

**TITLE 17
ASOTIN COUNTY
ZONING ORDINANCE**

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Title 17

Asotin County

Zoning Ordinance

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CHAPTER 17.01 GENERAL PROVISIONS

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- 17.01.010 Title.
- 17.01.020 Purpose.
- 17.01.030 Authority.
- 17.01.040 Applicability.

17.01.010 Title.

The ordinance codified herein shall be known as the “Zoning Ordinance of Asotin County, Washington.”

17.01.020 Purpose.

The purpose of this Title is to promote the orderly development of the County consistent with the County’s adopted comprehensive plan; to reserve and stabilize the value of property; to encourage protection of critical areas of the environment; to protect the character and peculiar qualities of scenic areas and places of historic interest; to promote measures that preserve or improve the County's quality of life; and otherwise to promote public health, safety, and general welfare.

17.01.030 Authority.

Authority for enactment, implementation, and administration of this Zoning Ordinance is derived from RCW 35.63, as it now exists or is hereafter amended, and Article XI, Section 11 of the Washington State Constitution.

17.01.040 Applicability.

All unincorporated territory in the County shall be classified according to the zones set out in this chapter.

CHAPTER 17.02 DEFINITIONS

Sections

- 17.02.010 Purpose.
17.02.020 Definitions.

17.02.010 Purpose.

The purpose of the definitions provided below is to define those words and terms that have a specialized meaning and/or may be used in an unfamiliar way for the purposes of this Title. In addition, the following definitions, where deemed necessary, include examples or clarifications that will assist in the understanding of the terms and in the application and enforcement of the zoning code. The following definitions shall pertain to the regulations, processes, and standards contained within this Title only. Definitions found in other adopted titles, ordinances, resolutions, codes, and/or regulations shall be subordinate in meaning to the definitions contained herein in applying the provisions of this Title.

17.02.020 Definitions.

For the purposes of this Title, certain words are defined as follows: Words in the present tense include the future tense; words in the singular shall include the plural; the word “shall” is mandatory; the word “should” indicates that which is recommended but not required; and the word “may” is permissive. All words in this Title shall have their plain and ordinary meaning unless otherwise defined herein below:

“**Accessory**” means a use, activity, structure or part of a structure that is subordinate and incidental to the main activity or structure on the subject property.

“**Accessory Structure**” means a subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

“**Accessory Use**” means a structure of use that is clearly incidental to and subordinate to the main use of a property and located on the same lot as the main use.

“**Administrative Official**” means the duly appointed Asotin County Planning Director or designee.

“**Adult Entertainment**” (see chapter 17.09, Adult Entertainment).

“**Adult Family Home**” means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

“**Agriculture**”(see Farming).

“**Agricultural Chemical Production**” means the production of fertilizers, herbicides, pesticides, and other chemical products used primarily in farming.

“Agricultural Chemical Storage & Sales” means the exclusive storage and sale of fertilizers, herbicides, pesticides, and other chemical products used primarily in farming.

“Agricultural Structure/Building” means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other agricultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public.

“Agricultural Land” (see “Farming”).

“Airport or Airfields” means an area of land or water designed and utilized for the landing and taking off of aircraft.

“Alley” means a public or private way permanently reserved as a secondary means of access to abutting property.

“Alteration” means any change, addition, or modification in construction or occupancy of an existing structure.

“Amateur Radio” means the non-commercial operation and use of broadcast and/or radio transmission facilities for public or private uses. No provision of this Title shall fail to conform to the limited preemption entitled Amateur Radio Preemption, issued by the Federal Communication Commission.

“Amendment” means a revision, addition, or alteration to the wording, context, or substance of the title, or a change in the zone boundaries upon the zoning maps (see chapter 17.18).

“Amusement Park” means a premises designed and utilized for entertainment, rides, exhibits, and features of a similar nature.

“Animal Grooming” means the grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include dog bathing and clipping salons, or pet grooming shops.

“Animal Rendering Plant” means a premises wherein animal carcasses or parts are processed, altered, or packaged.

“Antenna” means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

“Apartment House” (see “Dwelling, Multi-family”).

“Appeal” means an optional course of action for persons aggrieved by actions of the Planning Commission, Planning Director or designee or enforcement officer, or Board of County Commissioners.

“Aquifer” means a water bearing layer of permeable materials such as rock, sand, or gravel.

“Asphalt Plant” means a premises wherein crushed rock, oil, and other materials are mixed and prepared so as to produce asphalt and similar products and includes the bulk storage of said materials and products.

“Assisted Living Facility” means a residential facility for over six elderly persons (age fifty-five or older) who require moderate to extensive assistance with daily tasks such as cooking, eating, bathing, housekeeping, dispensing of medicines, shopping, appointments, and other tasks.

“Auto Repair Shop” means dismantling, operating on, cleaning, reassembling or otherwise altering vehicles to usable condition.

“Auto Body Repair Shop” means a premises wherein there are facilities for painting, straightening, or repairing the shell, frame, or other parts of a motor vehicle.

“Auto Rental” means a premises wherein motor vehicles are displayed and/or made available for use by persons who do not hold title or are in the process of purchasing the motor vehicle.

“Auto Sales/Service” means a premises wherein new or used motor vehicles are displayed for sale, serviced, and repaired.

“Auto Storage” means a commercial premises wherein motor vehicles and trailers that are in operable condition are kept. Said use shall not be for display, repair, or dismantling.

“Auto Wrecking Yard” means property on which the dismantling or wrecking of used motor vehicles or trailers occurs, or where there is storage, sale, or dumping of dismantled or wrecked vehicles or their parts.

“Bakery” means a premises wherein flour, sugar, and other materials are mixed and prepared so as to produce bread, cakes, and associated products and includes the on-premises sale of such products.

“Bank or other Financial Institution” means a premises wherein money may be deposited for safekeeping, wherein dealings in credit, money, and funds are transacted.

“Bar, Tavern, or Cocktail Lounge” means a premises wherein alcoholic beverages are sold at retail for consumption on the premises, and minors are excluded by law. This includes nightclubs and cabarets.

“Basement” means the portion of a building that is partly or completely below grade as defined by the International Building Code (IBC) (current version).

“Beauty/Barber Shop” means a premises wherein haircutting, hairstyling, shaving, manicuring, and associated services are performed.

“Bed and Breakfast House” means an owner-occupied single family dwelling that is used to provide overnight guest lodging in which not more than three bedrooms and not more than six guests total are rented for money or other consideration to the traveling public. (see Section 17.05.210 for regulations).

“Best Management Practices (BMP)” means a physical, structural, or managerial practice that has gained general acceptance for its ability to prevent or reduce environmental impacts.

“Binding Site Plan” means a drawing or drawings to a scale specified by local ordinance that: 1) identifies and shows the areas and location of all streets, roads,

improvements, utilities, open spaces, and any other matters specified by local regulations; 2) contain inscriptions or attachments setting forth such appropriate limitation and conditions for the use of the land as are established by the local government body having authority to approve the site plan; and 3) contains provisions making any development in conformity with the site plan.

“Block and Block Front” means a parcel of land or group of lots bounded by intersecting streets.

“Board of County Commissioners” means the County Commissioners of Asotin County.

“Boarding or Rooming House” means an establishment with lodging for less than five persons where meals are regularly prepared and served for compensation and where food is placed upon the table family style without service or ordering of individual portions from a menu.

“Boat Building and Repair (Commercial)” means any business established for the purposes of building and repairing boats. Building and repair of a single boat for use of the property owner, renter, or lessee shall not be considered commercial boat building and repair.

“Boat and Mobile Home Sales/Service” means a premises wherein new or used boats and/or mobile homes are displayed for sale and/or serviced and repaired.

“Bottling Plant” means a premises wherein liquids are placed into glass, aluminum, or other containers and sealed.

“Brewery, Distillery or Winery” means a plant in which beer, wine, or other alcoholic beverages are produced and bottled for wholesale distribution.

“Brewery, Micro-” means a small-scale beer brewing plant (less than sixty thousand barrels of malt liquor, including strong beer, per year) located within a restaurant or tavern building in which a portion of the building is used for the production of beer for wholesale distribution and for on-site retail sale to restaurant or tavern patrons.

“Buffer or Buffer Zone” means a neutral area between two areas of concern of sufficient width and quality to ensure that activities on one property do not negatively impact the other.

“Building” means a structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

“Building Height” (see “Height of Building”).

“Building Line, Front” (see “Lot Line, Front”).

“Building Supply Outlet” means a premises wherein construction materials and related products are stored, displayed, and offered for sale.

“Bus Stations and Terminals” means those public and private stations and terminals that serve the regional transportation needs of the community including accessory uses such as cafes, gift stores, and lockers intended for the use of travelers. Transit stops are not considered bus stations and terminals.

“Cabinet/Furniture Shop” means a premises wherein wood, metal, plastic, and other materials are prepared, assembled, and finished to produce cabinets and/or furniture items.

“Camps” means an area or tract of land under single ownership on which accommodations for temporary occupancy are located or may be placed including cabins, tents, and major recreational equipment, is primarily used for recreational purposes, retains an open air or natural character, and is not a farm labor camp used for seasonal laborers.

“Carport” means a covered space for the housing of vehicles, boats, trailers, etc., and enclosed on no more than two sides.

“Car Wash” means an area of land and/or structure with machine or hand-operated facilities used primarily for the cleaning, washing, polishing, or waxing of motor vehicles.

“Cement/Clay Products Manufacturing” means a premises wherein lime and other materials are processed, mixed, and/or treated so as to produce cement, tile, blocks, bricks, and similar products and includes the bulk storage of said materials and products. This does not pertain to pottery or porcelain shops.

“Cemetery” means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes but does not include columbariums, crematories, mausoleums, and mortuaries.

“Chemical Storage and Manufacturing” means a premises wherein organic or inorganic liquids, solids, or gases are held, prepared, or processed.

“Child Day Care Center” means a preschool, day nursery, nursery school, or other building or premises regularly used for the day care of a group of thirteen or more children for periods of less than 24 hours who are apart from their parents or guardians, governed by the State day-care center licensing provisions, and conducted in accordance with state requirements.

“Child Home Based Day Care Nursery” means a facility in the family residence of the licensee providing regularly scheduled care for six or fewer children for periods of less than 24 hours who are apart from their parents or guardians, governed by the State day-care center licensing provisions, and conducted in accordance with state requirements.

“Church or Place of Religious Worship” means a building or buildings intended for religious worship including ancillary activity and improvements such as schools providing part time religious education in association with religious services, assembly rooms, kitchen, reading room, and recreation hall and may include a residence for church staff. For the purposes of this Title, schools being operated for primarily nonreligious education and those portions of churches or places of religious worship that house such schools shall not be considered churches or places of religious worship.

“Clearing” means the destruction or removal of vegetation, ground cover, shrubs, and trees including, but not limited to root material removal and/or topsoil removal.

“Clinic” (see “Medical-Related Professional Office”).

“Closed Record Appeal” means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

“Co-location” means the use of a single wireless telecommunication tower or other support structure by more than one wireless telecommunications service provider.

“Cold Storage Plant” means a premises wherein frozen materials are processed, sold, packaged, or kept in storage including ice making.

“County” means the County of Asotin, Washington.

“Club” means an organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, or the like but not operated for profit excluding churches.

“Combustible” means a material with a flashpoint of one hundred degrees Fahrenheit to one thousand one hundred degrees Fahrenheit.

“Commercial Boat Moorage” (see “Marina”).

“Commercial Use” means activities connected with the sale, rental, and distribution of products or performance of services for profit.

“Commercial Vehicle” means any vehicle where the principal use of which is the transportation of commodities, merchandise, tools, spare parts, produce, freight, animals, or passengers for hire.

“Communication Relay or Transmission Facilities” means telephone, telegraph, television, radio, cable, commercial broadcasting, and microwave transmission or retransmission facilities and substations including any other communication conveyance for commercial purposes.

“Community Center” means an assembly place, structure, area, or other facility used for and providing fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

“Comparable Uses” means a land use that is equivalent or similar to permitted uses within a given zoning district.

“Comprehensive Plan” means the comprehensive plan of Asotin County including all adopted sub-area plans as may be amended.

