

Asotin County Zoning Code Update Summary of Issues Addressed

Issue Identified	Where Addressed	Synopsis
<p><u>1. Set administrative policy for appeals, enforcement, etc.</u></p> <ul style="list-style-type: none"> ➤ Enforcement policy needs to be created. ➤ Identify administrative requirements for all departments. ➤ Create a quick and fast action and penalty for violations. ➤ Identify how to enforce (County currently enforces on a complaint only basis). ➤ Identify who the enforcement officer and process is. 	<p>Chapter 17.19.070-100 & 17.20</p>	<p>The current zoning code does not identify a clear process for appeals of an administrative interpretation/decision, planning commission recommendation, or county commissioner decision. A new section was added to Chapter 19 to clarify the process. Chapter 20 was also added to identify the proper process for the enforcement and abatement of violations which included a stop work order process and redefining all violation as a civil action penalty.</p>
<p><u>2. Rework definitions.</u></p> <ul style="list-style-type: none"> ➤ Redefine/expand some specific definitions which the County has been having trouble interpreting (i.e. Bed and Breakfast, Warehouse, Duplex, mother-in-law apartment, dwelling unit, etc...) potentially eliminate some. 	<p>Chapter 17.02.020</p>	<p>Existing problems identified by staff included inconsistencies with other state or county definitions including the County Comprehensive Plan, definitions too vague and difficult to interpret, and many uses identified in the zoning matrix were lacking a definition altogether. This section was reviewed and modified extensively with the staff in order to provide consistency and clarification to the code. A summary of all of the changes made to the zoning definitions is available upon request.</p>
<p><u>3. Review land use matrix.</u></p> <ul style="list-style-type: none"> ➤ Add common uses to matrix . ➤ Clarify secondary dwelling units (temporary dwellings in pole buildings being converted to apartments). ➤ Review minimum lot size for septic and sewer lots. ➤ Review zone change requirements. All zone changes need to be consistent with Comprehensive Plan. ➤ Zone Change Requirements need to be consistent with application requirements and policy. ➤ Review pole building requirements. When is a Conditional Use Permit required, setback requirements and standards. Currently pole buildings greater than 1,500 sq.ft. require a CUP (none have been denied). 	<p>Chapter 17.04.020</p>	<p>The land use matrix was updated to be consistent with the zoning definitions. Many land uses were deleted or combined with other existing uses. The remaining land uses were reviewed for zoning allowance. No changes have been made to the zoning districts, however the minimum lot sizes for sewer lots in rural zones have eliminated. Zone Change review criteria was reviewed and updated. Pole building requirements were reviewed, minimum square footage was increased to 1,800 sq.ft. without a CUP. A height/setback requirement was added for pole buildings in the urban area.</p>

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<p><u>4. Consider traffic and other impacts for rezone.</u></p> <ul style="list-style-type: none"> ➤ Identify requirements for Traffic Impact Analysis and review process. ➤ Add language identifying when a TIA is required. ➤ Require that traffic be reviewed for each rezone based on the maximum opportunity of the proposed zone type. 	<p>Road Standards Chapter 3</p>	<p>All projects with transportation impacts of 10 or more peak hour vehicular trips are required to submit a Trip Generation and Trip Distribution Letter. (Typical developments with less than 10 peak hour trips would be residential short plats, multi-family less than 9 units, offices less than 2,500 sq. ft. industrial projects < 9,000 sq. ft.) Those projects with more than 20 or more peak hour trip ends to an intersection will be required to perform a Traffic Impact Analysis. County may hire third party to review TIA at the expense of the developer. A TIA for a zone change may be required if during SEPA review it is determined that the potential trip generation of the proposed land use designation will create more than 20 peak hour trips.</p>
<p><u>5. PUD rework.</u></p> <ul style="list-style-type: none"> ➤ Allowed in all zones within urban area but requires a rezone to PUD. ➤ Process for review needs to be rewritten. ➤ Need to define purpose of PUD and options (mix of density/uses, allow for greater density). ➤ Typically being used for townhouses to allow zero lot-lines. 	<p>Chapter 17.12</p>	<p>This chapter was completely updated with a new chapter which clearly outlines the review and approval process. The new chapter is more consistent with other jurisdictions within the state.</p>
<p><u>6. Consider nuisance section.</u></p> <ul style="list-style-type: none"> ➤ Topic is a high community concern. ➤ Section needs to deal with complaints for junk cars, weeds, manure, and nonmaintained lots. ➤ Need to be cautious on how this issue is addressed and implemented. ➤ County does not have the staff resources to continually enforce. New policy needs to be feasible for current staff to implement. 	<p>Chapter 17.20</p>	<p>As identified in Item 1, a new enforcement and abatement section was added to outline the process to notify and enforce violations of the zoning code.</p>

