property may be considered as separate developable units.
 - D. Open acreage parcels that have been joined under one tax parcel number may be separated and considered separate distinct parcels provided the owner can demonstrate:
 - i. The property was joined for tax purposes only.
 - ii. Separate legal descriptions have been recorded for each parcel that is less than minimum acreage platting exemption in existence of the time of the reconfiguration.
 - iii. The development on each proposed parcel can be supported by the existing zoning, building, fire, and access codes at the time of reconfiguration. Said pieces of property may be considered as separate developable units.
3. Recognition - The town may not recognize the property line adjustments for permitting purposes until such time as the owner furnishes a copy of the recorded action.

31.04 Flood Plain Land

In accordance with Section 58.17.120 RCW, no plat shall be approved by the town covering any land situated in a flood control zone as provided in Chapter 86.16 RCW without the prior written approval of the Washington State Department of Ecology.

31.05 Contiguous parcels

Contiguous parcels of land in the same ownership, if previously platted or under a separate deed from one another, may be sold separately without constituting a land division, provided each lot sold separately meets the dimensional requirements of the zoning regulations. Where such contiguous parcels in the same ownership are further divided or divided differently, the entire ownership shall be included in the proposed land division.

31.06 Improvement Requirements

1. Street, utility, lighting, and pedestrian way improvements in accordance with Article IX, Section 38 are required for each short and long subdivision and shall be consistent with the size, nature and availability of existing improvements which serve adjacent lots and lots in the immediate vicinity of the proposed land division.
2. Improvement requirements for each short and long subdivision shall be established by the administrator in conformance with 31.07 below. The administrator shall provide a written determination of improvements which will be required pursuant to the provisions of this section. Appeal of the administrator's determination of required improvements may be had in the same manner as provided for by Article X.
3. In the event the required improvements for a short subdivision are of a lesser size, quality or availability than those improvements which would be required of a long subdivision pursuant to Article IX Section 38, then each lot in the short subdivision shall be committed on the face of the short plat, as an obligation or covenant running with the land, to participate in future local improvement districts for the construction of improvements, in compliance with Article IX, Sections 31 and 38 as they exist at the time the local improvement district is formed.
4. Proposed subdivision and dedication shall not be approved unless the town legislative body makes written findings pursuant to RCW 58.17.110 that there are adequate facilities.

31.07 Payment of Services

When deemed necessary, the town may retain outside consultants to evaluate any phase of plat review and construction. The cost of such services shall be borne by the developer who shall be billed for the actual cost to the town. Billings shall be tendered and payable within thirty days. If the developer (sub-divider) believes the costs to be unreasonable, an appeal may be made to the town council for their review and determination.

31.08 Abandoned Orchard Removal Prerequisite

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

31.09 Vested Use Limitation

Any lots in a short or long subdivision filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of two years from the date of filing. A land division shall be governed by the terms of approval of the short plat or final plat, and the statutes, ordinances and regulations in effect at the time of approval for a period of two years after final plat approval unless the town council finds that a change in conditions creates a serious threat to the public health and safety in the subdivision.

31.10 Variances

The procedures and criteria relating to variances in Article VIII, Section 28, and any future revisions thereto are adopted for the request of variances from the requirements of this Ordinance. Any applicant for a subdivision or short subdivision may make application for a variance for any portion of Sections 31 through 35 and 38; provided the request is received concurrently with the application for the proposed short subdivision or subdivision

31.11 Transfer or Construction Prior to Final Plat Approval

An agreement to sell or otherwise transfer a lot prior to recording of the final plat is subject to RCW 58.17.205. Construction or placing of a structure on a lot may be started prior to recording of the final plat, and is subject to all applicable codes and regulations of the town, provided that no occupancy permit may be issued prior to the recording of the final plat.

31.12 Statutory Authority

This Ordinance is adopted pursuant to the authority of RCW 58.17.

SECTION 32: SHORT SUBDIVISIONS

32.01 Short Subdivision Defined

A short subdivision is defined as a division of land into four or fewer lots, and which shall comply with the provisions of this Section in addition to all other applicable provisions of the Unified Development Code.

32.02 Re-divisions

Once property is subdivided into four lots in accordance with the provisions of this code, no further division creating in any manner a greater number of lots, tracts, parcels, sites, or divisions than contained in the short plat shall be made for a period of five years from the date of recording of the short plat, unless a long subdivision has been approved and filed for record pursuant to this code.

In the case of a proposed re-division of land within a short or long plat, either the short subdivision or long subdivision provisions of this ordinance and RCW Chapter 58.17 shall be complied with dependent upon the number of divisions proposed within the property and/or the period of time that has elapsed since the recording of a prior short plat.

32.03 Application Procedure - Generally

Applications for short subdivisions shall be processed in accordance with Article X.

32.04 Application Contents

Applications for short subdivisions shall contain the following information in addition to that required elsewhere in Article X. Upon determination by the administrator that the application is complete, the administrator shall request payment of the application fee and submittal of 10 copies of the complete application. No application shall be processed until the application has been deemed complete and the application fee paid.

1. Applications for a short subdivision shall be submitted to the administrator on an application form provided by the administrator including a legibly drawn representation with dimensions of the parcel to be divided and the lot lines to be created in carrying out the short subdivision. Said application form shall contain, but not be limited to the following information: name, address and phone number

of land owner(s) and surveyor; comprehensive plan and zoning for the subject property; resource land or critical area designation, if appropriate, source of water and method of sewage disposal. A copy of any existing or proposed covenants for the property shall also be included with the application information. If necessary to clearly show the required information, a larger drawing may be attached and referenced in the application form. The submitted drawing shall include:

- A. The entire lot, tract, parcel, site, or division constituting the parent parcel and its legal descriptions.
- B. The parcel number or numbers as assigned to applicant's land by the Okanogan, Douglas or Grant county assessor, together with their legal descriptions and the names or recording numbers of any contiguous long or short subdivisions.
- C. Lines marking the division of the property into the proposed four or fewer lots, tracts, parcels, sites, or divisions along with the name of the subdivision, dimensions of each lot, designation of each lot by numbers or letters, proposed street addresses for each lot and an arrow pointing north.
- D. Location of existing roads or streets, or existing deeds or easements with their auditor's file numbers, together with designation of "public" or "private" regarding the road and the beneficiary of the easement.
- E. Location of any roads, rights-of-way or easements proposed to serve the short plat with a clear designation of their purpose and nature, including whether they will be private or dedicated public roads, rights-of-way or easements.
 - i. Right-of-way for public roads of a width to be determined by Article IX, Section 38 and the public works director, but not to exceed that required for long plats, shall be dedicated if the short subdivision contains two or more lots which are contiguous to:
 - (a) An existing subdivision where a partial street right-of-way has been dedicated.
 - (b) An existing partial right-of-way deeded for public road purposes.
 - (c) A location where an ordinance, a long range road program, or the comprehensive plan, indicates the need for a future road or street.

- ii. Right-of-way for all private roads, whether existing or proposed serving residences, business or other primary usage of lots, shall be of a width specified in Article IX, Section 38.
- F. Certification by a professional land surveyor licensed to practice in the state of Washington, except as enumerated in Article IX, Section 32.05.
- G. The name of the proposed short subdivision.
- H. Existing and proposed utilities serving the short subdivision including water and sewer.
- I. Location of any resource lands and/or critical areas.
- J. Location and square footage of open space areas, existing and planned buffers, screens and landscaped areas as applicable.
- K. The application shall also include:
 - i. Title report: A preliminary title report, indicating any taxes or assessments against the property;
 - ii. Ownership: Ownerships of the property, covenants, restrictions, and collective maintenance agreements, if applicable;
 - iii. SEPA Checklist (if applicable).

32.05 Land Survey Requirements

1. A proposed short subdivision of land not previously platted or short platted shall be prepared by or under the supervision of a registered land surveyor of the state of Washington as a result of a land survey.
2. A land survey need not be performed for proposed short plats of land previously platted or short platted PROVIDED the land surveyor of record can demonstrate and the administrator concurs that all property lines and boundaries can clearly be established in accordance with applicable state laws. All proposed plat maps shall be prepared by or under the direct supervision of a registered land surveyor of the state of Washington.
3. A short plat involving a dedication, public easement or right-of-way shall be prepared as a result of a land survey.

4. All proposed short plats requiring a land survey shall be referenced from two (2) monumented section or quarter section corners or to two (2) other suitable permanent control monuments.
5. All lot corners determined as a result of a land survey shall be established by the placement of permanent survey monuments.

32.07 Short Plat Recording Form Contents

1. The short plat recording form shall be completed by or under the supervision of a professional land surveyor of the state of Washington and shall be based on a survey of the property. Said survey shall be in compliance with the requirements of the Survey Recording Act, RCW Chapter 58.09 as it now exists or is hereafter amended, including the establishment of monuments such that short plats must show all existing or established section corners and quarter section corners pertaining to the location of all lot corners of the short plat.
2. The short plat submitted for filing shall be in accordance with the conditions specified in the notice of decision prepared in accordance with Article X, Section 44 at the conclusion of the administrator's review of the short plat submittal.
3. In the event private roads are used to serve the proposed short plat, whether exterior or interior, the following statement shall appear on the face of the short plat:

"The town of Coulee Dam has no responsibility to build, improve, maintain, or otherwise serve any private road for this short plat."
4. Utility easements shall serve each interior lot. Utility easements may be included within the access easement and may serve as a joint use easement with the access easement.
5. An ordinance certificate consisting of a report showing all parties having any interest in the land subdivided.
6. The short plat recording form shall consist of a legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or equivalent and shall be eighteen by twenty-four (18 x 24) inches in size. Certification signature blocks need to be included on the face of the plat for (1) the Okanogan, Douglas or Grant county treasurer and (2) town of Coulee Dam administrator for the certification of compliance with applicable town of Coulee Dam ordinance number.

7. The short plat filing form shall be signed by all parties having ownership interest in the land being divided and their signatures shall be notarized.
8. Any easements previously filed shall have their auditor's file numbers.

32.08 Filing of Short Plats

Filing of short plats shall be done with the Okanogan, Douglas or Grant county auditor following certification by the appropriate county treasurer that applicable property taxes have been paid. The filing of the short plat, including payment of the filing fees, is the responsibility of the applicant. Said signed plat shall be filed and recorded with the Okanogan, Douglas or Grant county auditor and a copy of such recordation provided to the town within one (1) year of authorized signature.

32.09 Short Plat Amendment

Once a short subdivision has been recorded with the Okanogan, Douglas or Grant county auditor, it can be amended or vacated in whole or part in a manner not involving a re-division into more than four lots from the original short plat. All proposed alterations or vacations, whether a public dedication is involved or not, shall be processed in accordance with RCW Chapter 58.17. The provisions of RCW Chapter 58.17 as they relate to plat vacations and alterations are hereby adopted by reference. If the proposed alteration or vacation does not involve a public dedication, the altered short plat shall be processed in accordance with the following provisions:

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

**Short Plat No.
Amending Short Plat No.**

3. 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 ordinance certificate.
4. Minor errors not involving a change in lines may be corrected by the survey or upon approval of the administrator by recording an affidavit with the Okanogan, Douglas or Grant county auditor specifically referencing the short plat by number and the correction.

5. If the proposed alteration or vacation involves a public dedication, the altered short plat shall be processed as a Type IVA application in accordance with Article X.

SECTION 33: SUBDIVISIONS

33.01 Subdivision - Defined

Subdivisions are divisions of land which contain five or more lots and shall be known as "subdivisions", and are governed by this code.

33.02 Application Procedure - Generally

Applications for subdivisions shall be processed in accordance with Article X. Upon determination by the administrator that the application is complete, the administrator shall request payment of the application fee and submittal of 10 copies of the complete application. No application shall be processed until the application has been deemed complete and the application fee paid.

SECTION 34 PRELIMINARY PLATS

34.01 Application

Any person desiring to subdivide land shall cause to be prepared a preliminary plat of the proposed subdivision. Prior to the preparation, the applicant shall schedule and attend a pre-application conference in accordance with Article X, Section 41.