“Condominium” (see “Dwelling, Duplex” or “Dwelling, Multifamily”).

“Concrete Batch Plant” means a premises wherein aggregate, sand, cement, water, and other materials are combined, stored, or prepared for on or off-premise mixing of concrete.

“Conditional Use” means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if subjected to special

requirements that are different from the usual requirements for the district, may be allowed if approved by the Planning Commission. See chapter 17.15.

“Contractor’s Storage Yard” means a premises used for storing machinery, equipment, materials, and supplies used in the pursuit of business by the contractor. It is distinguished from a building supply outlet because the inventory stored is for current contracts, and not for individual sales of tools, machinery, equipment, materials to the public.

“Convenience Store” means a retail establishment offering for sale food products, household goods, and other goods and having a gross floor area of less than five thousand square feet.

“Corner Lot” (see “Lot, Corner”).

“Correctional Facility” means a public or private facility providing for the incarceration, confinement, or detention of individuals arrested for or convicted of a crime, or for the punishment, correction, and/or rehabilitation of individuals convicted of crimes whose freedom is restricted.

“Critical Areas” include the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

“Cultural Resources” means elements of the physical environment that are evidence of human activity and occupation. Cultural resource include: (a) historic resources that are elements of the built environment typically fifty years of age and older and may be buildings, structures, sites, objects, and districts; (b) archaeological resources consisting of remains of the human environment at or below the ground surface such as habitation sites; and (c) traditional cultural properties consisting of places or sites of human activities that are of significance to the traditions or ceremonies of a culture. Traditional cultural properties do not necessarily have a manmade component and may consist of an entirely natural setting.

“Dairy Products Processing” means a premises wherein dairy products are combined, treated, or packaged.

“Dance, Music, Voice Studio” means a premises wherein lessons, rehearsals, or practices are held for students of dance, music, or voice.

“Day Care Center” (see “Child Day Care Center”).

“Density” means measure of the intensity of development, generally expressed in terms of dwelling units per acre or in terms of population (i.e., people per acre).

“Development” means any change in use, enhancement of use, or extension of the use of the land including, but not limited to land disturbing activities; structural development including construction, installation or expansion of a building or other structure; creation of impervious surfaces; subdivisions, short subdivisions, and binding site plans as well as redevelopment of an already developed site.

“Domestic Water System” means potable water, supply infrastructure, and source as provided to customers and others who place anticipated and approved demands on the system.

“Drainage” means the collection, conveyance, containment including retention and detention, and/or discharge of surface and stormwater runoff. Stormwater is the subject of a separate ordinance.

“Drainage Control” means a pipe, swale, natural feature, or manmade improvement for the purpose of carrying and/or retaining drainage.

“Dry Cleaning Establishment” means a premises wherein clothes, draperies, and various materials are chemically cleaned including an associated delivery service.

“Dwelling Unit” means one or more rooms physically arranged to create an independent housekeeping establishment for occupancy by one family with separate toilets including facilities for cooking and sleeping.

“Dwelling, Duplex” means a site built structure on a permanent foundation that meets all requirements of the International Building Code (current edition) that contains two independent dwelling units sharing a common wall entirely surrounded by set backs on the same lot.

“Dwelling, Multifamily” means a building with three or more dwelling units for families living independently of each other on the same lot.

“Dwelling, Single-Family” means a site constructed residential building containing not more than one dwelling unit entirely surrounded by set backs on the same lot.

“Easement” means a grant by a property owner to a person or persons, government agency, or private utility company to use public or private land owned by another for a specific purpose.

“Energy Facility” means:

1. "Major Alternative Energy Facility" means a hydroelectric plant, solar farm, or wind farm that is not a minor alternative energy facility;
2. "Meteorological Tower" means a structure designed to support the gathering of wind energy resource data, and includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
3. "Minor Alternative Energy Facility" or "Minor Alternative Energy System" means a fuel cell or a facility for the production of electrical energy that:
 - a. Includes the following:
 - i. Uses as its fuel either solar, wind, or hydropower;

- ii. Is located on the power beneficiary's premises;
 - iii. Is intended primarily to offset part or all of the beneficiary's requirements for electricity; and
 - iv. Is secondary to the beneficiary's use of the premises for other lawful purpose; or
- b. Is intended to mitigate electrical system improvement requirements;
4. "Normal Maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal Repair" means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction;
 5. "Utility Corridor" or "Utility Corridors" means a lineal transportation route utilized by one or more special utilities;
 6. "Solar Farm" means a facility or area of land principally used to convert solar radiation to electricity. The term does not include devices or a combination of devices that rely upon direct sunlight as an energy source for a minor alternative energy system;
 7. "Wind Turbine - Commercial" means a single wind turbine exceeding one hundred twenty feet in height above grade or more than one wind turbine of any size proposed and/or constructed by the same person or group of persons on the same or adjoining tax parcels. The term does not include turbines mounted to existing structures principally used for other lawful purposes (such as buildings or electric utility poles) provided the nacelle does not extend more than twenty feet above the uppermost portion of the structure to which it is mounted or attached; and
 8. "Wind Turbine" or "Wind Turbines" means any of various machines used to produce electricity by converting the kinetic energy of wind to rotational, mechanical, and electrical energy. Wind turbines consist of the turbine apparatus (rotor, nacelle, and tower) and any other buildings, support structures, or other related improvements necessary for the generation of electric power. The term does not include electrical distribution or transmission lines, or electrical substations otherwise regulated by this chapter.
 9. "Wind Turbine - Private" means a Wind Turbine (as defined above) whose total height does not exceed one hundred feet; is located on the power beneficiary's premises; Is intended primarily to offset part or all of the beneficiary's requirements for electricity; and is secondary to the beneficiary's use of the premises for other lawful purposes; and
 10. "Wind Turbine Height" means the distance measured from the ground level at the base of each turbine structure to the highest point on a wind turbine, including the rotor blades.

"Equipment Enclosure" means a small structure, shelter, cabinet, box, or vault designed or used for housing or protecting the electronic equipment necessary

and/or desirable for processing wireless telecommunications signals, and data including any provisions for air conditioning, ventilation, or auxiliary electricity generators.

“Equipment Rental and Sales Yard” means a premises wherein machinery, tools, and related items are offered for rent or sale.

“Espresso Stands (drive through)” means a retail business that offers primarily coffee beverages (hot or cold) and related merchandise to customers in motor vehicles.

“County Fairgrounds” means a place where the County Fair is held; utilized as a meeting hall for social, fraternal, civic, public and similar organizations; utilized as an event venue for spectator and non-spectator field events and activities such as equestrian events and field sports, concerts, tractor pulls, rodeos, scholastic athletic contests, festivals, arts and craft shows, related fundraising for charitable or non-profit activities, family reunions, wedding receptions and similar receptions, picnics, educational seminars, and community-related arts, cultural, agricultural, and educational activities; and utilized as a farmers’ market.

“Family” means an individual or two or more persons related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than four additional persons or a group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit.

“Farm or Heavy Equipment Sales/Service” means a premises wherein new or used agricultural or construction implements and vehicles are displayed for sale and/or serviced and repaired.

“Farmer’s Market” see **Fruit and/or Vegetable Stands**

“Farming” means the commercial raising and harvesting of crops; feeding, breeding, and management of livestock; dairying or other agricultural or horticultural use; or any combination thereof and includes the disposal by marketing or otherwise of products produced on the premises. It includes the construction and use of dwellings and other buildings customarily provided in conjunction with farming but does not include a commercial feed lot. It does not include private gardening where no produce is offered for sale.

“Farm Labor Camp” means an area with structures or tents, temporary or permanent, used for housing temporary or seasonal farm labor. It is intended that the homes may be occupied no longer than the growing season. It is not intended to be an area in which farm laborers would acquire title to the property.

“Feedlot” means an enclosure or facility, of any size, used or capable of being used for confinement feeding of livestock with hay, grain, silage, or other livestock feed. It shall not include land for growing crops or pasture for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations. It is not the intent of this definition to exclude the keeping and feeding of livestock as a private, non-commercial use of land, for example, as pets or 4-H projects.

“Fence” means any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

“Fertilizer-Chemical Storage or Sales” (see “Agricultural Chemical Storage & Sales”).

“Flea Market” means an occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

“Floor Area” means the gross measurement in square feet of floor on a single plane in or as part of a given structure. Such measurement is taken on the horizontal plane outside and along the exterior walls of the structure being measured.

“Food Processing Plant” means an establishment manufacturing or processing foods and beverages for human consumption and certain related products, such as manufacturing prepared feeds for animals and fowls.

“Food Store” means an establishment offering for sale raw or packaged edible materials and related items.

“Forest Lands” means land primarily useful for growth trees including Christmas trees subject to the excise tax imposed under RCW 84.33, as it now exists or is hereafter amended, for commercial purposes and that has long term commercial significance for growing trees commercially.

“Fraternal/Social Lodge” (see “Club”).

“Freight Terminal” (see “Terminal/Trucking Yard”).

“Frozen Food Locker” means a building or part of a building where edible materials are kept in storage at temperatures below freezing.

“Fruit and/or Vegetable Stands” means a building, structure, or land area used for the seasonal sale of fresh fruit or vegetables.

“Fuel Yard” means a premises wherein materials such as gasoline, heating oil, and similar products are stored, combined, or packaged.

“Funeral Home” means a building or part thereof used for human funeral services. Such may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; and d) the storage of funeral vehicles but shall not contain the facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

“Furniture Refinishing” (see “Cabinet/Furniture Shop”).

“Garage, Private” means a building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

“Geologically Hazardous Areas” means areas that because of the susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the

siting of commercial, residential, or industrial development consistent with public health or safety concerns.

“Gift Shop” means a premises wherein merchandise is displayed and offered for sale at retail where said merchandise is intended primarily for gifts as opposed to personal use and consumption.

“Golf Course” means a recreational facility designed and developed for golf activities. May include as accessory uses a pro shop, snack bar (not including restaurants), and caddy shack/maintenance buildings.

“Grade (ground level)” means the average of the finished ground level at the center of all walls of the building. If a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

“Grading” means the physical manipulation of the earth's surface and/or drainage pattern in preparation for an intended use or activity.

“Grain Storage” means a premises wherein agricultural commodities such as wheat, barley, or peas are held for short or long-term storage.

“Grain Storage, Private” means a structure for the storage of agricultural commodities such as wheat, barley, or peas that is located on the same farm or agricultural land on which the commodity is grown.

“Greenhouse, Commercial” means an establishment where flowers, shrubbery, vegetables, trees and other horticultural and floricultural products are grown both in the open and in an enclosed building for sale on a retail or wholesale basis.

“Gun Club” means a premises wherein guns, pistols, rifles, and shotguns normally used by private individuals are fired.

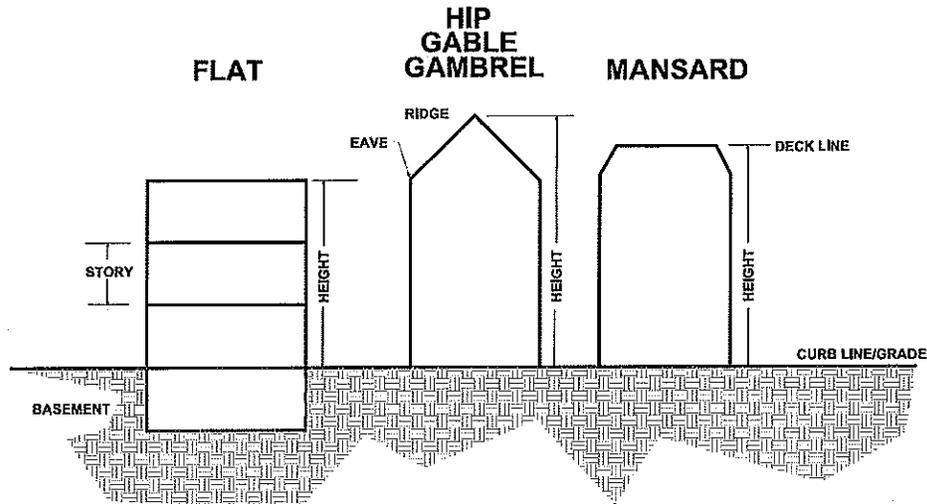
“Half-Way House” means a rehabilitation center where people who have been released from an institution, such as a hospital or prison, are helped to readjust to the outside world.