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<p><u>7. Review non-conforming uses and exemptions</u></p> <ul style="list-style-type: none"> ➤ Non-conforming use criteria needs to be define. ➤ The burden of proof needs to be clarified. ➤ Review process needs to be defined. 	<p>Chapter 17.06 & 17.14</p>	<p>Chapter 17.06 (Exemptions) was reviewed and updated with very few minor changes. Chapter 17.14 (Non-Conforming Uses) was updated to provide more clarity as to what type of documentation is needed to confirm that a use, lot or structure is legally non-conforming. Also the burden of proof on the property owner was strengthened as well as the application requirements. A one year timeline was also included for reconstruction of a structure or discontinuance of a use.</p>
<p><u>8. Review conditional uses and variance processes</u></p> <ul style="list-style-type: none"> ➤ Define a process and criteria for approval ➤ Define hardships 	<p>Chapter 17.15 & 17.16</p>	<p>After discussions with staff and the County Commissioners it was identified that the current issues are with the lack of decision criteria for the Conditional Use process, the misinterpretation and understanding of a hardship for a Variance, and an undefined public hearing process. As a result, Section 17.15.020 was added to the Conditional Use Chapter to provide staff and decision makers with a list of criteria on which to base their recommendations and decisions. Section 17.15.070 was also added to provide a basis for revoking a CUP. After reviewing the Variance Chapter it was determined to have an adequate decision criterion which is based on a physical or natural feature, thus no changes were made to this chapter. It is suggested that a public hearing training and script be prepared for both the planning commission and county commissioners to give them a better understanding of the differences between the two types of approval.</p>
<p><u>9. Address commercial property site improvements.</u></p> <ul style="list-style-type: none"> ➤ Expand section for site improvement requirements (including paving, landscaping, fencing, access, etc...) 	<p>Chapter 17.05.050, 17.05.060, 17.05.090</p>	<p>A new parking section was added which defines the parking requirements by specific uses as well as access and parking stall design requirements. The landscaping section was updated to clarify landscaping around commercial areas and parking lots. Xeriscape landscaping language was added to the landscaping section to address xeriscaping as a landscaping alternative. A new fencing section was added to provide clarity to the difference between residential and commercial/industrial fence requirements.</p>

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<p><u>10. Address zero lot line issues.</u></p> <ul style="list-style-type: none"> ➤ Currently not defined in Code, but needs to be added. ➤ Zero lot lines for duplexes and condo have been desired. ➤ Discussion of binding site plan and condo's are only identified in Mobile Home Park and PUD ordinance. 	<p>Chapter 17.12 and Subdivision Code Chapter 18.05</p>	<p>The current zoning code does not address the issue of condominium or zero lot line development although it has been a standing practice to allow this type of development in a Planned Development. Although this issue has not been addressed in a separate zero lot line/cluster housing section, the Planned Development Chapter and the Binding Site Plan Chapter in the Subdivision Code have been added to allow the flexibility of zero lot line development and condos.</p>
<p><u>11. Consolidate miscellaneous building policies.</u></p> <ul style="list-style-type: none"> ➤ Miscellaneous building policies need to be incorporated and consolidated into the code. 	<p>Chapter 17.05.110-140 & 17.05.180-190</p>	<p>The Miscellaneous Building Policies (Ordinance 06-24) was added to the Zoning Code to provide consistency and to consolidate several ordinances into one. These sections were added with the following changes: sign section was updated with and incorporated the development entry signs section, the timeline for structure completion was increased from one year to two years.</p>
<p><u>12. Wind Towers - language, both individual/corporate.</u></p> <ul style="list-style-type: none"> ➤ Recent interest has caused need to develop wind tower requirements. ➤ Review other codes for common language (CTED and Columbia, Garfield and Adams Counties). ➤ Section needs to identify location, views, noise. 	<p>Chapter 17.08</p>	<p>Due to recent inquiries regarding wind towers, county staff wanted to add a wind tower section which identifies requirements for both individual and corporate uses and addresses issues related to location, views and noise. The corresponding chapter was created based on a comprehensive review of several counties throughout southeastern Washington. These requirements range from being detailed and comprehensive to being very general. The proposed section is a compromise of the two types which are only allowed in the urban area. In addition to wind towers, this chapter also address solar energy facilities.</p>
<p><u>13. Communication Towers.</u></p> <ul style="list-style-type: none"> ➤ This is a separate ordinance. ➤ No update required. 	<p>Chapter 17.07</p>	<p>This ordinance was incorporated into the zoning ordinance with no major changes.</p>