The preliminary plat of the proposed subdivision shall be at a scale of at least one (1) inch equals two hundred (200) feet, unless the administrator requests or authorizes a different scale, and which shall include the following information which shall be shown on the plat, if practicable, but if not, by separate accompanying statements:

1. General information:
 - A. Proposed name of the subdivision. This name shall not duplicate any name used on a recorded short subdivision or subdivision in the Town of Coulee Dam.
 - B. Location of the subdivision by section, township and range.
 - C. Names and addresses of the owners, subdivider, designer of the subdivision, and the licensed surveyor and engineer, if appropriate.

- D. Scale, north arrow and date.
 - E. A full and correct legal description of the entire lot, tract, parcel, site, or division constituting the applicant's property, as recorded in the Okanogan, Douglas or Grant county auditor's office.
 - F. A vicinity sketch at a scale between four hundred (400) and eight hundred (800) feet to the inch shall accompany the preliminary plat. The vicinity sketch shall show all adjacent subdivisions, streets, and tract lines of adjacent parcels, with the names of owners of record of such parcels when described by metes and bounds. It shall show how the streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in all adjacent territory so that an advantageous development of the entire area can be achieved.
2. Existing conditions:
- A. Boundary lines of the proposed subdivision including monuments and markers, approximate distance and area enclosed.
 - B. Existing restrictive covenants.
 - C. Elevations shall be shown by contour lines at a minimum of five (5) foot intervals, if determined by the administrator to be needed in the preliminary review.
 - D. The location, name, designation as to public or private, present improvements and right-of-way width, and type of surfacing of all streets, alleys and rights-of-way on and adjacent to the tract; location of any existing walks, curbs, gutters; the location, pipe size and grades of all existing sewers, water mains, culverts, buried electrical or telephone conduits, and surface and subsurface drains, railroad lines or other private improvements, and utilities including storm drains.
 - E. Approximate width, location and purpose of all existing easements.
 - F. The approximate location of all designated floodways and 100-year floodplain areas and the location, width, name, and direction of flow of all watercourses.
 - G. Existing uses of the property, including the location and use of all existing structures and those structures which will remain on the property after platting.

3. Proposed subdivision:
 - A. The location, name, intention to make public or private right-of-way or easement width, approximate radii of curves and grades and gradients of all proposed streets, alleys or roads within or on the boundary of the proposed subdivision.
 - B. Location, width and purpose of all easements other than for roadway purposes.
 - C. Proposed uses of the property.
 - D. Approximate dimensions of all lots with proposed lot and block numbers. Lot sizes shall be in compliance with the applicable zoning laws.
 - E. The location, size and existing use of all existing and contemplated public areas within the proposed subdivision. Areas designated for public use as recommended by the planning commission shall be dedicated for such use by easement to the town of Coulee Dam, if approved by council, and indicated on the final plat before recording.
 - F. A brief statement and preliminary layout of proposed facilities regarding the contemplated sewage disposal, water supply and drainage improvements for the proposed subdivision. The administrator, after consulting with the public works superintendent, may require the installation of water, sewer, and storm drainage lines in streets within the subdivision, or easements therefore in accordance Article IX, Section 38 and with the recommendations of the town's consulting engineer.
 - G. Minimum building setback lines according to applicable zoning laws. A typical lot may show setbacks for all regular-shaped interior lots. All setback lines must be shown on irregularly shaped lots and corner lots.
 - H. If the subdivider desires to develop the plat in phases, the phases shall be shown on the preliminary plat.
 - I. Location of resource lands and critical areas.
 - J. Location and square footage of open space areas, existing and planned buffers, screens and landscaped areas as applicable.
4. A copy, in concept, of all proposed restrictive covenants and/or documents describing ownership of the plat shall be provided.

5. An title certificate consisting of a report showing all parties having any full or partial interest(s) in the property to be subdivided.
6. Environmental checklist prepared in accordance with RCW Chapter 43.21C, State Environmental Policy Act and the town's SEPA ordinance as they now exist or are hereafter amended.

34.02 Approval of Preliminary Plat

The preliminary plat shall be reviewed and approved, approved with conditions or denied in accordance with Article X.

34.03 Relationship of Approved Preliminary Long Plat to Final Long Plat

The approved preliminary plat, together with its conditions of approval, shall constitute a guide to the applicant for the preparation of the final plat and to the town for conditions under which the final plat is to be approved. A final plat meeting all the requirements of this ordinance and RCW Chapter 58.17 and other local regulations shall be submitted to the town for approval within three (3) years from the date of preliminary plat approval by the town.

An applicant who files a written request with the town at least thirty (30) days before the expiration of this three (3) year period shall be granted a one (1) year extension upon the showing that the applicant has attempted in good faith to submit the final long plat within the three (3) year period.

34.04 Agreements to Transfer Land Conditioned on Final Long Plat Approval

If the performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary plat approval is expressly conditioned on the recording of the final plat containing the lot, tract, or parcel under this chapter, the offer or agreement is not subject to RCW Sections 58.17.200 or 58.17.300 and does not violate any provisions of the chapter or ordinance. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded.

SECTION 35: IMPROVEMENTS

35.01 Construction of Improvements

Following approval of the preliminary plat the subdivider shall;

1. Prepare construction plans and specifications for the improvements required, and submit them to the town official for verification that they conform to the requirements herein.
2. The Administrator or his/her designee shall have fifteen (15) days to approve, conditionally approve, or disapprove the submitted plans;
3. Furnish the Town with a performance bond or similar instruments in the amount of one hundred twenty-five percent of the cost as estimated by a Certified Engineer. This performance bond shall be furnished the town to cover all utilities and road improvements proposed for the subdivision;
4. Complete improvements according to the approved plans and specifications within the effective period of preliminary plat approval per Article IX, Section 34 herein. The town building official shall make all inspections necessary to insure that improvements are constructed according to plans and specifications. The town building official has the authority to stop construction and to require immediate correction if the work does not meet specifications. The building official shall notify the town council of completion and compliance. If applicable, the performance bond may then be released;
5. The subdivider shall reimburse the town for any inspection expenses, and upon completion of the improvements shall provide the town with "as-built" plans;
6. A bond shall be provided by the subdivider securing the town the successful operations of the improvements for a period of two years after final approval.

SECTION 36: FINAL PLAT

36.01 Application - Generally

Following the completion of improvements, within the effective time period of preliminary plat approval, application may be made for final plat approval. Per RCW 58.17.140, the town council shall, within thirty days of the application, approve, disapprove or return to the applicant the final plat.

36.02 Application

Application for final approval shall be made in accordance with Article X. The final plat shall conform substantially to the preliminary plat and shall incorporate any conditions or recommendations imposed by the planning commission and approved by the town council. Any required signatures shall be in permanent black ink on the original document to be filed. In addition, the final plat shall show clearly the following information:

1. A complete survey of the section or sections necessary to establish the corner(s) of the quarter section in which the plat is located or as much thereof as may be necessary to properly orient the plat within such section or sections. The survey shall be submitted with copies or complete field notes and computations showing original or re-established corners, with descriptions of and reference ties to all corners and copies of field notes of traverse showing error of closure and method of balancing, with sketch showing all distances, bearings and calculations required to determine corners and traverse distance of the plat. The allowable error of closure shall not exceed one foot in ten thousand feet.
2. Tract boundary lines, property lines of lots, open space, other sites, and other rights-of-way, with accurate dimensions, bearing or deflection angles, and radii, arcs and central angles of all curves. If the plat constitutes a re-division, the lots, blocks, streets, and all other improvements of the original plat shall be shown by dotted lines in their proper positions in relation to the new arrangement of the plat, the new plat being so clearly shown in solid lines as to avoid any ambiguity.
3. Name and right-of-way width of each street, easement or other right-of-way.
4. Location, dimensions, beneficiary, and purpose of any easements.
5. Number to identify each lot or site and block.
6. Purpose for which sites, other than residential lots, are dedicated or reserved.
7. Location and description of monuments existing or set, permanent control monuments shall be established at each and every controlling corner of the boundaries of the parcel of land being subdivided. The public works director shall determine the number and location of permanent control monuments within the plat.
8. Reference to recorded subdivision plats of adjoining platted land by record name, date and number and the lines and names of all existing or platted streets or other public ways, parks, playgrounds, other public lands, and easements adjacent to the final plat, subdivision or dedication, including municipal boundaries, township lines and section lines.
9. A certification by a professional land surveyor in a form acceptable to the town that the plat is a true representation of the lands actually surveyed.
10. Appropriate certificate indicating consent by all those persons having ownership rights in the property in a format acceptable to the town.

11. A certificate acceptable to the town relating to any resource lands and critical areas.
12. Certification regarding any streets, rights-of-way, easement for private, semi-private or public use.
13. Certificate from the Okanogan, Douglas or Grant county treasurer that all taxes and delinquent assessments for which the property may be liable as of the date of certification by the treasurer have been fully paid, satisfied or discharged.
14. Certification of approval by the public works superintendent acting on behalf of the town, as to the survey data, layout of streets, alleys, and other rights-of-way, design of bridges, sewage and water systems, and other structures.
15. Certification of approval by the mayor.
16. Acknowledgment from the public works director as to the adequacy of the proposed means of sewage disposal and water supply.
17. Ordinance, scale, north arrow, and date.
18. A certification shall be submitted together with the plat certifying that the subdivider has either:
 - A. Completed improvements in accordance with these regulations and with the action of the town council giving approval of the preliminary long plat, or
 - B. Provided acceptable surety such as a bond, certified check, non rescindable letter of credit from a reputable financial institution, property, or other secure methods for such improvements as provided in Section 38.
19. Such other certificates, affidavits or endorsements as may be required by town council in the enforcement of these regulations.

36.03 Supplementary Information

In addition to the requirements of subsection 36.02 of this section the following information shall be submitted with the final long plat is appropriate:

1. A copy of any proposed covenants, conditions and restrictions to be recorded with the proposed subdivision.

2. A list of the conditions required as part of the approval of the preliminary plat by the town council together with annotation of how they have been and/or will be complied with.

36.04 Time Limit for Submission

The original tracing and four copies of the final plat and other exhibits required for approval shall be submitted to the administrator and shall be accompanied by a written request for approval of the final subdivision, and shall be accompanied by the final plat processing fees as specified in the adopted fee resolution. The final plat shall be submitted to the town council within three (3) years of the date of preliminary plat approval. An applicant who files a written request with the administrator at least thirty (30) days before the expiration of this three year period shall be granted a one-year extension upon showing that the applicant has attempted in good faith to submit the final I plat within the three (3) year period.

36.05 Drawings

The final plat shall be drawn on stable base mylar or equivalent material at such a scale as to make a map a minimum of eighteen (18) inches by twenty-four (24) inches and shall be at a scale of at least one (1) inch equals one hundred (100) feet unless the administrator requests or authorizes a different scale. Where necessary, the plat may be on several sheets, including match lines, accompanied by an index sheet showing the entire subdivision.

36.06 Review and Approval

1. The administrator shall review the final plat for conformance to conditions imposed on the approved preliminary long plat. If the proposed final plat is in conformance with all conditions of preliminary approval, then the administrator shall submit the final plat and required information for approval, approval with conditions or denial to the town council in accordance with Article X.
2. If the final plat contains substantial modifications from the preliminary plat recommended for approval by the planning commission, the administrator shall process it in accordance with Article X.
3. When the town council finds that the final subdivision conforms to all terms of the preliminary subdivision approval and that said subdivision meets the requirements of this ordinance, and RCW Chapter 58.17, as both these regulations were in effect at the time of preliminary approval, the town council shall authorize the mayor to sign the final plat after which the mayor shall suitably inscribe and execute their written approval on the face of the plat. The subdivision shall be governed by the terms of final plat unless the town council finds that a change in conditions creates a serious threat to the public health or

safety in the subdivision at which time the council may take any action needed for correction.

4. If, in the opinion of the administrator, the plat has been substantially altered, it is to be returned to the planning commission and the time requirements start over.
5. Town Council action on final plats shall be at the next regularly scheduled council meeting following the date of filing for a request of final approval.
6. Approval shall be indicated by the signature of the administrator or the administrator's designee on the original tracing.

36.07 Time Limit for Recording

The final plat shall be recorded with the Okanogan, Douglas or Grant county auditor within sixty (60) days following the date of approval of the final subdivision by the town council. If the subdivider fails to file the final plat prior to the expiration of the above time period, he shall resubmit the plat in accordance with this code. A copy of the final plat as recorded will be provided to the Town within one (1) month of the date of filing. All costs for filing, recording and copying the final plat and related documents is the responsibility of the applicant.