“Hazardous Waste” means all dangerous and extremely hazardous waste as set forth in RCW 70.105.010, as it now exists or is hereafter amended.

“Hazardous Waste Treatment and Storage” means hazardous waste management facilities requiring a state dangerous waste permit under the provisions of chapter 173-303 WAC, as it now exists or is hereafter amended.

“Health/Recreation Facility or Club” means an indoor facility including uses such as game courts, exercise equipment, locker rooms, pool, hot tub and/or sauna, and pro shop.

“Height of Building” means the vertical distance from the average contact ground level to the highest point of the coping of a flat roof; the ridge of hip, gable, or gambrel roofs; or the deck line of a mansard roof.



“Hog Ranch” means a premises wherein two or more sows and their young are kept and fed. The sale of said hogs is not essential for the operation to be classified as a hog ranch.

“Home for the Aged” (see “Adult Family Home”).

“Home Occupation” means an occupation that is incidental and subordinate to a residential use, located within the residence, and is carried on by a member of the family residing in the dwelling. A Home Occupation shall not alter the exterior of the property, except for signage pursuant to the sign section of this ordinance, or affect the residential character of the neighborhood.

“Hospital” means an institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice.

“Hospital, Mental” means an institution licensed by state agencies under provisions of law to offer facilities, care, and treatment for cases of mental, emotional, or nervous disorders. Establishments limiting services to juveniles under the age of five years are not considered mental hospitals for the purpose of this Title.

“Hospital, Small Animal or Veterinary” (see “Veterinary Clinic”).

“Hotel” means a facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

“Household” means all persons who occupy a housing unit that is intended as separate living quarters and having direct access from the outside of the building or through a common hall. The occupants may be a single family, one person

living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

“Impervious Surface” means any material that substantially reduces or prevents the infiltration of storm water into previously unimproved land including parking areas and buildings.

“Industrial Park” means a facility designed as a coordinated environment for a variety of industrial and related activities, and shall be developed and/or controlled by a single management entity with special attention given to traffic, parking, utility needs, aesthetics, and compatibility with surrounding properties. Industrial parks shall have appropriate master plans and/or covenants, conditions, and restrictions as required.

“Industrial Use” means any activity that is involved in the production, processing, manufacturing, fabrication, or assembling of goods and materials including the storage of material used in the industrial process, such as warehousing, wash down facilities, blacksmithing, welding, wholesale bakery, recycling facilities, and distribution centers.

“Industrial Use, Heavy” means a use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, the storage of or the manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

“Industrial Use, Light” means a use engaged in manufacturing, typically having low impacts on the environment, in which articles are either produced, assembled, finished, and/or packaged from prepared materials made at another location or raw materials, such as pre-milled wood, paper, wool, textiles, leather, cork, or semiprecious metals or stones. For the purposes of this definition, light industrial uses shall include the canning or bottling of food or beverages for human consumption using a mechanized assembly line and printing plants.

“Junk Yard” means property on which the dismantling, storage, sale, or dumping of any materials or products occurs.

“Kennel” means a lot, building, or structure in which animals are kept commercially for board, propagation, training, or sale on a continuous basis.

“Kindergarten” (see “Child Day Care Center”).

“Laundry Drop-Off” means a premises wherein laundry is deposited and picked up but that no actual cleaning operations are conducted.

“Library” means an establishment that loans and circulates books and other educational materials or provides a reading room and reference service to the public whether the service is with or without a direct cost to the user.

“Livestock” means domestic animal types customarily raised or kept on farms.

“Lot” means a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law to be used, developed, or built upon as a unit.

“Lot Area” means the total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public and private roads.

“Lot, Corner” means a lot abutting on and at the intersection of two or more public or private streets.

“Lot Coverage” means the area of a site covered by buildings or roofed areas excluding allowed projecting eaves, balconies, driveways, uncovered patios, decks, and similar features.

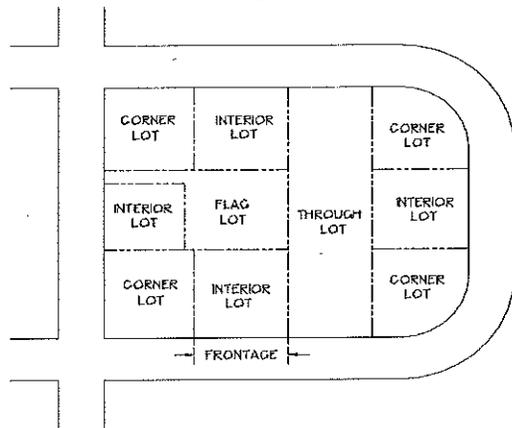
“Lot Depth” means the average horizontal distance between the front lot line and the rear lot line.

“Lot, Flag” means lots or parcels with less than the required frontage on a public street with access provided to the bulk of the lot by a narrow corridor. Normally such a lot is located behind lots with the required street frontage.

“Lot, Interior” means a lot other than a corner lot:

“Lot Line” means the property line bounding a lot.

“Lot Line, Front” means any property line of a lot that abuts a public street, private street, or dedicated vehicular access easement is considered a frontage and shall meet the minimum front yard setback requirements of this code. On a corner lot, or lot bounded by more than one public or private street or dedicated easement, the front lot line shall be the lot line providing principal access from the adjacent street.



“Lot Line, Rear” means the property line of a lot that is most opposite or most distant from the designated front lot line and that does not intersect any front lot line. In the case of a triangular lot, it is a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line. In the event that the front lot line is curved, then the rear property line shall be assumed to be a line tangent to the front property line at its midpoint.

“Lot Line, Side” means any lot line that is not a front or rear lot line.

“Lot, Through” means a lot having its front and rear yards each abutting on a public street.

“Lot Width” means the horizontal distance between side lot lines measured at the required front setback line or in an irregularly shaped lot, the dimension across the lot at a point midway between the front lot line and the rear lot line.

“Machine Shop” means a premises wherein there are facilities and tools that are utilized in the shaping, forging, welding, or fabrication of metal products and related items.

“Manufactured Home” means a single-family dwelling built according to the United States Department of Housing and Urban Development manufactured

home construction and safety standards act, which is a national preemptive building code. A manufactured home also: (a) Includes plumbing, heating, air conditioning, and electrical systems; (b) is built on a permanent chassis; and (c) can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported, or when installed on the site is three hundred twenty square feet or greater; “Manufactured homes” do not include “mobile homes” or “modular homes.”

“**Marina**” means a premises wherein water craft are stored, serviced, repaired, or provided with temporary slippage.

“**Meat-Packing Plant**” means a premises wherein animal carcasses are stored, processed, prepared, or packaged.

“**Medically-Related Professional Office**” means a premises wherein medically-related services such as examinations, consultations, or operations are performed on an out-patient basis with no over-night accommodation.

“**Medical, Dental, Optical Laboratory**” means a premises wherein supplies, apparatus, or other medically related fixtures are assembled, altered, formed, or created.

“**Mobile Home**” means a factory-built dwelling built prior to June 15, 1976, to standards other than the United States Department of Housing and Urban Development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the United States Department of Housing and Urban Development manufactured home construction and safety act.

“**Mobile Home/Manufactured Home Park**” means a parcel of land under single ownership that has been planned and improved for the placement of mobile and manufactured homes for permanent or semi-permanent dwelling purposes. Any change to existing mobile home parks are subject to this ordinance. Existing mobile home parks developed prior to this code are non conforming uses under this ordinance.

“**Monument Works**” means a premises wherein stone, concrete, or other materials are cut, carved, polished, or otherwise prepared for use as grave markers, memorials, or similar commemorative fixtures.

“**Mortuary**” means a premises used or intended to be used for holding the remains of the dead including columbariums, crematories, mausoleums, and mortuaries.

“**Motel**” means a building or group of buildings containing apartments and/or rooming units, each of which maintains a separate outside entrance for each unit.

“**Motor-Cross Track**” means an area utilized for off-road, motor-cross riding by motorized vehicles.

“**Natural Resource Lands**” means agricultural, forest, and mineral resource lands that have long-term commercial significance.

“**Non-Conforming Lot, Structure, or Use**” means a lot, structure, or use that lawfully existed prior to the adoption, revision, or amendment of pertinent code

sections but which fails by reason of such adoption, revision, or amendment to conform to the new regulations.

“Nursery for Flowers and Plants” means a premises wherein living and freshly-cut flowers and plants are grown, propagated, or displayed for sale along with related merchandise.

“Nursery School” (see “Child Day Care Center”).

“Nursing Home” means a facility or institution for the care of the aged or infirm or a place of rest for those suffering bodily disorders. This term does not include hospitals or facilities for the primary treatment of sickness or injuries or for surgical or congregate care facilities.

“Off-Site” means materials, uses, facilities, or improvements located on properties other than those on which the on-site facilities are located.

“On-Site” means materials, uses, facilities, or improvements located on the same geographically contiguous or bordering property.

“Open Space” means underdeveloped land that serves a functional role in the life of the community. This term is subdivided into the following: pastoral or recreational open space areas that serve active or passive recreation needs, e.g. federal, state, regional, and local parks, forests, historic sites, etc.; utilitarian open spaces are those areas not suitable for residential or other development due to the existence of hazardous and/or environmentally sensitive conditions that can be protected through open space, e.g. critical areas, airport flight zones, well fields, etc., and this category is sometimes referred to as “health and safety open space”; and Corridor or linear open spaces are areas through which people travel and that may also serve an aesthetic or leisure purpose, e.g. an interstate highway may connect Point A to Point B but may also offer an enjoyable pleasure drive for the family, and this open space is also significant in its ability to connect one residential or leisure area with another.

“Outdoor Storage” means the storage of any products, materials, vehicles, equipment, junk, or scrap outside the confines of an enclosed building and is more specifically defined as:

1. “Merchandise Display” means the display of products and materials, and operable vehicles and equipment for the principal purpose of offering for sale or rental at retail, and is accessory to the business existing on the premises; and
2. “Equipment and Material Storage” means the storage of any equipment or materials in usable condition that are not being specifically displayed as merchandise and offered for sale at retail.
3. Junk or scrap is subject to a separate ordinance, the use of the term junk and scrap in this ordinance does not supersede any provisions of that ordinance.

“Owner” means having property rights as a fee owner, contractor, purchaser, mortgagee who controls deed of a trust beneficiary, grantor, or partnership whose interests control the disposition of property.

“Parcel” means a quantity of land in the possession of, owned by, or recorded as the property of the same person or persons.

“Park” means any public or private land available for recreational, cultural, educational, or aesthetical use.

“Park Model” means a recreational vehicle intended for permanent or semi-permanent installation and is used as a primary residence;

“Parking Lot” means an area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

“Parking Space” means an enclosed or unenclosed surfaced area of not less than twenty feet by nine feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one vehicle.

“Petroleum Storage” means a facility intended to hold oil, gas, or similar materials in permanent containers.

“Photo Studio” means a premises wherein photographic prints, slides, or other products are sold, processed, packaged, or displayed.

“Planned Development” means land under unified control to be planned and developed as a whole in a single development operation of a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans that include not only streets, utilities, lots, and building locations, but also site plans for all buildings. Also included is a program for provisions, operations, and maintenance of such areas, facilities, and improvements as will be for common use by all or some of the occupants of the planned development, but which will not be provided, operated, or maintained at general public expense.

“Planning Commission” means the Asotin County Planning Commission.

“Planning Department” means the Planning Department of Asotin County.

“Planning Director” means the designated zoning official for Asotin County.

“Principal Use” means the main or primary use of a lot or structure.

“Print Shop” means a retail establishment that provides duplicating services using blueprint, photocopy, and offset equipment and related services.

“Professional Office” means a building containing one or more offices in which the primary activity relates to the service provided by the profession such as the offices of a doctor, dentist, lawyer, architect, insurance agent, realtor, or other similar professional services that are predominantly administrative, professional, or clerical operations. Some individual sales may occur that are directly related to the service provided. An example would be estate planning kits from accountants. Professional offices do not include barbershops, self-service laundry, or similar services of commercial character..