Issue Identified	Where Addressed	Synopsis
<i>Issues from other ordinances covered in Zoning Ordinance</i>		
MISCELLANEOUS BUILDING POLICIES ORDINANCE (2006)		
Add into Zoning Code and eliminate.	Chapter 17.05.110-140 & 17.05.180-190	See issue 11 of Zoning Code notes (above).
STATE ENVIRONMENTAL POLICY ACT ORDINANCE (1984)		
Needs update to be consistent with state law.	Chapter 17.17	The existing SEPA ordinance was replaced with an updated version consistent with state law and incorporated into the zoning code.
MOBILE HOME PARK ORDINANCE (1982) & RECREATIONAL VEHICLE PARK ORDINANCE (1992)		
<ol style="list-style-type: none"> 1. General review and update. 2. Consider combining these ordinances into one. 3. Needs to be consistent with state law. 	Chapter 17.10 & 17.11	These two ordinances were reviewed and updated to current state law, these separate ordinances have also been incorporated into the zoning code for consistency. Minor changes to these codes have been
PLACEMENT OF TELECOMMUNICATION TOWERS AND WIRELESS FACILITIES ORDINANCE (2006)		
No changes needed.	Chapter 17.7	This ordinance was incorporated into the zoning ordinance with no major changes. See issue 13 above.

Additional Issues Addressed in Zoning Ordinance.

Bed and Breakfast Lodging	Chapter 17.05.200	This section was added to define the requirement of a bed and breakfast. This proposed language is similar to that used in a draft resolution/ordinance dated 2005.
Livestock Standards	Chapter 17.05.150	Due to rural type land uses within the urban planning area minimum area requirements for livestock are included.
Temporary Placement of Mobile Homes	Chapter 17.05.170	This section was added to the zoning code from Asotin County Ordinance 00-42 to allow for temporary placement of a mobile home for medical or construction purposes. Timeline for hookups was added to prevent storage of mobile homes on a property. Language was added to prohibit storage of mobile homes.
Developer Agreements	Chapter 17.13	This chapter was added and follows current state law for developer agreements.
Administrative Provisions	Chapter 17.19	Several sections were deleted regarding planning commission vacancies, attendance, meeting, reports and budget. The currently bylaws of the planning commission cover these issues and they are not needed in this document.

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Single Family Duplex	Chapter 17.05.160	This section was added to define requirements for converting a duplex into a single family attached duplex unit.
Rock Quarries	Chapter 17.04.020 & 17.05.210	The TRC had a concern with conditionally allowing rock quarries in the Ag Transition Zone due to the location near residential zones and subdivisions. Staff reviewed this issue and determined that Ag Transition Zone covers a significant area and if this use is removed from this zone, it could eliminate a significant amount of potential quality rock sources. Since a CUP is required mitigation to residential areas can be implemented during permitting. New approval criteria for rock quarries was added to 17.05.210.
Clear Vision	Chapter 17.05.020-030	The TRC felt that 20' setback for a sight triangle along a residential driveway seemed excessive. This issue was reviewed and modified to 10' for the driveway.
Mobile Homes	Chapter 17.05.160	a new mobile home and manufactured home definition was created to identify the differences between the two. Significant changes to mobile homes includes the prohibition of the placement of mobile homes in the urban area outside of a mobile home park and the placement of a mobile home older than 1976.