36.08 Final Plat Alteration

1. Application. When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided under Section 31.03 that person shall submit an application to request the alteration to the administrator on an application form available from the administrator, including a legibly drawn representation of the plat as it presently exists and of the proposed alteration, both to scale. The submitted application shall be processed in accordance with Article X and be accompanied by the following:
 - A. The signatures of a majority of those persons having ownership interest of lots, tracts, parcels, sites, or divisions in the subject long subdivision or portion to be altered.
 - B. If the subdivision is subject to restrictive covenants which were filed in conjunction with the subdivision, and the application for alteration would result in a violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.
2. Assessment district. If any land within the proposed alteration is part of an assessment district, any outstanding taxes, assessments and charges shall be

equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration.

3. Dedication. If any land within the proposed alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.
4. Drawings and filing. After approval of the alteration, the town council shall order the applicant to produce the revised drawing on stable base mylar or equivalent material, stamped by a licensed surveyor which, after signatures of the authorities whose approval appeared on the original plat, shall be filed with the Okanogan, Douglas or Grant county auditor to become the lawful plat of the property.

36.09 Final Plat Vacation

Application. Whenever any person is interested in the vacation of any subdivision or portion thereof, or any area designated or dedicated for public use, that person shall submit an application for vacation to the administrator. The administrator shall process said application in accordance with Article X. The application shall set forth the reasons for vacation and shall be accompanied by the following:

The signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation.

If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof.

Procedure relating to roads.

When the vacation application is specifically for a town street or alley right-of-way, the procedures for street vacation in RCW Chapter 35.79 shall be utilized for the road vacation.

When the application is for the vacation of the plat together with the roads, the procedure for vacation in this section shall be used, but vacations of roads may not be made that are prohibited under RCW Section 36.79.035.

Title to vacated land. If any portion of the land contained in the long subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the town or county, shall be deeded to the town or county, unless the town council shall set forth findings that the public use would not be served in retaining ordinance to those lands.

Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public for public use other than a road or street, and the town council has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by town council. When the road or street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

SECTION 37: BINDING SITE PLAN

RCW 58.17 allows certain divisions of land by use of a binding site plan, provided there are local regulations that govern. This section is reserved for future inclusion of BSP regulations.

SECTION 38: MINIMUM STANDARDS

38.01 Review

The town shall, with assistance of its consulted parties, review a proposed short subdivision or a proposed subdivision for conformance with the following minimum standards. The Administrator or other appropriate town official shall provide necessary specifications and construction details for the minimum standards to the applicant at his/her request and expense.

38.02 Minimum Standards

Minimum standards applicable to both short subdivisions and subdivisions are as follows:

Conformance to the intent and purpose of the Comprehensive Plan.

Conformance to the zoning ordinance or land development ordinance and health regulations;

Subdivision design which is appropriate to the intended use; the character of the surrounding area; and which gives consideration to flooding potential, fire protection and police protection;

Adequate water supply, electrical supply and sewage disposal;

A fire hydrant within three hundred feet of each lot and with fire flow to the satisfaction of the fire chief;

Storm drainage facilities adequate to drain the short subdivision or subdivision yet cause no impact to other property owners. Storm drains shall be used wherever possible as opposed to open ditches;

Minimum lot frontage as required by the zoning ordinance or land development ordinance

No direct access from lots onto high volume arterials except where no other access is possible; state standards shall apply for access to state maintained rights-of-way.

Utility easements shall be at least five feet wide;

Underground utilities, wherever possible, including, but not limited to electric, telephone, and cable TV lines, water, and sewer.

All lots shall have access to a public right-of-way.

38.03 Minimum Applicable Only to Subdivisions

In addition to the minimum standards of subsection 38.02 above, subdivisions shall also be required to meet the following:

A street system designed for safety, convenience and integration with other streets;

Street intersections shall have adequate sight distance:

Widths of right-of-ways and paving shall meet town specifications;

Cul-de-sacs shall not exceed six hundred sixty feet in length, shall have a right-of-way radius of at least forty-five feet, and shall have paved radius of at least thirty feet;

Alleys shall be at least twenty feet in width, if applicable;

Where an abutting public right-of-way is substandard in width, additional right-of-way shall be deeded to bring it up to standard on that side;

Improvements shall include two-inch thick asphalt paving with adequate ballast, curbs and gutters, and four-foot-wide sidewalks and be constructed to standards of the American Public Works Association;

If a subdivider is required by the town to install water mains and/or sewer mains larger than his subdivision requires to implement the provisions of the comprehensive plan, the town will negotiate the installation of the larger main(s) and reimburse the subdivider for the additional cost of the larger facilities. If bids are required then a percentage of the cost will be determined prior to bid award;

The plat and all streets shall be named, and names shall not be used which duplicate, or which may be confused with, those already in existence.

ARTICLE X ADMINISTRATION OF DEVELOPMENT REGULATIONS AND THE STATE ENVIRONMENTAL POLICY ACT

SECTION 40: TYPES OF PROJECT PERMIT APPLICATIONS

40.01 Conflicts

Unless otherwise specified by Washington State statute, in the event procedural aspects in the other Articles of the Unified Development Code (UDC) conflict with any provisions of this one, Article X provisions shall supersede and control.

40.02 Authority

The Town of Coulee Dam adopts the ordinance codified in this Ordinance under 36.70B RCW, the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA Rules, WAC 197-11-904, and 58.17 RCW, as presently exist or are hereafter amended. The SEPA Rules contained in Chapter 197-11 WAC must be used in conjunction with this Ordinance.

40.03 Procedures for Processing Project Permits

Classification. For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II (A and B), Type III or Type IV (A and B). Legislative decisions are Type V actions, and are addressed in Subsection 40.07. Exceptions from the requirements of project permit application processing are contained in Subsection 40.09.

Omission or Subsequent Enactment. In the event a development permit required by the Town has been omitted or has been adopted by the Town Council after the effective date of the ordinance codifying this Title, and another specific procedure is not required by law, the Director shall classify the application as one of the four procedure types, Type I, Type II (A and B), Type III or Type IV (A and B) as set forth in Subsection 40.05.

40.04 Determination of Proper Procedure Type

Determination by Director. All permit applications listed in Subsection 40.05 shall be submitted to and reviewed by the Director. The Director shall determine the proper procedure type for all project permit applications. If there is a question as to the appropriate procedure type, the Director shall resolve it in favor of the higher procedure type number. The act of classifying an application for procedure type shall be a Type I action; and subject to reconsideration and

appeal at the same time and in the same way as the merits of the project permit application in question.

Optional Consolidated Permit Processing.

Unless otherwise required, where the Town must approve more than one project permit application for a given development, two or more project permit applications required for the development may be simultaneously submitted by the applicant for review at one time under a single permit processing review procedure ("consolidated permit review"). If an applicant elects the consolidated permit review process by the simultaneous submission of two or more applications;

The applications shall be reviewed and processed under the highest numbered procedure type that applies to any of the applications;
and

The determination of completeness (Subsection 41.03); notice of application (Subsections 41.04 and 42.01); and notice of final decision (Subsection 44.07) shall include all project permits being reviewed through the consolidated review process. If project permit applications for any such development are not submitted under this optional consolidated permit review process, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure type.

Applications processed in accordance with Subsection 40.04 2. of this section which have the same highest numbered procedure but are assigned different hearing bodies shall be heard collectively by the highest decision-maker(s) applicable to such applications. Decision-making bodies in order of ranking are as follows: The Town Council is the highest, followed by the Planning Commission, as applicable, and then the Director. Joint public hearings with other agencies shall be processed according to Subsection 40.06.

40.05 Project Permit Application Framework

Action Type

CLASSIFICATION FOR PROJECT PERMIT APPLICATIONS TYPES I-IV LEGISLATIVE

TYPE I	TYPE IIA	TYPE IIB	TYPE III	TYPE IVA	TYPE IVB	TYPE V
Street excavation permits without SEPA review	Building permits with SEPA review	Short Plat	Variances	Subdivision preliminary plat Plat vacations and alterations	Final plat	Comprehensive plan amendments
Building permits w/o SEPA review	Street excavation permit with SEPA review		Conditional use permits	Site Rezone	Final Binding Site Plan	Development regulations and amendments thereto
Boundary line adjustments/Lot consolidations	Home Businesses			Binding Site Plans		Area-wide rezone
Mobile home permit	Administrative interpretations					Annexations

Decisions

PROCEDURE PROJECT PERMIT APPLICATIONS (TYPE I-IV) LEGISLATIVE

	TYPE I	TYPE IIA	TYPE IIB	TYPE III	TYPE IVA	TYPE IVB	TYPE V
Recommendation made by	N/A	N/A	N/A	If subdivision variance, Planning Commission	Hearing body	Planning Commission	Planning Commission
Final Decision made by	Director	Director	Planning Commission	Town Council	Town Council	Town Council	Town Council
Notice of application	No	No	No	Yes	Yes	Yes	No
Open record public hearing	Only if appealed, open record before Hearing Body.	Only if appealed, open record hearing before Hearing Body.	Only if appealed, then before Town Council.	Yes, before Planning Commission for recommendation	Yes, before hearing body to make recommendation to Town	No	Yes, before Planning Commission and Town Council.

PROCEDURE PROJECT PERMIT APPLICATIONS (TYPE I-IV) LEGISLATIVE

					Council		
Closed record appeal/final decision	No	No	Only if appealed, then before Town Council	Yes, closed record decision before Town Council.	Yes, closed record decision before Town Council.	Yes, closed record decision before Town Council.	No, final decision made after council open record hearing.
Judicial Appeal	Yes	Yes	Yes	Yes	Yes	Yes	Yes

40.06 Joint Public Hearings

Director's Decision to Hold Joint Hearing. The Director may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as:

The hearing is held within the town limits; and

The requirements of subsection 3, below, are met.

Applicant's Request for a Joint Hearing. The applicant may request that the public hearing on a permit application(s) be combined as long as the joint hearing can be held within the time periods set forth in this Ordinance. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to combine the hearings.

Prerequisites to Joint Public Hearing. A joint public hearing may be held with another local, state, regional, federal or other agency and the Town, as long as:

The other agency is not expressly prohibited by statute from doing so;

Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and

The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the local government hearing.

40.07 Legislative Decisions

Decisions. The following decisions are legislative, and are not subject to the procedures in this chapter, unless otherwise specified:

Zoning code and development regulations and amendments to development regulations (for the purposes of this section, "development regulations" are as defined in RCW 36.70A.030(7), as now exists or as may be hereafter amended);

Area-wide rezones to implement new Town policies;

Adoption of the Comprehensive Plan and any Plan amendments; and

Annexations.

Planning Commission. The Planning Commission shall hold a public hearing and make recommendations to the Town Council on the decisions as provided in this section. The public hearing shall be held in accordance with the requirements of Section 44.

Town Council. The Town Council may consider the Planning Commission's recommendation in a public hearing held in accordance with the requirements of Section 44.

Public Notice. Notice of the public hearing or public meeting shall be provided to the public as set forth in Subsection 44.02 3.

Implementation. The Town Council's decision shall become effective by passage of an ordinance or resolution.

40.08 Legislative Enactments Not Restricted

Nothing in this Ordinance or the project permit processing procedures shall limit the authority of the Town Council to make changes to the Town's Comprehensive Plan or to make changes to the Town's development regulations. See Section 47 Comprehensive Plan and Development Regulation Amendments.

40.09 Exclusions from Project Permit Application Processing

Whenever a permit or approval in the Coulee Dam Unified Development Code has been designated as a Type I, II, III or IV permit, the procedures in this Ordinance shall be followed in project permit processing. The following permits or approvals are specifically excluded from the procedures set forth in this Ordinance:

Landmark designations;

Street vacations under RCW 35.79;

Other approvals relating to the use of public areas; and

Other project permits, whether administrative or quasi-judicial that the City Council has determined by resolution present special circumstances that warrant a different review process.

Pursuant to RCW 36.70B.140(2) , building permits, boundary line adjustments, other construction permits, or similar administrative approvals which are categorically exempt from environmental review under SEPA (Chapter 43.21C RCW) and Section 48 of this Ordinance, or permits/approvals for which environmental

review has been completed in connection with other project permits, are excluded from the following Project Permit Processing procedures:

Notice of application (Subsection 41.04);

Except as provided in RCW 36.70B.140, optional consolidated project permit review processing (Subsection 40.04 2.);

Joint public hearings (Subsection 40.06);

Single report stating all the decisions and recommendations made as of the date of the report that do not require an open record hearing (Subsection 44.02 3.);

Notice of decision (Subsection 44.08).