“Public Use” means any use of land, whether publicly or privately owned, for transportation, utilities, or communication or for the benefit of the general public

including streets, schools, libraries, fire and police stations, municipal and county buildings, powerhouses, recreational centers, parks, cemeteries, and fair grounds.

“Public Utility Yard” means a premises wherein equipment, materials, or structures are situated so as to provide or distribute necessary utility services.

“Recreational Vehicle” means a vehicular-type unit designed or used for temporary living quarters for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle and has a body width of no more than eight feet and a body length of no more than forty-five feet when factory-equipped for the road. “Recreational Vehicle” shall include, but not be limited to the following:

1. “Travel Trailer” means a vehicular, portable structure built on a chassis and drawn by a motorized vehicle and that is designed to be used as a temporary dwelling for travel, recreational, and vacation uses;
2. “Camper” means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreational and vacation uses;
3. “Motor Home” means a portable, temporary dwelling to be used for travel, recreational and vacation use constructed as an integral part of a self-propelled vehicle;
4. “Camping Trailer” means a folding structure mounted on wheels and designed for travel, recreational, and vacation uses; and
5. Any vehicle 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.

“Recreational Vehicle Park” means a lot or parcel of land occupied or intended for occupancy by recreational vehicles or tents for travel, recreational, or vacation usage for short to semi-permanent periods of stay subject to the provisions of this Title.

“Recycling Center” means a premises wherein recoverable material is separated or processed prior to shipment to others who will use those materials to manufacture new products.

“Recycling Collection Point” means a parcel or part of a parcel that serves as a drop-off site for temporary storage of recoverable material where no processing occurs and where all material is kept within clean, well-maintained containers.

“Recycling Plant” means a facility that processes or causes recoverable materials to be treated such that said materials are converted into usable products. This is not a junkyard.

“Rendering Plant” (see “Animal Rendering Plant”).

“Research Laboratory” means a premises wherein there are facilities for scientific research, investigation, testing, or experimentation but are not facilities

for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

“Resort” means a self-contained and fully integrated planned unit development in a setting of significant natural amenities and with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.

“Restaurant” means an establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state in individual servings or in non-disposable containers and where the customer consumes those foods while seated within the premises.

“Restaurant - Drive-In” means an establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption on or off the premises. This term also includes pick-up, delivery, and fast-food restaurants.

“Retail Store” (see “Commercial Use”).

“Riding Arena, Private” means an area, enclosed by fence or structure, wherein equestrian activities are practiced or performed by the occupants of the premises only.

“Riding Arena, Public” means an area, enclosed by fence or structure, wherein equestrian activities are practiced or performed, is used by persons other than the occupants or owners of the premises to provide routine daily equestrian activities, may offer occasional spectator events, and may include the boarding, breeding, and training of horses.

“Rifle Range” (see “Gun Club”).

“Right of Way” means land in which the state, a county, or a municipality owns the fee simple title or has an easement dedicated or required for a transportation or utility use.

“Rural Lands” means all lands that are not within the Urban Planning Boundary and are not designated as natural resource lands having long-term commercial significance for production or extraction of agricultural product, timber, or minerals.

“Sand and Gravel Pits and Rock Quarries” means a lot, land, or part thereof used for the purpose of extracting stone, sand, or gravel for sale as an industrial operation and exclusive of the process of grading the lot preparatory to the construction of a building for which application for a building permit has been made.

“Sanitary Landfill” means a parcel of land intended for the long-term placement of waste items and complies with applicable Department of Ecology and other regulations.

“School, Private or Parochial” means a building whose primary use is as a facility where instruction is given to persons of any age to enhance their knowledge or skills, not including buildings where instruction is given primarily

on religious matters. For the purposes of this Title, buildings belonging to churches but used primarily for the education of children ages five to eighteen, Monday through Friday, shall be considered schools.

“Schools - College” means a facility that provides a curriculum of academic instruction for higher education beyond high school.

“Schools - K-12” means a facility that provides a curriculum of elementary and secondary academic instruction.

“Self-Service Laundry” means a commercial business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

“Self-Service Station” means an establishment where liquids used as motor fuels are stored and dispersed into fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

“State Environmental Policy Act (SEPA)” means the environmental requirements of the state to consider environmental factors when making permit decisions for development proposals of a significant scale. (see chapter 17.17, State Environmental Policy Act).

“Service Station” means a premises wherein gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

“Shoreline Management Act” means the state rules that detail the local requirements necessary to protect the state shorelines as provided for under chapter 90.58 RCW and WAC 173-18-020 or as amended.

“Shorelines” means those lands adjacent to, and within a distance of two hundred feet from the identified waterline where such waters are identified as having “State-Wide Significance.” Shorelines other than those of State-Wide Significance are locations where water and land meet, as defined by state law.

“Short Subdivision” means the division or re-division of land into four or fewer lots, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

“Sign” means a structure or device designed or intended to convey information to the public in written or pictorial form. “Sign” shall include, but not be limited to the following:

1. **“Auxiliary Sign”** means a sign that provides information such as direction, time and temperature displays, hours of operation, or warning; auxiliary signs are intended for the convenience of the public. An auxiliary sign may include the business name and/or logo but may not include its product or services;
2. **“Awning”** means a covering structure that projects horizontally from and is attached to a building. An awning provides protection from the weather for persons or properties underneath it;

3. “Awning Sign” means a non-illuminated or illuminated sign that is usually painted or screen printed onto the surface of an awning and does not extend vertically or horizontally beyond the limits of the awning;
4. “Banner Sign” means a sign made of lightweight material such as cloth, paper, or flexible plastic with or without a rigid frame;
5. “Business” means any governmental agency, person, partnership, association, corporation, joint venture, or similar group whether operating for profit or not;
6. “Canopy Sign” means an ornamental or protective roof-like structure that may be attached or detached from the main building and usually providing protection from the elements to objects or people underneath. Structures over gas pump islands and over entrances of theaters or hotels are both examples of canopies;
7. “Common Ownership” means groups of two or more businesses when such businesses are located on one or more parcels of land, share public parking or maintenance facilities, conduct advertising on a regular basis, or function as a single entity in practical or business matters;
8. “City, State, Federal, and Community Sponsored Events” means nonprofit events or activities open to the public and associated with common interests or characteristics of the community. Examples of such events are the elections, Asotin County Fair and Rodeo, Little League Baseball, 4th of July parades or celebrations, and the like;
9. “Construction Sign” means a sign installed in conjunction with construction or remodeling of a building;
10. “Copy” means the medium by which the message or idea of a sign is communicated;
11. “Development Sign” means a sign that through symbols or names identifies a development. Signs advertising residential or commercial properties “For Sale” or that identify an apartment complex are examples of development signs;
12. “Directional Sign” means an off-premise sign that directs attention by name and/or logo to a business, group of businesses, or a business area;
13. “Electronic Message Sign or Center” means a sign on which differing copy is shown through an electronic or electrically controlled device, which may also display time and temperature or other messages;
14. “Freestanding Sign” means a single or multiple face sign attached to or supported by columns, uprights, braces, standards, or other type of base in or on the ground and not attached to the building including:
 - a. “Temporary, Freestanding Sign” means signs that can be moved from structure to structure, or site to site, and that are not anchored to the ground in accord with the International Building Code. Examples of such signs are “grass-hopper” signs, sandwich

board/A-frame signs, small price signs, and similar portable signs;
and

- b. “Permanent, Freestanding Sign” means signs anchored to the ground in accord with the International Building Code. The method of anchoring may need to be confirmed by a professional engineer, as determined by the Building Inspector;
15. “Graphic Sign” means a window sign or a sign that is an integral part of a building's facade. The sign may be painted, carved, or permanently imbedded;
16. “Integrated” means a sign in which all elements of the sign are incorporated into a single design including attachments or projections not part of a single motif;
17. “Mobile Sign” means any sign mounted on a vehicle, trailer, or boat or fixed or attached to a device for the purpose of transporting from site-to-site. This definition includes all vehicles placed or parked for the purpose of drawing attention to a service, product, object, person, organization, institution, business, event, location, or message, but does not include signs or lettering installed on vehicles, trailers, or boats operating during the normal course of business;
18. “Monument Sign” means a freestanding sign not over six feet high and attached to the ground for a minimum of sixty-six percent of the length of the sign;
19. “Off-Premises Signs” means signs that advertise a service, product, object, person, organization, institution, business, event, location, or message that is not available on the property upon which the sign is located. This includes mobile signs if their placement constitutes an off-premises sign;
20. “Pictorial Sign” means a sign that conveys the service, product, or activity of a site without words, company or product emblem, or numbers or letters. Pictorial signs display a message through color, shape, and spatial relations and are appropriate in context and taste with recognized standards of the community. Colored neon tubing and murals are examples of appropriate mediums for display of a pictorial sign;
21. “Political Sign” means a sign promoting or publicizing candidates for public office or issues that are to be voted upon in a primary, general, or special election;
22. “Product-Sponsored Sign” means a sign that identifies, displays, or attracts attention to a product sold or available but may or may not identify the on-site organization, institution, person, object, business service, or event;
23. “Projecting Sign” means a sign, other than a wall sign that is attached to and projects more than eighteen inches from a structure, usually in a perpendicular manner. Projection is defined as the distance by which a sign extends over public property or beyond the building line;

24. "Readerboard Sign" means a sign on which copy is designated so that it can be changed manually. It usually consists of a panel on which individual letters or pictorials are mounted or displayed;
25. "Rooftop Sign" means a sign erected over or on the roof of a building and is wholly or partially supported by the building;
26. "Sign" means any object, device, display, structure, or part thereof situated indoors or out used to identify, display, advertise, or direct or attract attention to an object, person, organization, institution, business, product, service, event, location, or message by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images;
27. "Sign Area" means the smallest circle, triangle, or rectangle that will enclose the individual and actual sign face. The supporting structure, which does not contain any part of the sign face, is not included in this definition. If a sign has back-to-back display faces, the area of only one face will be considered the sign area. If a sign has more than one face, all areas that can be viewed simultaneously will be considered the sign area;
28. "Sign Height" means the distance from the grade, or the top of the curb of the nearest street to the top of the sign or any projection thereon, whichever is higher;
29. "Street Frontage" means streets, alleys, or public rights of way parallel to the property line used to compute the area of the sign intended to be located in such a manner to have primary exposure on that street or right of way;
30. "Subdivision Directional Sign" means a sign advertising the direction to a subdivision by naming the subdivision and furnishing a directional arrow;
31. "Temporary Sign" means a sign intended for use for a short period of time. Examples of such signs include: grand opening signs, open house signs, special sale signs, sandwich board/A-frame signs, small price signs, pennants, and other similar signs. Banner signs are specifically excluded from this definition;
32. "Wall Sign" means a sign mounted parallel to a building facade or vertical building surface that does not extend beyond the edge of any wall or surface to which it is mounted. Wall signs project no more than eighteen inches from the surface; and
33. "Window Sign" means a sign located on or within three feet of a window of a building and visible from the exterior of a building. Window signs are graphic signs unless they qualify as auxiliary signs.

"Sign, Billboard" means a surface whereon advertising matter is set in view conspicuously and wherein advertising does not apply to the premises or any use of the premises wherein it is displayed or posted.

“Sign Shop” means a premises wherein wood, plastic, metal, paint, and other materials are crafted into devices intended to convey information in written or pictorial form.

“Storage Rental Unit” means a building or group of buildings that consist of varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

“Story” means that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

“Story Above Grade Plane” means any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor above the basements is:

1. More than six feet (one thousand eight hundred twenty-nine mm) above grade plane; or
2. More than twelve feet (three thousand six hundred fifty-eight mm) above the finished ground level at any point.

“Street” means the entire width between boundary lines of every way that provides for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities. It includes the terms roads, highways, place, avenue, boulevard, or other similar designations as well as recorded private thoroughfares that afford the primary means of access to abutting property. A private thoroughfare not recorded with the County shall not be considered a street.

“Street, Private” means a road located within a tract or easement that is owned by a corporation, homeowners association, or held in common interest.