40.10 Administrative Interpretations

A decision as to the meaning, application or intent of any development regulation, as it relates to a specific piece of property may be requested by an applicant, staff, or a citizen at any time prior to a final decision on a project permit application to which the development regulation may be applied. The request shall be on a form provided by the Director and include identification of the regulation in question, a description of the property and a clear statement of the issue or question to be decided. The Director shall issue a written interpretation within a reasonable time, but no more than fourteen (14) working days after receipt of the completed form, and file a copy in a book or binder for such interpretations readily available to the public at Town Hall.

SECTION 41: PROCESSING OF PROJECT PERMIT APPLICATIONS

41.01 Pre-Application Conference

Applications for project permits involving Type III and Type IVA actions shall not be accepted by the Director unless the applicant has requested and attended a pre-application conference. The purpose of the pre-application conference is to acquaint the applicant with the requirements of the Coulee Dam Unified Development Code and project review procedures and, for Town staff to be acquainted with the proposed application for purposes of determining appropriate review procedures and facilitating the application and project review process. In order to ensure that the pre-application conference is meaningful, the applicant must provide all information requested on the pre-application form required by the Director.

The conference shall be held no more than fourteen (14) calendar days following the filing of a written request for a pre-application conference with the Director, on the form provided by the Director.

At the conference the Director shall consider the pre-application form and determine whether the proposal is exempt from SEPA review procedures. However, a determination that a proposal is exempt shall not be made final until after an application is submitted and determined to be complete according to Subsection 41.02 of this Ordinance.

At the conference or within five (5) working days of the conference, the applicant may request that the Director provide the applicant with the following information:

A form which lists the requirements for a completed application including whether the submission of a SEPA checklist will be necessary based on information submitted;

A general summary of the procedures and timelines to be used to process the application;

The references to the relevant code provisions or development standards which may apply to the approval of the application, as preliminarily identified at the pre-application conference.

The Town's design guidelines.

It is impossible for the conference to be an exhaustive review of all potential issues. The discussions at the conference or the information sent by the Town to the applicant under Subsection D, of this section, shall not bind or prohibit the Town's future application or enforcement of all applicable laws.

Pre-application conferences for all other types of applications are optional, and requests for conferences will be considered on a time-available basis by the Director.

41.02 Project Permit Application

Applications for project permits shall be submitted to the Town upon forms provided by the Director. An application shall consist of all materials required by the applicable development regulations for the specific permit(s) sought, and shall include, but is not limited to, the following general information:

A completed project permit application form;

A sworn statement made before a notary public and under penalty of perjury by the applicant(s) that the property affected by the application is in the exclusive

ownership of the applicant(s), or a sworn statement made before a notary public and under penalty of perjury executed by all owners of the affected property that the application has been submitted with their consent.

A property and/or legal description of the site for all applications, as required by the applicable development regulations;

The applicable fee as established by Town Council ordinance or resolution;

Evidence of adequate water supply as required by RCW 19.27.097, as now exists or as may be hereafter amended.

Name and address of adjacent landowners within 300 of subject property for all Type II, III and IV project permits.

Information on the capacity of existing storm water conveyance and control facilities.

Designation by name, street and mailing address, telephone number, and relationship to the applicant, of the person to receive all determinations and notices required by this Ordinance.

Unless initially determined to be exempt, a completed SEPA checklist in accordance with Subsection 48.09 of this Ordinance.

41.03 Submission and Acceptance of Application

Determination of Completeness. Within twenty-eight (28) calendar days after actual receipt of a project permit application as evidenced by the date stamped on the face thereof by the Town, the Town shall mail or personally provide a written determination to the applicant which states either:

That the application is complete; or

That the application is incomplete and what is necessary to make the application complete. Project permit applications shall be date stamped upon receipt by the Town. Applications received after 4:00 p.m. shall be date stamped the next business day. If an applicant has elected the optional consolidated permit review process under Subsection 40.04 2. A., all applications consolidated for review will be covered under a single determination of completeness. If the application for any of such applications is incomplete, a determination that the application is incomplete shall be issued to the applicant.

Identification of Other Agencies with Jurisdiction. To the extent known by the Town, other agencies with jurisdiction over the project permit application

shall be identified in the Town's determination required by subsection (1), of this section.

Additional Information. A project permit application is complete for purposes of this section when it meets the submission requirements in Subsection 41.02 above, as well as the submission requirements contained in the applicable development regulations. This determination of completeness shall be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The Town's determination of completeness shall not preclude the Town from requesting additional information or studies either at the time of the notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposed action. If the application contains information that may change the Director's initial determination that the project is exempt from SEPA review, the applicant shall be notified that the application is incomplete according to subsection 4.

Incomplete Application Procedure

If the applicant is issued a written determination from the Town that an application is not complete, the applicant shall have 90 calendar days from date of personal delivery or date of mailing by the Town to submit the required information to the Town. Within fourteen (14) calendar days after an applicant has submitted the requested additional information, the Town shall remake the determination as to completeness in the manner described in Subsection 1 above. If the applicant again receives a determination of incompleteness, the procedure described in this subsection shall be repeated and may be repeated as required by subsequent determination of incompleteness until a determination that the application is complete is issued in the manner described in Subsection 1, of this section.

If the applicant either refuses in writing to submit the required additional information within the 90 calendar day period, the Director shall make findings and issue a decision, according to the Type I procedure in Subsection 40.05, that the application has lapsed for failure to meet the time requirements set forth herein. Where the Director has made a determination that the application has lapsed because the applicant has failed to subsequently submit the required information within the necessary time period, the applicant may request a refund of the unused portion of the application fee for staff time expended as determined in the sole discretion of the Director.

Town's Failure to Provide Determination of Completeness. A project permit application shall be deemed complete under this section if the Town does

not provide a written determination to the applicant that the application is incomplete as provided in Subsection 1 or 4.A., of this section.

Date of Completeness of Application. When the project permit application is complete, whether due to a determination of completeness issued under Subsection 1 or Subsection 5, of this section, the Director shall note the date of completeness on the application.

Determination of Lead Agency Status. When the Director receives an application that involves a nonexempt action according to Section 48 of this Ordinance and the State Environmental Policy Act (SEPA) Rules he/she shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and WAC 197-11-922 through 197-11-940, unless the lead agency has been previously determined or the Director is aware that another agency is in the process of determining the lead agency. When making a lead agency determination for a private project, the Director shall require sufficient information from the applicant to identify other agencies with jurisdiction (i.e., agencies that require nonexempt licenses). If it is determined that the Town is not lead agency the Director shall refer to Subsection 48.02 of this Ordinance, and any applicable SEPA Rules adopted by reference, for further guidance.

41.04 Notice of Application

Generally. A Notice of Application shall be issued on all Type III and IV project permit applications.

Exempt Projects. A notice of application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record predecision hearing is required.

Integration with Permit Procedures. Environmental review under Chapter 43.21C RCW and SEPA procedures contained in Section 48 of this Ordinance shall be integrated with the procedures described in this section as follows:

Pursuant to the optional process provided in 197-11-355 WAC, if the Director determines that significant adverse environmental impacts are unlikely, he/she may use a single integrated comment period to obtain comments on the Notice of Application and the likely threshold determination for the application. If this optional process is used, a DNS may be issued after the permit comment period and an additional SEPA comment period will typically not be required of this section. If the Director uses the optional process, he/she shall:

State on the first page of the notice of application that the Town expects to issue a DNS on the proposal, and that:

The optional DNS process is being used.
This may be the only opportunity to comment on the environmental impacts on the proposal;
The proposals may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and
A copy of the subsequent threshold determination for the specific proposal may be obtained upon request.

List in the notice of application the conditions being considered to mitigate environmental impacts, if a mitigated DNS is expected;
Comply with requirements for a Notice of Application and public notice contained in this Ordinance;
Send the Notice of Application and environmental checklist to:

Agencies with jurisdiction, the Department of Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and
Anyone requesting a copy of the environmental checklist for the specific proposal.

If the Director indicates on the Notice of Application that a DNS is likely, an agency with Jurisdiction may assume lead agency status during the comment period on the Notice of Application.
The Director shall consider timely comments on the Notice of Application and either:

Issue a DNS or mitigated DNS with no comment period using the procedures in subsection (g) of this section;
Issue a DNS or mitigated DNS with a comment period using the procedures in subsection (g) of this section, if the lead agency determines a comment period is necessary;
Issue a DS; or
Require additional information or studies prior to making a threshold determination.

If a DNS or mitigated DNS is issued under Subsection (6)a of this section, the Director shall send a copy of the DNS or mitigated DNS to the Department of Ecology, agencies with jurisdiction, those who commented, and anyone requesting a copy. A copy of the environmental checklist need not be recirculated.

If the optional process is not used, except for a determination of significance, the Town may not issue its threshold determination, or issue a decision or a recommendation on a project permit until the expiration of the public comment period on the notice of application. If public notice is required under Chapter 43.21C RCW, a 14-day SEPA comment period is required after the public comment period on the notice of application and additional public notice is required.

If an open record predecision hearing is required and the Town's threshold determination requires public notice under Chapter 43.21C RCW, the Town shall issue its threshold determination at least 15 calendar days prior to the open record predecision hearing UNLESS the optional process of indicating intent to issue a DNS provided in Subsection 3. A. of this section is used.

Comments shall be as specific as possible.

Determination of Significance. If the Town has made a determination of significance under Chapter 43.21C RCW concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application.

Contents. The notice of application shall include:

The date of application, the date of the notice of completion for the application and the date of the notice of application;

A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070;

The identification of other permits not included in the application, to the extent known by the Town;

The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, the location where the application and any studies can be reviewed;

A statement of the limits of the public comment period, which shall be not less than fourteen (14) nor more than thirty (30) days following the date of notice of application, and 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;

The date, time, place and type of hearing, if applicable and scheduled at the date of notice of the application;

A statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation and of consistency as provided in Section 43;

If applicable, the Director's intent to issue a DNS and related information as provided in Subsection 3.A.

Any other information determined appropriate by the Town, such as the Town's threshold determination, if complete at the time of issuance of the notice of application.

Time Frame for Issuance of Notice of Application.

Within fourteen (14) days after the Town has made a determination of completeness of a project permit application, the Town shall issue a notice of application in the manner provided in Subsection 5 below.

If any open record predecision hearing is required for the requested project permit(s), the notice of application shall include notice of the public hearing and shall be provided to the public at least fourteen (14) days prior to the open record hearing.

Methods for Notice. The notice of application shall be given to the public and to agencies with jurisdiction as follows:

By posting and publication per Subsection 42.01.

Notifying public, private groups and the news media that have requested such notice in writing for that calendar year.

Mailed notice to the latest recorded real property owners as shown by the records of the Okanogan, Douglas or Grant county assessors within at least three hundred feet of the exterior boundary of the property upon which the project is proposed.

Mailed notice to known agencies with jurisdiction. This requirement may be satisfied by publishing notice in the agencies newsletters or sending notice to an agency mailing list.

Public Comment on the Notice of Application. All public comments received on the Notice of Application must be received by the Director at Town Hall, 300 Lincoln Ave., Coulee Dam, Washington 99116-1434, by 4:00 p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile.

Limitation. Except for a determination of significance, the Town may not issue its threshold determination or issue a decision or recommendation on a project permit until the expiration of the public comment period on the notice of application unless the

optional process of indicating intent to issue a DNS is used as provided in Subsection 3.A. of this section.

41.05 Referral and Review of Project Permit Applications

Within ten (10) calendar days of accepting a complete application, the Director shall do the following:

Transmit a copy of the application, or appropriate parts of the application, to each affected agency and Town department for review and comment, including those responsible for determining compliance with state and federal requirements. The affected agencies and Town departments shall have fourteen (14) calendar days to comment. The referral agency or Town department is presumed to have no comments if comments are not received within the specified time period. The Director shall grant an extension of time for comment only if the application involves unusual circumstances. Any extension shall only be for a maximum of three (3) additional days.

In addition to the procedure set forth in Subsection 1, above, the Director may schedule a meeting of the project permit processing committee, which committee shall be comprised of at least one Town staff member from each of the following departments: (1) Planning, (2) Public Works, (3) Building. Each department head shall designate the staff member who will participate in the project permit processing committee. The committee shall meet in order to provide joint review and comment on any project permit application.

If a Type III procedure is required, notice and hearing shall be provided as set forth in Section 42.

SECTION 42: PUBLIC NOTICE

42.01 Required Public Notice of Application

In addition to the Notice of Application required for Type III and IV project permits, as described in Section 41.04, the Town shall also provide public notice of any other project permit application not exempt from the procedures of this Ordinance by Subsection 40.08 by posting the property and by publication in the Town's official newspaper.

Posting. Posting of the property for site specific proposals shall consist of one or more notice boards as follows:

A single notice board shall be provided by the Town and placed by the applicant;

At the midpoint of the site street frontage or as otherwise directed by the Town for maximum visibility;
Five (5) feet inside the street property line, except when the board is structurally attached to an existing building, provided that no notice board shall be placed more than five feet from the street property without approval of the Director;
So that the top of the notice board is between six to seven feet above grade; and
Where it is completely visible to pedestrians.

Additional notice boards may be required when:

The site does not abut a public road;
A large site abuts more than one public road; or
The Director determines that additional notice boards are necessary to provide adequate public notice.

Notice boards shall be:

Maintained in good condition by the applicant during the notice period;
In place at least fourteen (14) calendar days prior to the date of hearing, or at least 14 calendar days prior to the end of any required comment period;
Removed within fourteen (14) calendar days after the end of the notice period.

Removal of the notice board prior to the end of the notice period may be cause for discontinuance of the Director's review until the notice board is replaced and remains in place for the specified time period.

Notice boards shall be provided by the Town.

Published Notice. Published notice shall include at least the project location, description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed, published in the Town's official newspaper of general circulation in the general area where the proposal is located.

42.02 Optional Public Notice

In addition to the required methods of notice, and as optional methods of providing public notice of any project permits, the Town may:

Notify the public or private groups with known interest in a certain proposal or in the type of proposal being considered;

Notify the news media;

Place notices in appropriate regional or neighborhood newspapers or trade journals;

Publish notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas; and

Mail to neighboring property owners.

The Town's failure to provide the optional notice as described in this subsection shall not be grounds for invalidation of any permit decision.

42.03 Notice of Public Hearing

Content of Notice of Public Hearing for all Types of Applications. The notice given of a public hearing required in this chapter shall contain:

The name and address of the applicant or the applicant's representative;

Description of the affected property, which may be in the form of either a vicinity location or written description, other than a legal description;

The date, time and place of the hearing;

A description of the subject property reasonably sufficient to inform the public of its location, including but not limited to the use of a map or postal address and a subdivision lot and block designation.

The nature of the proposed use or development;

A statement that all interested persons may appear and provide testimony;

The sections of the code that are pertinent to the hearing procedure;

When information may be examined, and when and how written comments addressing findings required for a decision by the hearing body may be admitted;

The name of the Town representative to contact and the telephone number where additional information may be obtained;

That a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at the applicant's cost;

That a copy of the staff report will be available for inspection at no cost at least five (5) calendar days prior to the hearing and copies will be provided at the applicant's cost;

Mailed Notice. Mailed notice of the public hearing shall be provided as follows:

Type I and Type II Actions. No public notice is required because no public hearing is held, except on an appeal of a Type II action.

Type III Actions. The notice of public hearing shall be mailed to:

The applicant;

All owners of property according to the records of the county assessor within the area of the proposed action and within 300 feet of the exterior boundary of the subject property; provided that if condominiums are located within the area or within 300 feet of the exterior boundary of the area, notice shall be mailed to the condominium association, if it exists or, alternatively, the condominium building manager of each building.

Any person who submits written or oral comments on an application.

Type IV Actions. The notice of public hearing shall be mailed to all of the persons entitled to notice as described in Subsection B.(2) of this section, and for preliminary plats and proposed subdivisions, additional notice shall be provided as follows:

Notice of the filing of a preliminary plat adjacent to or within one mile of the municipal boundaries of a city or town, or which contemplates the use of any town utilities shall be given to the appropriate city or town authorities.

Notice of the filing of a preliminary plat of a proposed subdivision located in the Town and adjoining the municipal boundaries thereof shall be given to the appropriate county officials.

Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport shall be given to the Washington State Secretary of Transportation, who must respond within 15 calendar days of such notice.

Special notice of the hearing shall be given to adjacent landowners by any other reasonable method the Town deems necessary. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within 300 feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under Subsection RCW 58.17.090(2) shall be given to owners of real property located with 300 feet of any portion of the exterior boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.

Type V Actions. For Type V Legislative actions, the Town shall publish notice as described in Subsection 3.A. and provide any other notice required by RCW 35A.12.160, as currently exists or is hereafter amended.

General Procedure for Mailed Notice of Public Hearing.

The records of the Okanogan, Douglas or Grant County assessor's offices shall be used for determining the property owner of record. Addresses for a mailed notice required by this code shall be obtained from the applicable county's real property tax records. The Director or his/her designee shall issue a sworn certificate of mailing to all persons entitled to notice under this chapter. The Director may provide notice to other persons other than those required to receive notice under the code. All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.

Procedure for Posted or Published Notice of Public Hearing.

Posted notice of the public hearing is required for all Type III and IV project permit applications. The posted notice shall be posted as required by Subsection 42.01 1. and under the time requirements of Subsection 42.01 C.(2).

Published notice is required for all Type III, IV and V procedures. The published notice shall be published in the Town's official newspaper,

Time and Cost of Notice of Public Hearing.

Notice shall be mailed, posted and first published not less than ten (10) nor more than thirty (30) calendar days prior to the hearing date. Any posted notice shall be removed

by the applicant within fourteen (14) calendar days following the public hearing. Such notice should be combined with a notice of application whenever feasible.

All costs associated with the public notice shall be borne by the applicant.

SECTION 43: CONSISTENCY WITH DEVELOPMENT REGULATIONS AND SEPA

43.01 Determination of Consistency

Purpose. When the Town receives a project permit application, consistency between the proposed project and the applicable regulations and comprehensive plan shall be determined through the process in this Ordinance.

Consistency. During project permit application review, the Town shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project. In the absence of applicable development regulations, the Town shall determine whether the items listed in this subsection are defined in the Town's adopted comprehensive plan. This determination of consistency shall include the following:

The type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as but not limited to planned unit developments and conditional and special uses, if the criteria for their approval have been satisfied;

The level of development, such as units per acre, density of residential development in urban growth areas, or other measures of density; and

Availability and adequacy of infrastructure and public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by Chapter 36.70A RCW; and

Character of the development, such as but not limited to development standards.

43.02 Initial SEPA Analysis

The Town shall also 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 the SEPA policies and guidelines contained in Section 48 of this Ordinance, and shall:

Determine whether the applicable regulations require studies that adequately analyze all of the project permit application's specific probable adverse environmental impacts (see Subsection 4. below for how determination is made);

Determine if the applicable regulations require measures that adequately address such environmental impacts;

Determine whether additional studies are required and/or whether the project permit application should be conditioned with additional mitigation measures;

Provide for 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.

In its review of a project permit application, the Town may determine that the requirements for environmental analysis, protection and mitigation measures in the applicable development regulations, comprehensive plan and/or in other applicable local, state or federal laws provide adequate analysis of and mitigation for the specific adverse environmental impacts of the application.

If the Town's comprehensive plan, subarea plans and development regulations adequately address a project's specific adverse environmental impacts, as determined under Subsections 1 and 2 of this section, it shall not impose additional mitigation under SEPA during project review.

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

The impacts have been avoided or otherwise mitigated; or

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.

In its decision whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction and 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. Any oral consultation shall be documented in the project permit file. In making this deferral, the Town shall base or condition its project approval on compliance with these other existing rules or laws.

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 analyzes and requirements under other laws, as provided by Section 48 of this Ordinance and Chapter 43.21C RCW.

43.03 Categorically Exempt and Planned Actions

Categorically Exempt. Actions categorically exempt under Chapter 43.21C.110(l)(a) RCW and/or the flexible thresholds set by Subsection 48.06 of this Ordinance do not require environmental review or the preparation of an environmental impact statement. An action that is categorically exempt under the rules adopted by the Department of Ecology (Chapter 197-11 WAC) may not be conditioned or denied under SEPA.

Planned Actions.

A Planned Action does not require a threshold determination or the preparation of an environmental impact statement under SEPA, but is subject to environmental review and mitigation under SEPA.

A "Planned Action" means one or more types of project action that:

- Are designated planned actions by an ordinance or resolution adopted by the City;
- Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with:

- A comprehensive plan or subarea plan adopted under Chapter 36.70A RCW, or

- A fully contained community, a master planned resort, a master planned development or a phased project;

- Are subsequent or implementing projects for the proposals listed in 2.B.(2) of this Subsection;

- Are located within an urban growth area, as defined in RCW 36.70A.030;

- Are not essential public facilities, as defined in RCW 36.70A.200;
- and

Are consistent with the Town's comprehensive plan adopted under Chapter 36.70A RCW.

Limitations on Planned Actions. The Town shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the Town, and may limit a planned action to a time period identified in the environmental impact statement or in the ordinance or resolution designating the planned action under RCW 36.70A.040.

Limitations on SEPA Review. During project reviews, the Town shall not reexamine alternatives to or hear appeals on the items identified in Subsection 43.01(2), except for issues of Code interpretation. Project review shall be used to identify specific project design and conditions relating to the character of development, such as but not limited to, the details of site plans, curb cuts, drainage, the payment of impact fees, or other measures to mitigate a proposed project's probable adverse environmental impacts.

SECTION 44: OPEN RECORD PUBLIC HEARINGS

44.01 General

Open record public hearings on all Type II, III and IV project permit applications, and appeals if applicable, shall be conducted in accordance with this chapter.

44.02 Responsibility of Director for Hearing

The Director shall:

Schedule an application for review and public hearing.

Give notice.

Prepare the staff report on the application, which shall be a single report stating all of the decisions made as of the date of the report, including recommendations on project permits in the consolidated permit process that do not require an open record predecision hearing. The report shall state any mitigation required or proposed under the development regulations or the Town's authority under SEPA. If the threshold determination other than a determination of significance has not been issued previously by the Town, the report shall include or append this determination. In the case of a Type I or II project permit application, this report may be the permit.

Prepare the Notice of Decision, if required by the Hearing Body and/or mail a copy of the Notice of Decision to those required by this Ordinance to receive such decision.

44.03 Conflict of Interest

The Hearing Body shall be subject to the code of ethics and prohibitions on conflict of interest as set forth in RCW 35A.42.020 and Chapter 42.23 RCW, as the same now exist or as may be hereafter amended.

44.04 Ex Parte Communications

Quasi-judicial land use decisions of the Hearing Body shall be subject to Chapter 42.36 RCW, Appearance of Fairness, as the same now exists or as may be hereafter amended.

No member of the Hearing Body may be disqualified by the appearance of fairness doctrine for conducting the business of his or her office with any constituent on any matter other than a quasi-judicial action then pending before the Hearing Body.

Prior to declaring as a candidate for public office or while campaigning for public office as defined by RCW 42.17.020(5) and (25), as now exist or as may be hereafter amended, no public discussion or expression of an opinion by a person subsequently elected to a public office, on any pending or proposed quasi-judicial actions, shall be a violation of the appearance of fairness doctrine.

During the pendency of any quasi-judicial proceeding, no member of a decision making body may engage in ex parte communications with opponents or proponents with respect to the proposal which is the subject of the proceeding unless that person;

Places on the record the substance of any written or oral ex parte communications concerning the decision or action;

Provides that a public announcement of the content of the communication and of the parties' rights to rebut the substance of the communication shall be made at each hearing where action is considered or taken on the subject to which the communication related. This prohibition does not preclude a member of a decision making body from seeking in a public hearing specific information or data from such parties relative to the decision if both the request and the results are a part of the record. Nor does such prohibition preclude correspondence between a citizen and his or her elected official if any such correspondence is made a part of the record when it pertains to the subject matter of a quasi-judicial proceeding.

Anyone seeking to rely on the appearance of fairness doctrine to disqualify a member of a decision-making body from participating in a decision must raise the challenge as soon as the basis for disqualification is made known to the individual. Where the basis is known or should reasonably have been known prior to the issuance of a decision and is not raised, it may not be relied on to invalidate the decision.