“Structural Alteration” means any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams, or girders or any structural change in the roof or in the exterior walls.

“Structure” means something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.

“Subdivision” means the division or re-division of land into lots, tracts, parcels, sites, or divisions of land for the purpose of sale, lease, or transfer of ownership. More specific definitions are included in the sub-division ordinance, and if there is a conflict, the more specific definition will control.

“Support Structures” means any structure designed or used to support wireless telecommunication transmission or reception devices including “towers” as further defined herein.

“Temporary Commercial and Industrial Activities and Structures” means those structures, facilities, or uses that occur on a seasonal or sporadic basis and involve the processing and/or sale of commodities such as the sale of farm produce, firewood, fireworks, Christmas trees, and temporary rock crushing activities.

“Terminal/Trucking Yard” means land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and trailers.

“Telecommunication Towers” means structures designed or utilized to generate, relay, or receive airwave signals.

“Theater - Interior” means a building premises wherein images are projected onto a screen for public or private viewing.

“Theater, Drive-in” means an establishment that provides cinematic movies onto a large outdoor screen for customer viewing from automobiles.

“Tire Shop” means a premises wherein tires, wheels, brakes, and other portions of motor vehicles are examined, repaired, or replaced but shall not include portions of the power plant or shell of the motor vehicle. This includes the display and storage of the necessary products but does not include the manufacturing or retreading of tires.

“Tower” means any structure or device designed, constructed, and/or erected and used to attach or otherwise affix an antenna that exceeds twenty feet in height from the base of the structure. Residential, commercial, agricultural, or utility buildings and utility poles shall not be considered towers; however, ‘tower’ shall include structures or devices erected on or attached to such buildings, poles, or structures increase the total height by more than twenty feet.

“Upholstery Shop” means a premises wherein cloth, leather, plastic, and other materials are cut, formed, molded, or applied to furniture and related materials to provide a covering surface.

“Urban Planning Boundary” means those areas designated for urban growth as designated in the Asotin County Comprehensive Plan.

“Use” means the purpose for which land or buildings are arranged, designed, or intended or for which they either are or may be occupied or maintained.

“Variance” means a dispensation permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a reasonable use of the building, structure, or property, which, because of unusual or unique circumstances, is denied by the terms of the zoning code (see chapter 17.16).

“Veterinary Clinic” means a premises wherein medically-related services such as examinations, consultations, or operations are performed for non- human animals. This term does not include kennel operations.

“Warehouse” means a building used primarily for the storage of goods and materials.

“Wetland” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence or vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marches, bogs, and similar areas. Wetlands do not include those artificial wetlands

intentionally created from non-wetland sites including, but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands, if permitted by the County or city.

“Wild and/or Dangerous Animals” means any of the following: venomous species of snakes; non-human primates and prosimians; bears; non-domesticated species of felines including cougars, bobcats and lynx; non-domesticated species of canines and their hybrids including wolf and coyote hybrids; and the order crocodilia including alligators, crocodiles, caiman, and gavials.

“Winery” means:

1. “Basic Winery” means a facility where fruit, usually grapes, is processed into wine. Basic wineries can include vineyards and tasting and sales rooms;
2. “Retail Winery” means one that may include, in addition to those accessory uses associated with a Basic Winery, eating and food preparation amenities along with a Bed and Breakfast Inn, Boarding House, or event facilities for seminars or other small social gatherings up to one thousand five hundred square feet;
3. “Destination Winery” means one that may include, in addition to those accessory uses associated with a basic or retail operation, restaurant, overnight lodging facilities for twelve or fewer units, or event facilities for seminars, small weddings, and other social gatherings exceeding one thousand five hundred square feet; and
4. Wineries are subject to retail, commercial requirements for landscaping, sight lines, parking and all other applicable ordinances and requirements.

“Wireless Telecommunication Facility” means a facility for the transmission and/or reception of radio frequency signals, usually composed of an equipment structure, a support structure, transmission and/or reception devices consisting of linear, parabolic, or other antennas, and related equipment.

“Wireless Telecommunications Provider” means any person or entity that provides wireless telecommunications service through the use of wireless telecommunications facilities whether or not such facilities are owned by or under control of such provider.

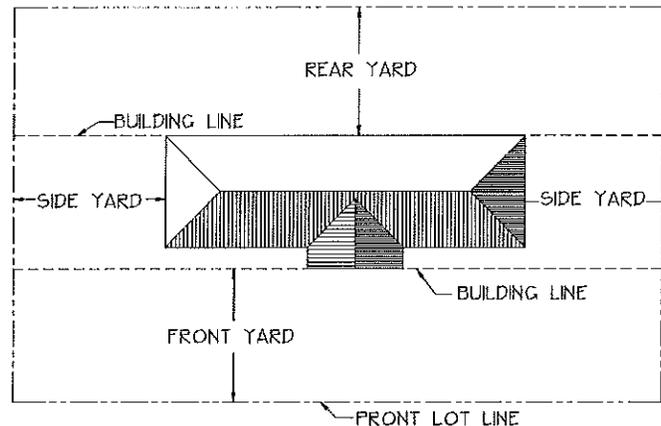
“Wireless Telecommunication Service” means the providing of transmittal and reception of voice, data, image, graphic, and other information by the use of wireless telecommunications facilities. This term includes any personal wireless telecommunication services as defined in the Telecommunications Act of 1996, which includes FCC Licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhances specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

“Wholesale Distributing Facility” means a premises that engages in storage, wholesale, and distribution of manufactured products, supplies, and equipment excluding bulk storage of materials that are inflammable, explosive, or that create hazardous or commonly recognized offensive conditions.

“Wood Processing Plant” means a premises wherein timber products are cut, altered, seasoned, formed, or otherwise prepared into a commodity of a more refined nature that may be sold at wholesale or retail.

“Yard” means an open space on a lot that is unobstructed by a structure, except as otherwise provided or allowed.

“Yard, Front” means a required setback extending across the full width of a lot lying between the front lot line to the front building line in depth. Front yard width shall be measured at right angles to the front of the lot.



“Yard, Rear” means a required setback extending across the full width of a lot and lying between the rear lot line and the nearest line of the building. Rear yard depth shall be measured at right angles to the rear of the lot.

“Yard, Side” means a required setback lying between the side of a lot line and the nearest line of the building and extending from the front yard to the rear yard or in the absence of either of such front or rear yards, to the front or rear lot lines. Side yard widths shall be measured at right angles to the side lines of the lot.

“Zone” means a mapped area to which a uniform set of regulations applies. The Asotin County official zoning map describes the extent and boundaries for the zones described within this Title.

“Zoning” means the process by which a county or municipality legally controls the use of property and the physical configuration of development upon tracts of land within its jurisdiction.

“Zoning Official” means the person who is appointed by the County Commissioners with the authority and duty to enforce this Title (see section 17.19.010).

CHAPTER 17.03 BASIC REGULATIONS

Sections:

17.03.010	Compliance with Title Provisions.
17.03.020	Maintenance of Minimum Requirements.
17.03.030	Related Regulations.
17.03.040	Authorization of Similar Uses.
17.03.050	Interpretation.
17.03.060	Severability.
17.03.070	Classification of Zones.
17.03.080	Official Zoning Map.
17.03.090	Zone Boundaries.

17.03.010 Compliance with Title Provisions.

A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used only as this Title permits.

17.03.020 Maintenance of Minimum Requirements.

No lot dimensions, yards, or off-street parking area existing on or after April 2, 2001, shall be reduced below the minimum requirements of this Title.

17.03.030 Related Regulations.

The provisions of this chapter are intended to be read in conjunction with other related land use regulations. These regulations should be consulted to assure compliance with all applicable standards, including, the shorelines management master program, road standards, building code, SEPA, right of way management policy, stormwater manual, and subdivision regulations.

17.03.040 Authorization of Similar Uses.

The Planning Director shall determine whether a proposed land use not specifically listed in a land use table is allowed in a zone. The director's determination shall be based on whether or not permitting the proposed use in a particular zone is consistent with the purposes of this Title and the zone's purpose as set forth in chapter 17.04, by considering the following factors:

1. The physical characteristics of the use and its supporting structures including, but not limited to scale, traffic and other impacts, and hours of operation;
2. Whether or not the use complements or is compatible with other uses permitted in the zone;
3. Whether the location of the use in a particular zone is consistent with the goals and policies of the comprehensive plan; and
4. If the use would require a zoning code text amendment.

17.03.050 Interpretation.

This ordinance is meant to impose the minimum requirements necessary on property owners to insure and promote the health, welfare and safety of the

public. Interpretation and application of this ordinance will be based on minimum intervention necessary to meet the goals of public health, welfare and safety. . Wherever the requirements of this Title are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or deed restrictions, the most restrictive, or that imposing the higher standards, shall govern.

17.03.060 Severability.

The provisions of this Title are severable. If any section, sentence, clause, or phrase is ruled by a court to be invalid, the ruling shall not affect the validity of the remaining portion of this Title.

17.03.070 Classification of Zones.

For the purpose of this Title, the following zones are established:

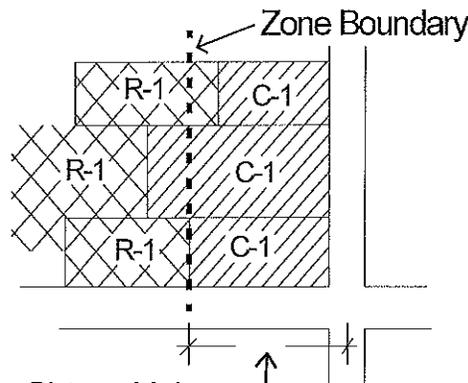
- Agricultural
- Agricultural-Transition
- Industrial
- Public/Semi-Public
- Recreation/Open Space
- Rural Residential
- Low/Medium Density Residential
- High Density Residential
- Light/Neighborhood Commercial
- Heavy/General Commercial

17.03.080 Official Zoning Map.

1. Boundaries of zones established by this Title are indicated on a map entitled "Official Zoning Map of Asotin County," which is adopted by reference.
2. The boundaries may be further modified in accordance with the official zoning map amendments, which shall be adopted by reference. A print of the adopted map or amended map, certified by the Board of County Commissioners, shall be maintained in the Auditor's office as long as this Title remains in effect.

17.03.090 Zone Boundaries.

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, centerlines of streets, alleys, or such lines extended. In un-subdivided land and where a zone boundary divides a lot ownership, the location of the zone boundary shall be indicated by dimensions shown on the map. If the zone boundary divides an ownership, the zone that constitutes the majority of the lot shall apply to the entire lot regardless of the zone classification of the minority of said lot. The zone boundary for the Rural Residential Zone where said zone is adjacent a shoreline shall be the one thousand five hundred foot contour line unless indicated otherwise on the Maps.



CHAPTER 17.04 USE ZONES

Sections

- 17.04.010 Statements of Intent for Land Use Zones.
17.04.020 Permitted Land Uses.

17.04.010 Statements of Intent for Land Use Zones.

The following paragraphs put forth the purpose and intent for each of the separate land use zones. These statements serve as the basis for the land uses that are either allowed or not allowed within each zoning district.

1. Agricultural Zone (AG). This district is intended to protect, conserve and maintain agricultural lands of long-term commercial significance, and provide for the use of related natural resources on these lands. Allow a minimal amount of development and only allow land uses that are compatible with the established patterns for these lands, including the development of low-density residential and commercial uses that support agriculture and related natural resource uses. It is not intended to allow other land uses of a commercial or industrial nature that have the potential to erode the agricultural character of the district, or that are conflicting or incompatible. It is intended that those portions of the County containing prime agricultural soils will be preserved for agricultural enterprises.
2. Agricultural/Transition (A-T). This district is intended to accommodate the existing land uses that are predominately agricultural while recognizing that the zone is likely to transition into a low-density residential area that will be provided with typical urban services and infrastructure. As change and growth occurs, new land uses within this district are intended to be compatible with this development pattern. The requirements and standards applicable to this zone are intended to provide for the safe and efficient use of the property.
3. Low/Medium Density Residential (L-R). This district is intended to accommodate land uses that are predominately low or medium-density residential in nature. The medium-density development will be allowed only where sufficient infrastructure exists or can be installed to accommodate such. It is not intended to allow other land uses of a commercial or industrial nature in this district that have the potential to create conflicts and incompatibilities. The requirements and standards applicable to this zone are intended to provide for the safe and efficient use of the property.
4. High Density Residential (H-R). This district is intended to accommodate land uses that are predominantly high-density residential in nature. The high-density development will be allowed only where sufficient infrastructure exists or can be installed consistent with county regulations, to accommodate such. It is not intended to allow other land uses of a commercial or industrial nature that have the potential to create conflicts. The requirements and standards applicable to this zone are intended to provide for the safe and efficient use of the property.