In the event of a challenge to a member or members of the Hearing Body which would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law, any such challenged member(s) shall be permitted to fully participate in the proceeding and vote as though the challenge had not occurred, if the member or members publicly disclose the basis for disqualification prior to rendering a decision. Such participation shall not subject the decision to a challenge by reason of violation of the appearance of fairness doctrine.

Except for Type V actions, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or decision unless the member has reviewed the evidence received.

44.05 Burden and Nature of Proof

Except for Type V actions, the burden of proof for demonstrating compliance with development regulations and consistency with SEPA is on the applicant. The project permit application must be supported by proof that it conforms to the applicable elements of the Town's development regulations, comprehensive plan and that any significant adverse environmental impacts have been adequately addressed.

44.06 Order of Proceedings

The order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.

Before receiving information on the issue, the following shall be determined:

Any objections on jurisdictional grounds shall be noted on the record and if there is objection, the Hearing Body has the discretion to proceed or terminate.

Any abstentions or disqualifications shall be determined.

The presiding officer may take official notice of known information related to the issue, such as:

A provision of any ordinance, resolution, rule, officially adopted development standard or state law;

Other public records and facts judicially noticeable by law.

Matters officially noticed need not be established by evidence and may be considered by the Hearing Body in its determination. Parties requesting notice shall do so on the record. However, the Hearing Body may take notice of matters listed in Subsection B. of this section if stated for the record. Any matter given official notice may be rebutted.

The Hearing Body may view the area in dispute with or without notification to the parties, but shall not discuss the project with either party outside of the public hearing and shall place the time, manner and circumstances of such view on the record.

Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.

When the presiding officer has closed the public hearing portion of the hearing, the Hearing Body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.

44.07 Findings and Notice of Decision

Following the hearing procedure described in this chapter, the Hearing Body shall approve, conditionally approve, or deny the application, or make a recommendations for such decision if that is the Hearing Body's identified role. If the hearing is an appeal, the Hearing Body shall affirm, reverse or remand the decision that is on appeal.

The Hearing Body's written decision or recommendation shall issue within ten (10) days after the hearing on the project permit application. The Notice of Final Decision shall issue within one hundred twenty (120) days after the Town notifies the applicant that the application is complete. The time frames set forth in this Section and Subsection 44.08 shall apply to project permit applications filed on or after April 1, 1996.

The Town shall provide a Notice of Decision that also includes a statement of any threshold determination made under SEPA (Chapter 43.21C RCW) and the procedures for administrative appeal, if any. For Type II, III and IV project permits, the Notice of Decision on the issued permit shall contain the requirements set forth in Section 43.02 1.A.

The Notice of Decision shall be provided to the applicant and to any person who, prior to the rendering of the decision or recommendation, requested notice of the decision or submitted substantive comments on the application.

The Notice of Decision shall be provided to the public as set forth in Subsection 42.01 1.A.(2) by publication.

If the Town is unable to issue its final decision on a project permit application within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the Notice of Decision.

44.08 Calculation of Time Periods for Issuance of Notice of Final Decision

In determining the number of days that have elapsed after the local government has notified the applicant that the application is complete for purposes of calculating the time for issuance of the Notice of Final Decision, the following periods shall be excluded:

any period during which the applicant has been requested by the Town to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the Town notifies the applicant of the need for additional information until the earlier of the date the Town determines whether the additional information satisfies the request for information or fourteen (14) days after the date the information has been provided to the Town;

If the Town determines that the information submitted by the applicant under 1.A. of this Subsection is insufficient, it shall notify the applicant of the deficiencies and the procedures under 1.A of this Subsection shall apply as if a new request for studies had been made;

Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW, if the Town by ordinance has established time periods for completion of environmental impact statements, or if the Town and the applicant in writing agree to a time period for completion of an environmental impact statement;

Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The time period for consideration and decision on appeals shall not exceed:

Ninety (90) days for an open record appeal hearing; and
Sixty (60) days for a closed record appeal.

The parties may agree to extend these time periods. Any extension of time mutually agreed upon by the applicant and the Town in writing.

The time limits established in this Ordinance do not apply if a project permit application:

Requires an amendment to the comprehensive plan or a development regulation;

Requires approval of the siting of an essential public facility as provided in RCW 36.70A.200;

Is an application for a permit or approval described in Subsection 40.09; or

Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under RCW 36.70B.070 and Subsections 41.02 and 41.03 of this Ordinance.

SECTION 45: CLOSED RECORD DECISIONS AND APPEALS

45.01 Appeals of Decisions

Decisions on project permit applications shall be appealable as provided in the framework in Subsection 40.05. Appeals may be made in either an Open Record Appeals Hearing or a Closed Record Appeal/Decision Hearing. Final decisions made on project permit applications by the Town Council are appealable only to Okanogan, Douglas or Grant County Superior Court as appropriate.

45.02 Consolidated Appeals

All appeals of project permit application decisions and/or recommendations shall be considered together in a consolidated appeal. The proper procedure type for appeals shall be determined by the Director in the same manner as set forth in Subsection 40.04, Determination of Proper Procedure Type.

Any appeals of procedural and substantive determinations under SEPA on project permit applications, other than an appeal of a Determination of Significance ("DS"), shall be made in accordance with 43.21C.060 RCW, 197-11-680 WAC and section _____ of this Ordinance and shall be consolidated with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before the Hearing Body PROVIDED an appeal is available in the applicable land use regulation for the underlying action. For instance, if a DNS is linked with a type IIA permit decision where a non-elected official conditions or denies a permit based on SEPA authority; or, if it is a type IIB appeal where the final decision is made by the Planning Commission; the

SEPA appeal shall be consolidated with an appeal of the underlying project permit decision and shall be considered at an Open Record Appeal Hearing before the Town Council unless additional permit processes are involved, in which case, section _____ of this title shall be used by the Director to determine the appropriate process. If an appeal is made on a DNS for a Type III permit where the Planning Commission is the Hearing Body who recommends to the Town Council, the DNS appeal shall be considered at the Closed Record Appeal Hearing before the Town Council where the recommendation of the Hearing Body must also be appealed.

45.03 Standing to Initiate Administrative Appeal

Limited to Parties of Record. Only parties of record may initiate an administrative appeal for a project permit application.

Definition. The term "parties of record" for the purposes of this chapter, shall be as defined in Article II.

45.04 Appeals - Type I, II, III or IV Project Permit Decisions or Recommendation

Appeals of a decision or recommendation shall be governed by the following:

Standing. Only parties of record have standing to appeal a project permit application recommendation or decision.

Time to File. An appeal of a project permit decision and/or Hearing Body recommendation must be filed within fourteen (14) calendar days following issuance of the written decision or recommendation. Appeals may be delivered to the Director by mail, personal delivery or by fax before 5:00 p.m. on the last business day of the appeal period.

Computation of Time. For the purposes of computing the time for filing an appeal, the day the recommendation or decision is rendered shall not be included. The last day of the appeal period shall be included unless it is a Saturday, Sunday, a day designated by RCW 1.16.050 or by the Town's ordinances as a legal holiday, then it also is excluded and the filing must be completed on the next Town business day.

Content of Appeal. Appeals shall be in writing, be accompanied by an appeal fee as set by Council ordinance or resolution, and contain the following information:

Appellant's name, address and phone number;

Appellant's statement describing his or her standing to appeal;

Identification of the application which is the subject of the appeal;

Appellant's statement of grounds for appeal and the facts upon which the appeal is based;

The relief sought, including the specific nature and extent;

A statement that the appellant has read the appeal and believes the contents to be true, following by the appellant's signature.

Effect. The timely filing of an administrative appeal shall stay the effective date of a decision until such time as the appeal is adjudicated by the Town Council or withdrawn. Appeal arguments of a recommendation shall be considered by the Town Council in its final decision.

Notice of Appeal. The Director shall provide public notice of the appeal as provided in Subsection 42.03 2.B.(2).

45.05 Procedure for Closed Record Decision/Appeal

The following subsections of this Title shall apply to a Closed Record Decision/ Appeal hearing: Subsections 44.03; 44.04; 44.05; 44.06 1. through 4.; 44.07 1.

The closed record appeal/decision hearing shall be on the record before the Hearing Body, and no new evidence may be presented.

45.06 Judicial Appeals

The Town's final decision on an application may be appealed by a party of record with standing to file a land use petition in Okanogan, Douglas or Grant County Superior Court as appropriate. Such petition must be filed within twenty-one (21) days of issuance of the decision, as provided in Chapter 36.70C RCW as it now exists or as may be hereafter amended.

SECTION 46: DEVELOPMENT AGREEMENTS

46.01 Type of Approval

Development agreements shall accompany and be processed in conjunction with the underlying project permit application, approval or annexation request. The type of project permit application or other approval shall control the type of application.

46.02 Authority

The execution of a development agreement is a proper exercise of town police power and contract authority. The Town may consider, and enter into, a development agreement with a person having ownership or control of real property within the Town limits. The Town may consider a development agreement for real property outside of the Town limits but within the urban growth area ("UGA," as defined in RCW 36.70A.030(15), or as designated by the Okanogan, Douglas or Grant County pursuant to RCW 36.70A.110) as part of a proposed annexation or a service agreement.

A development agreement shall be consistent with applicable development regulations adopted by the Town under Chapter 36.70A RCW.

46.03 General Provisions of Development Agreements

The development agreement must include the following:

The development standards and other provisions that shall apply to and govern and vest the development, use and mitigation of the development of real property for the duration of the agreement;

Project components which define and detail the allowable uses, residential densities, commercial or non-residential area floor area;
Location of buffers, landscaping or open space;

The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, local ordinance, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;

Mitigation measures, development conditions and other requirements of Chapter 43.21C RCW;

Design standards such as architectural treatment, maximum heights, setbacks, landscaping, drainage and water quality requirements and other development features;

Provisions for affordable housing;

Parks and common open space preservation;

Review procedures and standards for implementing decisions;

A build-out or vesting period for application standards; and

Any other appropriate development requirement or procedure which is based upon a Town policy, rule, regulation or standard.

The development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to the public health or safety.

46.04 Enforceability

Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the specified build-out period. The agreement may not be subject to a new or an amendment to a zoning ordinance or development standard adopted after the effective date of the agreement, unless otherwise provided in the agreement. Any permit or approval issued by the Town after the execution of the agreement must be consistent with the development agreement.

46.05 Form of Agreement, Council Approval, Recordation

Form. All development agreements shall be in the form provided by the Town Attorney's office. The Town Attorney shall approve all development agreements prior to consideration by the Town Council.

Council Approval. The Town Council shall only approve development agreements or amendments thereto, by ordinance.

Recordation. Development agreements shall be recorded with the real property records of the county in which the property is located at the cost of the applicant. During the term of the development agreement, the agreement is binding on the parties and their successors in interest.

SECTION 47: COMPREHENSIVE PLAN & DEVELOPMENT REGULATION AMENDMENTS

47.01 Purpose and Intent

The purpose of this section is to establish the type of action and procedures for suggesting amendments and encouraging public participation for comprehensive plan, subarea plans, and development regulation amendments.

47.02 Type of Action

A comprehensive plan, subarea plan, or development regulation amendment is a Type V (legislative) action and shall be considered in accordance with the procedures for such actions as set forth in this Ordinance.

47.03 Suggesting Amendments

Amendments to the comprehensive plan, a subarea plan, or development regulations may be suggested by any person, including but not limited to applicants, citizens, hearing examiners and staff of other agencies by providing the following written information on a form approved by the Director to meet the docketing requirements of this chapter:

Name, address and telephone number of the person, business, agency or other organization suggesting the amendment;

Citation of the specific text, map or other illustration suggested to be amended;

The suggested amendment;

If a suggested amendment is to a plan or to both a plan and a development regulation, a statement of how the amendment:

Promotes the public health, safety and welfare;

Is consistent with or in conflict with other portions of the comprehensive plan or subarea plan; and

Complies with RCW 36.70A, also known as the Growth Management Act, and the appropriate countywide planning policies;

If a suggested amendment is only to the development regulations, a statement as to how the amendment complies with the comprehensive plan.