5. Rural Residential (R-R). This district is intended to protect and preserve the character of existing agricultural lands with a minimal amount of low-density residential development and only allows such land uses that are compatible with the established pattern. This district is intended to accommodate land uses that are primarily agricultural with very low-density residential nature in a rural setting that will not be provided with typical urban services and infrastructure. It is not intended to allow other uses of a higher-density residential, commercial, or industrial nature that have the potential to create conflicts. The requirements and standards applicable to this zone are intended to provide for the safe and efficient use of the property.
6. Light/Neighborhood Commercial (L-C). This district is intended to accommodate land uses that are primarily light commercial in nature. These uses are predominantly vehicle-oriented or vehicle-served including commercial uses that are directed toward tourists and one-stop shoppers. The purposes of this zone include providing sufficient space in appropriate locations for the transactions of light commercial and service activities and to protect commercial development from incompatible land uses. The requirements and standards applicable to this zone are intended to provide for the safe and efficient use of the property and to prevent or minimize adverse effects upon adjoining land zoned or developed for residential use.
7. Heavy/General Commercial (H-C). This district is intended to accommodate land uses that are primarily heavy commercial in nature. The purposes of this zone include providing sufficient space in appropriate locations for the transactions of heavy commercial activities and to protect commercial development from incompatible land uses. This zone is established to preserve areas for heavy commercial use having such a nature that they do not create serious problems of compatibility with other kinds of land uses. The requirements and standards applicable to this zone are intended to provide for the safe and efficient use of the property and to prevent or minimize adverse effects upon adjoining land zoned or developed for residential use.
8. Industrial (I-C). This district is intended to accommodate land uses that are primarily industrial in nature including manufacturing, processing, and distributing uses. These land uses typically could create serious problems of compatibility with other land uses. The requirements and standards applicable to this zone are intended to provide for the safe and efficient use of the property and to prevent or minimize adverse effects upon adjoining land zoned or developed for residential use.
9. Recreation & Open Space (R-O). This district is intended to accommodate land uses that are primarily recreational in nature and/or open space. It is not intended to allow other land uses of a residential, commercial, or industrial nature that have the potential to erode the recreational and open space character of the district.
10. Public/Semi-Public (P-S). This district is intended to accommodate lands primarily in public or semi-public ownership and/or land uses that predominately serve the public. It is not intended to allow other land uses of a residential, commercial, or industrial nature that have the potential to create

serious problems of compatibility with public or semi-public land uses. The requirements and standards applicable to this zone are intended to provide for the safe and efficient use of the property and to prevent or minimize adverse effects upon adjoining land.

17.04.020 Permitted Land Uses.

Within each of the distinct zoning districts, certain land uses are permitted outright (subject to the conditions and restrictions found elsewhere in this Title), and certain land uses are not permitted. The matrices on the following pages serve to illustrate whether or not a particular land use is allowed in a particular zoning district. Allowed "A" means that the land use is allowed outright. Conditional Use "C" means that the land use may be allowed if it is granted approval pursuant to chapter 17.15. An "-" means that the use is not allowed in the zone. Additional requirements, including requirements for parking and loading are provided in section 17.05.050.

LAND USE / ZONE	AG	A-T	L-C	H-C	I-C	R-R	P-S	R-O	L-R	H-R
Accessory Ag Structure less than 1,800 s/f	A	A	A	A	A	A	A	A	A	A
Accessory Ag Structure more than 1,800 s/f	A	A	A	A	A	A	C	C	C	C
Accessory Non-Ag Structure less than 1,800 s.f	A	A	A	A	A	A	A	A	A	A
Accessory Non-Ag Structure more than 1,800 s/f	A	A	A	A	A	A	C	C	C	C
Adult Entertainment	See Chapter 1.09									
Adult Family Home	-	C	C	-	-	C	-	-	C	C
Ag Chemical Production	-	-	-	-	C	-	-	-	-	-
Ag Chemical storage & sales	C	C	-	-	A	C	-	-	-	-
Airport or Airfields	C	-	-	C	C	-	C	-	-	C
Amusement Park	C	C	C	C	-	C	-	C	-	-
Animal Rendering Plant	C	-	-	-	-	-	-	-	-	-
Asphalt Plant	C	-	-	-	C	C	-	-	-	-
Assisted Living Facility	-	-	C	-	-	C	-	-	C	C
Auto Body Repair Shop	C	C	A	A	A	-	-	-	-	-
Auto Repair Shop	C	C	C	A	A	-	-	-	-	-
Auto Rental	-	-	A	A	-	-	-	-	-	-
Auto Sales or Service	-	-	A	A	-	-	-	-	-	-
Auto Storage	-	-	A	A	-	-	-	-	-	-
Auto Wrecking yard	-	-	-	C	C	-	-	-	-	-
Bakery	-	-	A	C	-	-	-	-	-	-
Bank or Financial Institution	-	-	A	C	-	-	-	-	-	-
Bar, Tavern or Cocktail Lounge	-	C	A	A	-	-	-	-	-	-
Beauty/Barber Shop	-	-	A	C	-	-	-	-	-	C
Bed and Breakfast House	A	A	-	-	-	C	-	-	C	C
Boarding or Rooming House	-	-	-	-	-	-	-	-	C	C
Boat and Mobile Home sales/service	-	-	A	A	A	-	-	-	-	-
Boat Building and Repair (Commercial)	-	-	C	A	A	-	-	-	-	-
Bottling Plant	-	C	-	A	A	C	-	-	-	-
Brewery	A	A	A	A	A	A	-	-	C	C
Brewery, micro	A	A	A	A	A	A	-	-	C	C
Building Supply Outlet	-	-	C	A	A	-	-	-	-	-
Bus Stations and Terminals	-	-	C	C	-	-	A	-	-	-
Cabinet/Furniture Shop	-	-	C	A	A	-	-	-	-	-
Camps	C	C	-	-	-	C	-	C	-	-
Car Wash	-	-	A	A	A	-	-	-	-	-
Cement/Clay Products Manufacturing	C	-	-	-	C	C	-	-	-	-
Cemetery	A	C	-	-	-	C	C	C	-	-
Chemical storage and manufacturing	-	-	-	-	C	-	-	-	-	-
Child Day Care Center	C	C	C	-	-	C	-	-	C	C
Church or Place of Religious Worship	C	C	C	C	-	C	-	-	C	C
Club	-	C	-	-	-	C	-	-	C	C
Cold Storage Plant	-	-	A	A	A	-	-	-	-	-
Commercial/ Retail Use	-	-	A	A	-	-	-	-	-	-
Communication Relay or Transmission Facilities	C	C	C	C	C	C	C	C	C	C
Community Center	C	C	A	-	-	C	A	-	C	C
Concrete Batch Plant	C	C	-	-	C	C	-	-	-	-
Contractors Storage Yard	-	-	C	A	A	-	-	-	-	-

LAND USE / ZONE	AG	A-T	L-C	H-C	I-C	R-R	P-S	R-O	I-R	H-R
Convenience Store	-	C	A	A	-	C	-	-	-	C
Correctional Facility	-	-	-	-	-	-	C	-	-	-
County Fairgrounds		C	-	-	-	-	C	C	-	-
Dairy Product Processing	A	-	-	C	A	-	-	-	-	-
Dance, Music, Voice Studio	-	-	A	-	-	-	-	-	-	-
Dry Cleaning establishment	-	-	C	A	-	-	-	-	-	-
Dwelling, Duplex	A	A	C	C	-	A	-	-	A	A
Dwelling, Multifamily	-	-	C	-	-	-	-	-	-	A
Dwelling, Single-Family	A	A	C	-	-	A	-	-	A	A
Equipment rental/sales yard	C	-	C	A	A	-	-	-	-	-
Espresso Stand	A	C	A	C	-	C	-	-	-	C
Farm Labor Camp	C	C	-	-	-	C	-	-	-	-
Farm or Heavy Equipment sales/service	C	-	-	A	A	-	-	-	-	-
Farming	A	A	-	-	A	A	-	-	A	-
Feedlot	C	C	-	-	-	C	-	-	-	-
Flea Market	-	C	A	C	-	-	-	-	-	-
Food Processing Plant	A	-	-	C	A	-	-	-	-	-
Food Store	-	C	A	A	-	C	-	-	-	-
Frozen Food Locker	-	-	C	A	-	-	-	-	-	-
Fruit or Vegetable Stands/ Farmer's Market	A	C	A	A	-	C	-	-	-	-
Fuel Yard	C	-	-	-	A	-	-	-	-	-
Funeral Home	-	-	A	A	-	-	-	-	-	-
Garage, Private	A	A	A	A	A	A	-	-	A	A
Gift Shop	C	C	A	C	-	C	-	-	-	-
Golf Course	C	C	-	-	-	C	C	C	C	C
Grain Storage	A	-	-	-	A	-	-	-	-	-
Grain Storage - Private	A	A	A	A	A	A	-	-	A	A
Greenhouse, Commercial	A	C	A	A	A	C	-	-	-	-
Gun Club	C	-	-	-	-	-	-	C	-	-
Half-way House	-	-	-	-	-	-	C	-	-	-
Hazardous Waste Treatment and Storage	-	-	-	-	C	-	C	-	-	-
Health/Recreation Facility	-	C	A	A	-	-	-	C	-	-
Hog Ranch	C	C	-	-	-	C	-	-	-	-
Home Occupation	A	C	A	A	A	C	-	-	A	C
Hospital	-	-	C	C	-	-	C	-	-	C
Hospital, Mental	-	-	-	-	-	-	C	-	-	C
Hotel/Motel	-	-	A	A	-	-	-	-	-	-
Industrial Use, Heavy	-	-	-	-	C	-	-	-	-	-
Industrial Use, Light (Including Industrial Parks)	-	-	-	-	A	-	-	-	-	-
Junk Yard	-	-	-	-	C	-	-	-	-	-
Kennel	C	C	C	C	-	C	-	-	-	-
Laundry Pick-up/Drop-off	-	-	A	A	-	C	-	-	C	C
Library	C	C	C	C	-	C	A	-	C	C
Livestock - cow/horse or combination thereof	A	A	A	A	A	A			A	C
Livestock - other common farm animals, ex. swine	A	A				A			A	
Livestock -- Swine	A**	C**	**	**	**	C**	-	-	**	**

LAND USE / ZONE	AG	A-T	L-C	H-C	I-C	R-R	P-S	R-O	L-R	H-R	
Machine Shop	C	-	-	A	A	C	-	-	-	-	
Manufactured Home	A	A	C	-	-	A	-	-	A	A	
Marina	-	-	C	-	-	-	C	C	-	-	
Meat-Packing Plant	C	-	-	-	C	-	-	-	-	-	
Medical, Dental, Optical Laboratory	-	-	A	-	-	-	-	-	-	-	
Medically Related Professional Office	-	-	A	-	-	-	-	-	-	-	
Mobile Home	A	A	-	-	-	A	-	-	C	-	
Mobile Home/Manufactured Home Park	-	C	C	C	-	-	-	-	C	A	
Monument-Works	-	-	A	A	A	-	-	-	-	-	
Mortuary	-	-	A	A	-	-	-	-	-	-	
Motor-Cross Track	C	-	-	-	-	-	-	C	-	-	
Nursery for Flowers and Plants	A	C	A	A	-	C	-	-	-	-	
Nursing Home	-	-	C	-	-	-	C	-	C	C	
Parking lot	C	C	C	C	C	C	C	C		C	
Parks and Playgrounds	C	C	C	C	-	C	A	A	A	C	
Petroleum Storage	-	-	-	-	-	-	-	-	-	-	
Photo Studio	-	-	A	A	-	-	-	-	-	-	
Print Shop	-	-	A	A	-	-	-	-	-	-	
Professional Office	-	-	A	A	-	-	C	-	-	-	
Public Utility Yard	C	C	C	C	C	C	C	C	A	C	
Recreational Vehicle Park	-	C	C	C	-	C	C	C	-	-	
Recycling Center	-	-	-	C	A	-	-	-	-	-	
Recycling Collection Point	A	A	A	A	A	C	A	-	C	C	
Recycling Plant	-	-	-	C	A	-	-	-	-	-	
Research Laboratory	C	C	A	A	A	-	-	-	-	-	
Resort Areas, Commercial	C	C	-	-	-	C	-	C	C	C	
Restaurant - Drive-In	-	C	A	A	-	-	-	-	-	-	
Restaurants or Cafes	-	-	A	A	-	C	-	C		-	
Riding Arena - Private	A	A	C	C	-	A	-	C	C	-	
Riding Arena, Public	C	C	C	C	-	C	-	-	C	-	
Sand and Gravel Pits and Rock Quarries	A	C	-	-	C	C	-	-	-	-	
Sanitary Landfill	C	C	-		C		C	-	-	-	
School, Private or Parochial	Requires a Zone Change to Public (P-S)						A	Requires a Zone Change to Public (P-S)			
Schools (College)							A				
Schools (K-12)							A				
Self-Service Laundry	-	C	A	A		-	-	-	-	C	
Service Station, Including Self-Service Stations	-	C	A	A	A	-	-	-	-	-	
Sign Shop	-	-	A	A	A	-	-	-	-	-	
Sign, Billboard	-	-	C	C	C	-	-	-	-	-	
Solar Farm	C ¹	C ¹	-	-	-	-	C ¹	-	-	-	
Storage Rental Unit	C	C	A	A	A	C	-	-	C	C	
Taxidermy	A	A	A	A	A	A					
Telecommunication Towers	C ²	C ²	C ²	C ²	C ²	C ²	C ²	C ²	C ²	C ²	
Terminal Yard/Trucking Yard	C	-	C	C	A	-	-	-	-	-	
Theater - Interior	-	-	A	A	-	-	-	-	-	-	
Theater, Drive-in	-	-	C	C	-	-	-	-	-	-	

Upholstry Shop	-	-	A	A	-	-	-	-	-	-
Veterinary Clinics	C	C	A	A	-	C	-	-	-	-
Warehouse	C	-	A	A	A	C	-	-	-	-
Wholesale Distributing Facility	-	-	A	A	A	-	-	-	-	-
Winery	A	A	A	A	A	A			C	C
Wild or Dangerous Animals	C	-	-	-	-	-	-	-	-	-
Wind Turbine - Commercial*	C ¹	C ¹	-	-	-	C ¹	-	-	-	-
Wind Turbine - Private*	A ²	C ¹	-	-	-	C ¹	-	-	-	-
Wood Processing Plant	C	-	-	-	C	C	-	-	-	-

A = Allowed C = Conditional Use - = Not Permitted

** = Swine are prohibited outright except for uses associated with organized sponsored groups (i.e. 4-H, FFA). For individuals within sponsored groups, each individual is allowed up to three animals between December 1 and May 31.

C¹ = Solar Farms and Wind Turbines are subject to the requirements and standards of Chapter 17.08.

C² = Telecommunication Towers are subject to the requirements and standards of Chapter 17.07.

A² = Private Wind turbines are subject to the requirements and standards of Chapter 17.08

* = No wind turbines shall be placed within the 20 year Urban Planning Boundary.

NOTE: A notice is required on all development permits and plats within 500 feet of designated resource lands. That notice shall indicate that the property is within or near a designated natural resource land on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration or that an application might be made for mining related activities.

	AG	A-T	L-C	H-C	I-C	R-R	P-S	R-O	L-R	H-R
GENERAL REQUIREMENTS:										
Minimum lot size - Sewered	N/A	N/A	5,000 s.f.	5,000 s.f.	N/A	N/A	N/A	N/A	5,000 s.f.	4,800 s.f.
Minimum lot size - Septic Tank	40 Acres	1 Acre	See Note One below			5 Acres	See Note One below			
Area required for additional dwelling units** (see Note Three)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2,500 s.f. (See Note Three below)	1,500 s.f. per unit**
Minimum lot width	50	50	50	50	50	50	50	50	50	40
Minimum lot depth	80	80	80	80	80	80	80	80	80	70
Maximum lot coverage by structures	20%	40%	60%	60%	60%	40%	60%	40%	40%	60%
PRIMARY BUILDING:										
Front yard setback	25	25	25	25	25	25	25	25	25	25
Rear yard setback	20	20	See Note Two below			20	20	20	20	15
Side yard setback	5	5				5	5	5	5	
Side yard setback-corner lot	20	20	20	20	20	20	20	20	20	20
Building height limit	N/A	35	35	60	60	35	35	35	35	45
AUXILIARY BUILDING:										
Front yard setback	25	25	25	25	25	25	25	25	25	25
Rear yard setback	3	3	See Note Two below			3*	3*	3*	3*	3*
Side yard setback	3	3				3*	3*	3*	3*	3*
Side yard setback-corner lot	20	20	20	20	20	20	20	20	20	20
Building height limit	N/A	60	35	60	60	35	35	35	35	35

NOTE ONE - Minimum lot size needs to be determined on a lot by lot basis by the Health Department.

NOTE TWO - As established by International Building Code adopted by Asotin County a minimum side and/or rear setback of fifteen feet is required for all structures where adjoining any Residential Zone. In addition, the screening requirements of Section 17.05.060

NOTE THREE - For all zones except High Density Residential, there shall be a maximum of two dwelling units contained within a single structure (duplex) or one residential structure per lot.

* Accessory Structures are subject to the following restrictions: side and rear yard setbacks shall be increased beyond the minimum of One foot (1') horizontal for every foot of building height over fifteen feet (15').

** Duplexes intended to be subdivided under Section 17.05.170 shall contain a minimum site area not less than twice the area required for a single family lot.

Other Notes:

- 1.) Decks and covered patios can be no closer than ten feet (10') of a rear yard property line.
- 2.) Setbacks for an Primary Building is measured from the base of the building
- 3.) Setbacks for an Accessory Building is measured from the eave of the structure

NOTE FOUR: A notice is required on all development permits and plats within 500 feet of designated resource lands. That notice shall indicate that the property is within or near a designated natural resource land on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration or that an application might be made for mining related activities.

CHAPTER 17.05 SUPPLEMENTARY REGULATIONS

Sections:

- 17.05.010 Access.
- 17.05.020 Clear Vision Area Requirements.
- 17.05.030 Measurement of Clear Vision Areas.
- 17.05.040 General Provisions Regarding Accessory Uses.
- 17.05.050 Off-Street Parking.
- 17.05.060 Landscape Requirements.
- 17.05.070 General Requirements.
- 17.05.080 Fence Requirements.
- 17.05.090 Fencing in a Commercial or Industrial Zone.
- 17.05.100 Street Vacations.
- 17.05.110 Building Setbacks From Slopes.
- 17.05.120 Protection of Adjoining Property.
- 17.05.130 Signs
- 17.05.140 Billboard Signs.
- 17.05.150 Livestock Standards.
- 17.05.160 Storage of and Temporary Placement Criteria of Mobile Homes.
- 17.05.170 Criteria for Waiver of Prohibition against Temporary Placement and Storage of Mobile Homes, Manufactured, Home, Park Models, and Recreational Vehicles
- 17.05.180 Duplex/Attached Single Family Duplex Regulations
- 17.05.190 Storm Drainage Containment
- 17.05.200 Structure Completion.
- 17.05.210 Bed and Breakfast Lodging.
- 17.05.220 Sand and Gravel Pits and Rock Quarries.

17.05.010 Access.

Every lot shall abut a street, other than an alley, for at least twenty feet.

17.05.020 Clear Vision Area Requirements.

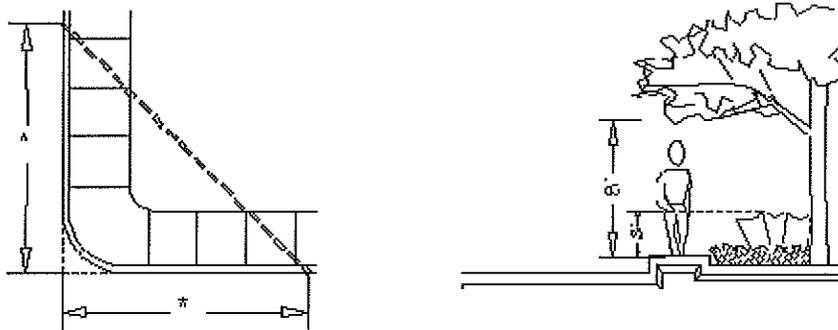
A clear vision area shall be maintained on the corners of all property adjacent to the intersection of two streets. Furthermore, a clear vision area shall be maintained on the corners of all property adjacent to the intersection of a private drive, road, or driveway and a public street. A clear vision area shall contain no planting, fence, or other temporary or permanent obstruction exceeding three feet in height measured from the top of the curb, or where no curb exists, from the established centerline grade of the street, except that trees exceeding three feet may be permitted if all branches and foliage to a height of eight feet above the top of the curb or established centerline grade are removed.

17.05.030 Measurement of Clear Vision Areas.

A clear vision area shall consist of a triangular area two sides of which are measured along the edge of the pavement or curb of the street and/or the edge of driveway and the third side of which is a line across the corner of the lot

connecting the ends of the other two sides. The size of a clear vision area is determined by the distance from the intersection of the two street lines to the third side, measured along the street. The size shall be as follows, a greater distance may be required if deemed necessary by the County Engineer.

1. The distance determining the size of a clear vision area for driveways along a designated local access roadway shall be ten feet;
2. The distance determining the size of a clear vision area for private access points along all other roadways shall be twenty feet;
3. If the angle of intersection between streets is less than thirty degrees, the County may require a greater distance; and
4. Clear Vision Areas for all public road intersections shall meet the standards identified in the Asotin County Road Standards.



*Design V aries according to road classification or type, see section 17.05.030.

17.05.040 General Provisions Regarding Accessory Uses.

Accessory uses shall comply with all requirements for the principal use except where specifically modified by this Title and in addition shall comply with the following:

1. A home occupation when conducted in a residential zone shall be subject to the following limitations:
 - a. A home occupation shall be located within the primary residence located on the property and shall not be located within any accessory structure;
 - b. No exterior display shall be permitted;
 - c. No exterior storage of materials shall be permitted;
 - d. Exterior signs shall be restricted to those generally permitted in the one in which the home occupation is located;
 - e. A home occupation that creates a nuisance because of noise, smoke, odor, dust, or gas is prohibited; and
 - f. There shall be no other exterior indication of the home occupation. No person shall be employed other than a member of the family residing on the premises, except as permitted below:

- i. If a home occupation has extreme seasonal peaks, up to one persons in addition to family members may be employed for periods not to exceed a combined total of four hundred and eighty hours during any calendar year; and
 - ii. Off-street parking shall be provided for each employee in addition to off-street parking for customers at the rate of one space per 200 square feet of interior space devoted to the home occupation; and
2. On-site hazardous waste treatment and storage facilities are restricted to nonresidential zones that do not prohibit the processing or handling of hazardous substances. Such facilities must meet the siting criteria adopted pursuant to RCW 70.105.210 or as amended.