47.04 Identified Deficiencies

If during the review of any project permit application the Town identifies any deficiencies in plans or development regulations, the identified deficiencies shall be docketed on a form as provided in Subsection 47.03 above, for possible future plan or development regulation amendments. "Deficiency" as used herein means the absence of required or potentially desirable contents of a comprehensive plan, subarea plan, or development regulation.

47.05 Docketing Suggested Amendments

The Director shall compile and maintain for public review a list of suggested amendments and "identified deficiencies" to the comprehensive plan, subarea plans, and the

Town's development regulations by appropriate classification and in the order which such suggested amendments were received.

47.06 Timing and Order of Consideration of Suggested Amendments

Suggested amendments to the comprehensive plan, subarea plan or development regulations shall be considered at least once each calendar year, but the comprehensive plan shall be amended no more often than once each calendar year, except that amendments may be considered more frequently for the initial adoption of a subarea plan, the adoption of a shoreline master program, in cases of emergency, or to resolve an appeal of an adopted comprehensive plan filed with a Growth Management Board or with the Court. For purposes of the Comprehensive Plan amendment process, an emergency is defined by those actions necessary to protect the public health, safety, and general welfare. The Town Council shall initiate consideration of suggested amendments by motion requesting the Planning Commission to prepare a recommendation.

Suggested amendments shall generally be considered by the Planning Commission in the order received, although suggestions which concern the same property, group of properties, subarea, or land use topic may be combined. All the recommendations of the Planning Commission shall be considered concurrently by the Town Council. The annual deadlines for submitting suggested plan amendments shall be October 31, and suggested development regulation amendments shall be April 30, unless otherwise stated by the Town Council.

The Planning Commission and Town Council shall endeavor to consider suggested plan amendments between January and June, and suggested development regulations between July and December of each year. Where amendments to both a plan and development regulations are suggested or where an amendment to the comprehensive plan would be implemented by an amendment to the development regulations, such amendments may be considered concurrently.

47.07 Public Participation

The public shall be made aware of the opportunity to suggest amendments and to comment on suggested amendments through methods including but not limited to direct mailings, newsletter and newspaper articles, legal advertisements, and notices posted in public places. Public notice requirements shall be as set forth in Section 42 herein.

47.08 GMA/SEPA Integration

The Town shall integrate SEPA procedures into the GMA process for adoption of comprehensive plan, subarea plans, and development regulation amendments as proposed by the Director and deemed appropriate by the legislative body, and pursuant to WAC 197-11-210 through WAC 197-11-238 as adopted by reference in this title as each currently exists or may hereafter be amended.

SECTION 48: SEPA POLICIES AND GUIDELINES

48.01 Adoption by Reference

The Town adopts the following sections of Chapter 197-11 WAC, as now existing or is hereafter amended, by reference:

- WAC 197-11-040 Definitions.
- 197-11-050 Lead agency.
- 197-11-055 Timing of the SEPA process.
- 197-11-060 Content of environmental review.
- 197-11-070 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.
- 197-11-100 Information required of applicants.
- 197-11-210 SEPA/GMA integration.
- 197-11-220 SEPA/GMA definitions.
- 197-11-228 Overall SEPA/GMA integration procedures.
- 197-11-230 Timing of and integrated GMA/SEPA process.
- 197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.
- 197-11-235 Documents.
- 197-11-238 Monitoring.
- 197-11-250 SEPA/Model Toxics Control Act integration.
- 197-11-253 SEPA lead agency for MTCA actions.
- 197-11-256 Preliminary evaluation.
- 197-11-259 Determination of nonsignificance for MTCA remedial actions.
- 197-11-262 Determination of significance and EIS for MTCA remedial actions.
- 197-11-265 Early scoping for MTCA remedial actions.
- 197-11-268 MTCA interim actions.

48.02 Lead Agency Determination and Responsibilities

When the Town receives an application for or initiates a proposal as that involves a nonexempt action the Director shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and WAC 197-11-922 through 197-11-940, unless the

lead agency has been previously determined or Director is aware that another agency is in the process of determining the lead agency.

When the Town is not the lead agency for a proposal, all departments of the Town shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No Town department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless the Town determines a supplemental environmental review is necessary under WAC 197-11-600.

If the Town or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the Town must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the Town may be initiated by the responsible official or any department.

The responsible official is authorized to make agreements as to lead agency status or shared lead agency's duties for a proposal under WAC 197-11-942 and 197-11-944.

When making a lead agency determination for a private project, the responsible official or department making such determination shall require sufficient information from the applicant to identify other agencies with jurisdiction (i.e., agencies that require nonexempt licenses).

48.03 Transfer of Lead Agency Status to a State Agency

For any proposal for a private project where the Town would be the lead agency and for which one or more state agencies have jurisdiction, the Town's responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in WAC 197-11-936 shall be the lead agency and the Town shall be an agency with jurisdiction. To transfer lead agency duties, the Town's responsible official must transmit a notice of the transfer together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official of the Town shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal. [Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-053, filed 6/15/84. Formerly WAC 173-805-053.]

48.04 Categorical Exemptions and Threshold Determinations - Adoption by Reference

The Town adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended by reference as supplemented in this chapter: [Statutory Authority: RCW 43.21C.130 . 84-13-036 (Order DE 84-25), § 173-806-065 , filed 6/15/84. Formerly WAC 173-805-020.]

- WAC 197-11-300 Purpose of this part.
- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-355 Optional DNS process.
- 197-11-360 Determination of significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination.

48.05 Categorical Exemptions - Adoption by Reference

The Town adopts the following rules for categorical exemption of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference, as supplemented in this chapter, including Subsection 48.06 and Subsection 48.07:

- WAC 197-11-800 Categorical Exemptions.
- 197-11-880 Emergencies.
- 197-11-890 Petitioning DOE to change exemptions.

48.06 Categorical Exemptions - Flexible Thresholds

The Town establishes the following exempt levels for minor new construction based on local conditions:

For residential dwelling units in WAC 197-11-800 Subsection 1 (b) (i) up to four dwelling units;

For agricultural structures in WAC 197-11-800 Subsection 1 (b) (ii) up to ten thousand square feet;

For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800 Subsection 1 (b) (iii) up to four thousand square feet and up to twenty parking spaces;

For parking lots in WAC 197-11-800 Subsection 1 (b) (iv) up to twenty parking spaces;

For landfills and excavations in WAC 197-11-800 Subsection 1 (b) (v) up to one hundred cubic yards.

The responsible official shall send copies of all adopted flexible thresholds to the Department of Ecology, Headquarters' Office, Olympia, Washington.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-070, filed 6/15/84. Formerly chapter 173-805 WAC.]

48.07 Categorical Exemptions - Determination

When the Town receives an application for a license or, in the case of governmental proposals, a department initiates a proposal; the Director shall determine whether the license and/or the proposal is exempt. The determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter shall apply to the proposal.

In determining whether or not a proposal is exempt, the Director shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the Director shall determine the lead agency, even if the license application that triggers the Town's consideration is exempt.

If a proposal includes both exempt and nonexempt actions, the Town may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:

The Town shall not give authorization for:

- Any nonexempt action;
- Any action that would have an adverse environmental impact; or
- Any action that would limit the choice of alternatives.

The Town may withhold approval of any permit, application or proposal, the basis of which is an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose in the nonexempt actions were not approved;

The Town may withhold approval of any permit, application, or proposal, the basis of which is and exempt action that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if the nonexempt actions were not approved.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-080, filed 6/15/84. Formerly WAC 173-805-060.]

48.08 Determination - Review at Conceptual Stage

If the Town's only action of a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the Town conduct environmental review prior to submission of the detailed plans and specifications. However, an application may not be deemed complete until final submission of the plans and specifications.

In addition to the environmental documents, an applicant shall submit to the following information for early environmental review:

A copy of any permit or license application;

Other information as the responsible official may determine.

48.09 Threshold Determination - Environmental Checklist

A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not exempted by this chapter. The checklist shall be in the form provided in WAC 197-11-960 with such additions that may be required by the Director in accordance with WAC 197-11-906 (4).

A checklist is not needed if the Town and the applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency.

For private proposals, the applicant is required to complete the environmental checklist. The Town may provide assistance as necessary. For Town proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

The Town may decide to complete all or part of the environmental checklist for a private proposal, if any of the following occurs;

The Town has technical information on a question or questions that is unavailable to the private applicant; or

The applicant has provided inadequate or inaccurate information on previous proposals or on proposals currently under consideration.

The applicant shall pay the Town the actual costs of providing information under subparagraph 4. B.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-090, filed 6/15/84. Formerly WAC 173-805-090.]

48.10 Threshold Determinations - Mitigated DNS

The responsible official may issue a Determination of Nonsignificance (DNS) based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

Precede the Town's actual threshold determination for the proposal.

The responsible official's response to the request for early notice shall:

State whether the Town currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the Town to consider a DS; and

State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the Town shall base its threshold determination on the changed or clarified proposal.

If the Town indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the Town shall issue and circulate a DNS if the Town determines that no additional information or mitigation measures are required.

If the Town indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the Town shall make the threshold determination, issuing a DNS or DS as appropriate.

The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific.

Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

A mitigated DNS is issued under either WAC 197-11-340 (2), requiring a fourteen-day comment period and public notice, or WAC 197-11-355, which may require no additional comment period beyond the comment period on the notice of application.

Mitigated measures incorporated in the mitigated DNS shall be deemed in conditions of approval of the licensing decision and may be enforced in the same manner as any term or condition of the permit or enforced in any manner specifically prescribed by the Town. Failure to comply with the designated mitigation measures shall be grounds for suspension and/or revocation of any license issued.

If the Town's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the Town should evaluate the threshold determination to assure consistency with WAC 197-11-340 (3) (a) relating to the withdrawal of a DNS.

The Town's written response under subsection 3 of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarification or changes to a proposal, as opposed to a written request for early notice, shall not bind the Town to consider the clarifications or changes in its threshold determination.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-100, filed 6/15/84. Formerly chapter 173-805 WAC.]

48.11 Environmental Impact Statement (EIS) - Adoption by Reference

The City adopts the following sections by reference, as supplemented by this part:

WAC 197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping. (Optional)
197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.
197-11-443	EIS contents when prior nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-110, filed 6/15/84. Formerly WAC 173-805-020.]

48.12 EIS - Additional Elements

The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function of purpose under this Ordinance:

Economy.

Social policy analysis.

Cost-benefit analysis.

Such other elements as may be required by the Director.

48.13 EIS - Preparation

Preparation of draft and final EISs (DEIS and FEIS) and draft and final Supplemental EISs (SEIS) shall be under the direction of the Director. Before the Town issues an

EIS, the Director shall be satisfied that it complies with this Ordinance and Chapter 197-11 WAC.

The DEIS, FEIS, and SEIS shall be prepared at the Town's option by the Town staff, the applicant or by a consultant approved by the Town. If the Director requires an EIS for a proposal and determines that someone other than the Town will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the Town's procedure for EIS preparation, including approval of the draft and final EIS prior to distribution.

The Town may require an applicant to provide additional information which the Town does not possess, including information which must be obtained by specific investigations. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100. An applicant shall not be required to produce information under this provision which is not specifically required by this chapter, however, the applicant is not relieved of the duty to supply any other information required by statute, regulation or ordinance.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-125, filed 6/15/84. Formerly WAC 173-805-105.]

48.14 EIS Commenting - Adoptions by Reference

The Town adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference as supplemented in this chapter:

- WAC 197-11-500 Purpose of this part.
- 197-11-502 Inviting comment.
- 197-11-504 Availability and cost of environmental documents.
- 197-11-508 SEPA register.
- 197-11-510 Public notice.
- 197-11-535 Public hearings and meetings.
- 197-11-545 Effect of no comment.
- 197-11-550 Specificity of comments.
- 197-11-560 FEIS response to comments.
- 197-11-570 Consulted agency costs to assist lead agency.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-128, filed 6/15/84. Formerly WAC 173-805-020.]

48.15 Public Notice

Whenever public notice is required pursuant to WAC 197-11, the Town shall follow the procedures set forth in this section; however, notices should be combined with Notice of Applications and Public Hearing notices whenever possible or indicated in other parts of this title.

Public notice for SEPA will be given in the following situations:

When the responsible official issues a threshold determination;

When a draft EIS (DEIS) is available for public comment;

Whenever the Town holds a public hearing pursuant to WAC 197-11-535;

When the Town commences scoping;

Whenever the responsible official determines that public notice is required.

The Town shall give public notice according to Subsections 41.04 and Section 40 of this Ordinance:

The responsible official shall maintain a list of all threshold determinations known as the Town of Coulee Dam SEPA Register. The register shall be available for public inspection during normal working hours.

Notice of public hearings shall be published no later than 14 days before the hearing. Notice of public hearings on nonproject proposals shall be published in a newspaper of general circulation in the Town.

The Town may require an applicant to compensate the Town for the costs of compliance with public notice requirements for the applicant's proposal or provide services and materials to assist.

48.16 Designation of Official to Perform Consulted Agency Responsibilities for the Town

The Director shall be responsible for preparation of written comments for the Town in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

The Director shall be responsible for the Town's compliance with WAC 197-11-550 whenever the Town is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the Town.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-140, filed 6/15/84. Formerly WAC 173-805-110.]

48.17 Using Existing Environmental Documents - Adoption by Reference

The Town adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

- WAC 197-11-164 Planned actions--Definition and criteria.
- 197-11-168 Ordinances or resolutions designating planned actions--Procedures for adoption.
- 197-11-172 Planned actions--Project review.
- 197-11-600 When to use existing environmental documents.
- 197-11-610 Use of NEPA documents.
- 197-11-620 Supplemental environmental impact statement--Procedures.
- 197-11-625 Addenda--Procedures.
- 197-11-630 Adoption--Procedures.
- 197-11-635 Incorporation by reference--Procedures.
- 197-11-640 Combining documents.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-150, filed 6/15/84. Formerly WAC 173-805-020.]

48.18 SEPA Decisions - Adoption by Reference

The Town adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, be reference:

- WAC 197-11-650 Purpose of this part.
- 197-11-655 Implementation.
- 197-11-660 Substantive authority and mitigation.
- 197-11-680 Appeals.
- 197-11-700 Definitions.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-155, filed 6/15/84. Formerly WAC 173-805-020.]

48.19 SEPA Decisions

For nonexempt proposal, the DNS or draft EIS for the proposal shall accompany the Town staff's recommendation. If a final EIS is or becomes available, it shall be substituted for the draft.

48.20 SEPA Decision - Substantive Authority

The Town may attach conditions to a permit or approval for a proposal provided:

Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this ordinance; and

Such conditions are in writing; and

Such conditions are reasonable and capable of being accomplished; and

The Town has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

Such conditions are based on one or more policies in Subsection 48.20 of this Ordinance and cited in the permit, approval, license or other decision document.

The Town may deny a permit or approval for a proposal on the basis of SEPA so long as:

A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this ordinance; and

A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

The denial is based on one or more policies identified in Section 48.21 and identified in writing in the decision document.

48.21 SEPA - Policies

The policies and goals set forth in this Ordinance are supplementary to those in the existing authorization of the Town.

The Town adopts by reference the policies in the following statute, Town codes, ordinances, resolutions and plans, as now existing or hereinafter amended, as a possible basis for the exercise of substantive authority in the conditioning or denying of proposals:

Chapter 43.21C RCW State Environmental Policy Act.

The UDC Articles I through IX

The Comprehensive Water and Sewer Plans

Six Year Transportation Improvement Plan, Town of Coulee Dam.

Coulee Dam Comprehensive Plan

The Town designates and adopts the following policies as the basis for the Town's exercise of authority pursuant to this section:

The Town shall use all practical means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

- Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- Preserve important historic, cultural and natural aspects of our national heritage;
- Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The Town recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

48.22 SEPA Appeals

Detailed appeal provisions are set forth in RCW 43.21C.060, 43.21C.075 and 43.21C.080 and WAC 197-11-680. The appeals procedures contained herein are intended to provide a local administrative appeals process while attempting to construe and interpret statutory authority. Persons considering either administrative or judicial appeal which involves SEPA at all are advised to read the statutory and administrative sections cited above.

Parties of record may file an administrative appeal of SEPA determinations made by the Town, as specified below and in other parts of this Ordinance:

Appeals linked to project permit applications shall be consolidated with the underlying project permit decision as specified in section _____ of this Ordinance and shall be made within the time frame set forth in section _____.

Only final threshold decisions and a final EIS may be appealed, and such appeals may be made prior to the Town's final decision on a proposed action. Intermediate steps such as lead agency determination, scoping, and the draft EIS, may not be appealed.

Contents of an administrative appeal shall include those items set forth in section _____.

For threshold determinations issued prior to a decision on a project action, an administrative appeal shall be filed within fourteen days after notice is issued that the determination has been made and is appealable.

If the Town has made a decision on the proposed project permit action, the SEPA appeal shall consolidate any allowed appeals of procedural and substantive determinations related to the proposed action as set forth in Chapter _____ of this Ordinance.

The following appeals of SEPA procedural or substantive determinations need not be consolidated with a hearing or appeal on the underlying government action:

- An appeal of a determination of significance;

- An appeal of a procedural determination made by the Town when the Town is a project proponent, or is funding a project, and chooses to conduct its review under SEPA, including any appeals of its procedural determinations, prior to submitting an application for a project permit. Subsequent appeals of substantive determinations by an agency with jurisdiction over the proposed project shall be allowed under the SEPA appeal procedures of the agency with jurisdiction;

- An appeal of a procedural determination made by the Town on a project action; and

- An appeal to the legislative authority under RCW 43.21C.060 or other applicable state statutes.

For any appeal under this subsection, the Town shall provide for a record that shall consist of the following:

- Findings and conclusions;

- Testimony under oath; and

- A taped or written transcript.

The procedural determination by the Town's responsible official shall carry substantial weight in any appeal proceeding.

The Town shall give official notice under WAC 197-11-680 (5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

Following the Town's final SEPA determination, the Town, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action. The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the Town Clerk, applicant or proponent pursuant to RCW 43.21C.080. If used for a permit or approval for which a statute or ordinance does not establish a time limit for commencing judicial review, the date of publication of the notice of action shall establish the time limit for judicial appeal.

48.23 Definitions - Adoption by Reference

The Town adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference, as supplemented in this chapter:

WAC 197-11-700	Definitions.
197-11-702	Act.
197-11-704	Action.
197-11-706	Addendum.
197-11-708	Adoption.
197-11-710	Affected tribe.
197-11-712	Affecting.
197-11-714	Agency.
197-11-716	Applicant.
197-11-718	Built environment.
197-11-720	Categorical exemption.
197-11-721	Closed record appeal.
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County/City.
197-11-730	Decision maker.
197-11-732	Department.
197-11-734	Determination of nonsignificance (DNS).
197-11-736	Determination of significance (DS).
197-11-738	EIS.
197-11-740	Environment.
197-11-742	Environmental checklist.
197-11-744	Environmental document.

- 197-11-746 Environmental review.
 - 197-11-750 Expanded scoping.
 - 197-11-752 Impacts.
 - 197-11-754 Incorporation by reference.
 - 197-11-756 Lands covered by water.
 - 197-11-758 Lead agency.
 - 197-11-760 License.
 - 197-11-762 Local agency.
 - 197-11-764 Major action.
 - 197-11-766 Mitigated DNS.
 - 197-11-768 Mitigation.
 - 197-11-770 Natural environment.
 - 197-11-772 NEPA.
 - 197-11-774 Nonproject.
 - 197-11-775 Open record hearing.
 - 197-11-776 Phased review.
 - 197-11-778 Preparation.
 - 197-11-780 Private project.
 - 197-11-782 Probable.
 - 197-11-784 Proposal.
 - 197-11-786 Reasonable alternative.
 - 197-11-788 Responsible official.
 - 197-11-790 SEPA.
 - 197-11-792 Scope.
 - 197-11-793 Scoping.
 - 197-11-794 Significant.
 - 197-11-796 State agency.
 - 197-11-797 Threshold determination.
 - 197-11-799 Underlying governmental action.
- [Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-175, filed 6/15/84. Formerly WAC 173-805-020.

48.24 Compliance with SEPA - Adoption by Reference

The Town adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, be reference, as supplemented in this chapter:

- WAC 197-11-900 Purpose of this part.
- 197-11-902 Agency SEPA policies.
- 197-11-916 Application to ongoing actions.
- 197-11-920 Agencies with environmental expertise.
- 197-11-922 Lead agency rules.
- 197-11-924 Determining the lead agency.

- 197-11-926 Lead agency for governmental proposals.
- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Lead agency for private projects with one agency with jurisdiction.
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/City.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-185, filed 6/15/84. Formerly WAC 173-805-020.]

48.25 Critical Areas

The Town has selected certain categorical exemptions that will not apply in one or more critical areas identified in the critical areas ordinances required under RCW 36.70A.060. For each critical area listed below, the exemptions within WAC 197-11-800 that are inapplicable for that area are:

Wetlands. 197-11-800(1), (2)(a) through(h), (6)(a), (24)(a) through (g), 25(d), (f), (h), and (i).

Critical aquifer recharge areas. 197-11-800(1), (2)(a) through(h), (6)(a), (24)(a) through (g), 25(d), (f), (h), and (i).

Fish and Wildlife Conservation Areas. 197-11-800(1), (2)(a) through(h), (6)(a), (24)(a) through (g), 25(d), (f), (h), and (i).

Frequently flooded areas. 197-11-800(1), (2)(a) through(h), (6)(a), (24)(a) through (g), 25(d), (f), and (h).

Geologically hazardous areas. 197-11-800(1), (2)(a), (6)(a), (24)(a) through (g), 25(d), (f), and (h).

The scope of environmental review of actions within these areas shall be limited to:

Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and

Evaluating potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and with other applicable environmental review laws.

All categorical exemptions not listed in Subsection 1. A. apply whether or not the proposal will be located in a critical area.

[Statutory Authority: RCW 43.21C.130 . 84-13-036 (Order DE 84-25), & sect; 173-806-190 , filed 6/15/84. Formerly WAC 173-805-050

48.26 Forms - Adoption by Reference

The Town adopts the following forms and sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

WAC 197-11-960 Environmental checklist.
197-11-965 Adoption notice.
197-11-970 Determination of nonsignificance (DNS).
197-11-980 Determination of significance and scoping notice (DS).
197-11-985 Notice of assumption of lead agency status.
197-11-990 Notice of action.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-230, filed 6/15/84. Formerly WAC 173-805-020.]

48.27 Responsible Official

For those proposals for which the Town is the lead agency according to the SEPA Rules, the Director shall be the responsible SEPA official and shall make the threshold determination, supervise scoping and preparation of any required Environmental Impact Statement (EIS), and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA Rules that have been adopted by reference, and/or SEPA related duties described in this Ordinance.

ARTICLE XI MISCELLANEOUS

SECTION 50: ENFORCEMENT

50.01 Filing of Complaints

Whenever a violation of this ordinance occurs, any person may file a complaint in regard thereto. All complaints shall be made in writing to the Director who shall conduct an investigation of the complaint and forward findings to the Town Council.

50.02 Violations

The Town Council shall review the findings of the Administrator and upon finding a violation shall notify the property owner of the violation and fix a time of not less than 90 days for the violator to meet the requirements of this UDC. A copy of the penalty clause shall accompany the notification. If the violation is not corrected within the time allocated, the Town Council shall refer the violation to the Town Attorney for legal action.

50.03 Penalty Clause

Violators of this title will be guilty of a misdemeanor, and each parcel illegally sold or transferred shall constitute a separate offense.

The Town may pursue injunctive relief against violations and tax the cost of such action against the violator, together with a fine of not more than \$500 dollars and/or imprisonment for not more than thirty days. Each day such violation continues shall be considered a separate offense.

SECTION 51: ANNEXATIONS

Any lands annexed to the corporate boundaries of the Town of Coulee Dam shall be reviewed by the Planning commission for appropriate zoning in conjunction with the Coulee Dam Comprehensive Plan, unless the property owner(s) request an amendment to the ordinance or zoning map at the time of annexation. Any uses contained within the boundaries of an annexation shall comply with the provisions of this ordinance.

SECTION 52: SEVERABILITY

If any Ordinance, section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 53: ADMINISTRATION

The Mayor of Coulee Dam is hereby directed to administer the provisions of this ordinance and may appoint other employees as may be necessary to assist in its administration. The Mayor shall adopt and revise, as required, such forms and instructions as are necessary or appropriate to serve the public and to carry out the provisions of this ordinance.