17.05.050 Off-Street Parking.

This section sets forth special conditions and requirements for parking and applies to all permitted and additional uses. Except as provided elsewhere in this Title, all buildings, structures, or uses must have adequate off-street parking in accordance with this chapter and applicable construction standards, as follows:

1. **Size.** Except where stated to the contrary, each off-street parking space shall be at least nine feet wide and twenty feet long with twenty-four feet of aisle. Where angle parking is to be used, the aisle may be reduced to that specified by the Planning Director;
2. **Access.** There must be adequate access to all parking and loading spaces. If a parking lot does not abut a public street or easement to a public street, an unobstructed easement at least twenty feet wide to a public way must be maintained. The Planning Director may require a wider easement, if necessary, for safety and efficiency. Except in residential districts, egress must be such that no vehicle backs out onto a public way;
3. **Specific Parking Requirements.** Off-street parking is as follows for the uses indicated:
 - a. **Banks.** One space for each three hundred square feet of gross floor area. If a drive-in window is provided, parking may be reduced to one space for each four hundred square feet of gross floor area;
 - b. **Bed and Breakfast Establishments.** one space for each rental room;
 - c. **Bowling Alleys.** Four spaces for each alley plus required additional spaces for other uses;
 - d. **Churches.** One space for every four seats or eight feet of bench in the sanctuary;
 - e. **Dance, Exhibition, and Assembly Halls without Fixed Seats.** One space for each seventy-five square feet of gross floor area in the main assembly room;
 - f. **Elderly and Handicapped Housing Complexes of Two or More Units.** One space for every one and one-half units. A reduction in the number of

parking spaces to one space for every two units will be allowed if (i) public transportation is directly available; (ii) essential services, specifically shopping, is available within one-half mile of the site; and (iii) a notarized agreement is received agreeing to provide additional off-street parking in conformance with the Zoning Ordinance if all or a portion of the elderly housing complex converts to an apartment complex that is not restricted to the elderly;

- g. **Grocery, Meat, Fruit, Drugs, Liquor, and Similar Uses.** One space for each two hundred square feet of gross floor area;
- h. **Hospitals, Sanitariums, Nursing Homes, and Rest Homes.** One space for each four beds, plus one space per doctor, plus one space for each three additional employees;
- i. **Hotels and Motels.** One space per sleeping unit plus required additional spaces for other uses;
- j. **Industrial and Manufacturing Uses.** One space per employee on the maximum working shift;
- k. **Medical and Dental Facilities.** Five spaces for each doctor or dentist;
- l. **Mortuaries and Funeral Homes.** One space for every four seats or eight feet of bench in the chapel area;
- m. **Residential.**
 - i. Single-family detached/attached, duplexes, triplexes and fourplexes: two spaces/unit.
 - ii. Multifamily (five or more units): one and one-half spaces/unit.
 - iii. Mobile home parks: two spaces/unit.
 - iv. Group facilities: one space/three beds.
- n. **Restaurants, Bars, and Taverns.** One space for every four seats;
- o. **Restaurants with Drive-in Facilities.** One space for each auto serving space plus one space for every four seats outside the vehicle;
- p. **Restaurants with Drive-Through Window Service.** Six stacking stall spaces;
- q. **Rooming and Boarding Houses.** One and one-half space per sleeping unit;
- r. **School, Preschool, Kindergarten, Elementary, and Middle.** One space per teacher, plus one per other employee;
- s. **School, High.** One space per teacher, plus one per other employee, plus one space per every six students;
- t. **Skating Rinks and Other Commercial Recreation.** One space per one hundred square feet of recreation area;

- u. **Stadiums, Theaters, and Similar Uses with Fixed Seats.** One space for every four seats or eight feet of bench;
 - v. **Wholesale and Warehouses.** One space per employee on the maximum working shift;
 - w. **Storage/Rental Units.** One space per employee required;
 - x. **Unlisted Uses.** The Planning Director will fix parking requirements for any unlisted use based on similarity with listed uses;
4. **Mixed or separate occupancies.** In the case of mixed or separate uses on the same parcel, the total off-street parking will be the total required for the various uses computed separately. A fifteen percent off-street reduction may be permitted for parking areas greater than sixteen thousand square feet. Off-street parking for one use does not provide parking for any other use except for cooperative uses.
 5. **Exceptions.** An existing commercial structure in a commercial district may be replaced, altered, or remodeled in accordance with chapter 17.04 without adequate parking if the Planning Director finds that the use will not create additional parking demands and that the new remodeled structure will have a total floor area no more than the ground floor area of the previous structure.
 6. **Development and Maintenance of Parking Areas.** Every public and private parking area except for single family and duplex must be developed and maintained as follows:
 - a. **Surfacing.** The area must be surfaced with asphalt or Portland cement binder pavement to provide a durable and dustless surface; graded and drained for the on-site disposal of all surface water; arranged and marked for the orderly and safe loading, unloading, parking, and storage of vehicles; and constructed to applicable construction standards. The Director may allow parking within commercial and industrial areas to be completed within six months after issuance of a certificate of occupancy for good cause. With the approval of the Planning Director, surfacing material within commercial storage areas may be gravel,
 - b. **Parking Area Lighting.** Lighting for off-street parking must be directed and shielded not to illuminate surrounding residential areas.
 - c. **Other Improvements.** Barriers, curbs, or tire stops must be installed if a parking area abuts a structure, adjacent property, or public right of way. Traffic controls must be installed if deemed necessary by the Public Works Director for public safety. When a parking lot is to be landscaped, the landscaped areas are to be surrounded by a minimum six-inch high curb.
 - d. **Driveways.** Driveways in commercial or industrial districts must be at least twenty-eight feet from pedestrian crosswalks. Driveway widths should not be less than thirty feet in width.

- e. **Loading Space Requirements.** Off-street loading spaces, accessible to a public way, are required for all uses with deliveries or shipments. The spaces must be adequate to accommodate the maximum number and size of vehicles simultaneously loading or unloading. No part of a vehicle using the loading space may project into a public way. In no case shall service drives be less than one hundred feet apart measured center to center.
7. Parking for Handicapped. Handicapped parking shall conform to the most current adopted International Building Code and ADA Standards.

17.05.060 Landscape Requirements.

The requirements of this section shall apply to all new land uses in any commercial district. Furthermore, these requirements shall also apply to any changes of use when the existing landscape is not in conformance with these requirements. In the event there is a conflict between the landscaping requirements and the sight line requirements, the sight line requirements will control. The requirements of this section do not apply to the Industrial Zone.

- 1. The purposes of the landscape requirements are to improve the visual quality of parking lots by making them more pleasant, attractive, and compatible with the surrounding environment; to ensure safe and efficient operation of parking lots by clearly defining and delineating the potential circulation movements of motorists and pedestrians; to improve air quality and encourage energy conservation by moderating the microclimate of parking lots; to minimize the effects of noise and glare generated by parking lots to surrounding properties; and to ensure that the general appearance of parking lots will not impair an orderly and harmonious development of the community.
- 2. The following standards shall be complied with:
 - a. A minimum of five per cent of the total site area, not including the primary building, shall be landscaped;
 - b. A minimum of a seven-foot wide strip running continuous between the street right of way and the parking area, not including ingress and egress points, shall be landscaped. There shall be no more than one ingress/egress point per seventy-five feet of street frontage;
 - c. A minimum of one shade tree per every forty linear feet of required street perimeter landscaping shall be required;
 - d. A minimum of a five-foot wide strip running continuous between the parking area and adjacent side and rear properties shall be landscaped. Where either the adjacent side and/or rear properties are existing residential property or are in a residential zone, the five foot landscape strip shall conform to the buffer requirements of section 17.05.060(2)(m) below;
 - e. There shall be no more than ten adjacent parking stalls without a planting island or break. Said planting shall be a minimum of one hundred eighty

square feet in area (size of one parking stall), shall contain a minimum of one shade tree, and should preferably be located at the ends of parking rows where practical;

- f. The incorporation and continued maintenance of any existing tree (larger than four inch caliper size) located on the site into the landscape plan is credited as meeting the requirements of two new required trees;
- g. Deciduous shade trees shall have a minimum trunk diameter (measured six inches above normal ground line) of one and three-quarters inches at the time of planting. Evergreen trees shall be a minimum of six feet tall at the time of planting;
- h. All required landscaped areas shall have living shrubs, trees, and groundcover to an extent that a minimum of forty percent of the required landscape area shall be covered with living plant material when the plants are mature;
- i. All required landscaped areas shall include an automatic irrigation system;
- j. All landscape plantings shall comply with the requirements of the clear vision area triangle, see section 17.05.030;
- k. All required landscaped areas shall be maintained and kept free of all weeds and debris;
- l. Property owners shall maintain all required landscaping and irrigation systems to assure the survivability of the plant materials;
- m. Where either the adjacent side and/or rear property are existing residential property or are in a residential zone, a landscape sight barrier shall be planted in the required five-foot landscape strip. This landscaping is intended to provide a significant sight barrier to separate incompatible uses. The landscaping shall consist of evergreen trees or tall shrubs with a minimum of six feet in height at the time of planting that will provide a one-hundred percent sight obscuring screen within three years from the time of planting or a one hundred percent sight obscuring fence; and
- n. Xeriscape landscaping. Administrative relief from the irrigation requirement may be requested from the Planning Director for planting areas that contain only drought tolerant vegetation, based on the following:
 - i. The resulting landscaping will be equal or exceed what would be achieved under the required landscaping;
 - ii. Planting shall be of drought tolerant plants;
 - iii. If required, manure, compost, or other organic materials is amended into the soil;
 - iv. Bark, or other organic substance is used to help maintain moisture in the soil; and

- v. Temporary irrigation (hand watering or sprinklers) may be required until landscaping is fully established.

17.05.070 General Requirements.

Off-street parking, loading and landscaping shall be as follows:

1. The provision and maintenance of off-street parking, loading spaces, and landscaping is a continuing obligation of the property owner. The property owner shall be responsible for replacing any unhealthy or dead plants for a period of two years after initial planting. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Title. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be a violation of this Title to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are complied with;
2. Requirements for types of building and uses not specifically listed herein shall be governed by the Planning Director based upon the requirements for comparable uses listed;
3. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when hours of operation do not overlap: PROVIDED, That satisfactory legal evidence is presented to the city in the form of deeds, leases, or contracts to establish the joint use;
4. Off-street parking spaces for dwellings shall be located on the same parcel with the dwelling. Other required parking spaces shall be located not farther than five hundred feet from the building or use they are required to serve, measured in a straight line from the building;
5. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons, and employees only and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use;
6. Except for single family and duplex dwellings and unless otherwise provided, required parking and loading spaces shall not be located in a yard required by this Title;
7. A plan, drawn to scale, indicating how the off-street parking, loading, and landscaping requirements are to be met shall accompany an application for a building permit. The plan shall show all elements necessary to indicate that the requirements have been met, including the following:
 - a. Adjacent streets, public and private;
 - b. Boundaries and dimensions of site;
 - c. Location of on-site buildings;
 - d. Location of on-site parking and loading spaces;
 - e. Location and size of landscape areas;

- f. Locations, species, and size of planting materials;
 - g. Location and size of existing trees;
 - h. Grading, drainage, surfacing, and subgrading details;
 - i. Location and dimensions of curb cuts;
 - j. Location and specifications for signs; and
 - k. Other pertinent details; and
8. Design requirements for parking lots shall be as follows:
- a. Except for parking in connection with single family or two family dwellings, required parking and loading areas adjacent to a residential land use shall be designed to minimize disturbance of the residents. (see section 17.05.060(2)(m) for requirements);
 - b. Access aisles shall be of sufficient width to permit easy turning and maneuvering; and
 - c. Except for single family and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right of way other than an alley.

17.05.080 Fence Requirements.

Fences constructed for single or multifamily residential dwellings are required to meet the following standards:

- 1. A maximum height of six feet (seventy-two inches) may be located on the side, rear and front property lines as long as the fence conforms to the clear vision requirements as prescribed by this chapter.
- 2. All fencing must be constructed of a durable material of the same color;
- 3. Fences are required to be placed on or inside of the property line. In no case can a private property owners fence be placed within the public right of way;
- 4. Razor wire, barbed wire, and electric wire are not permitted in any residential zone unless, prior to the adoption of this update, livestock were present on the residential lot;
- 5. The support posts and stringers must be on the interior and not facing the street; and
- 6. Fencing for facilities such as swimming pools, hot tubs, and spas must follow current guidelines set forth by Washington State Law and the International Residential Code.

17.05.090 Fencing in a Commercial or Industrial Zone.

Fencing in a commercial or industrial zone, or in conjunction with a public facility, when required to provide security around unattended outdoor storage areas or to protect the public from contact with hazardous conditions, materials, or

equipment, may exceed six feet in height but in no instance shall exceed ten feet in height.

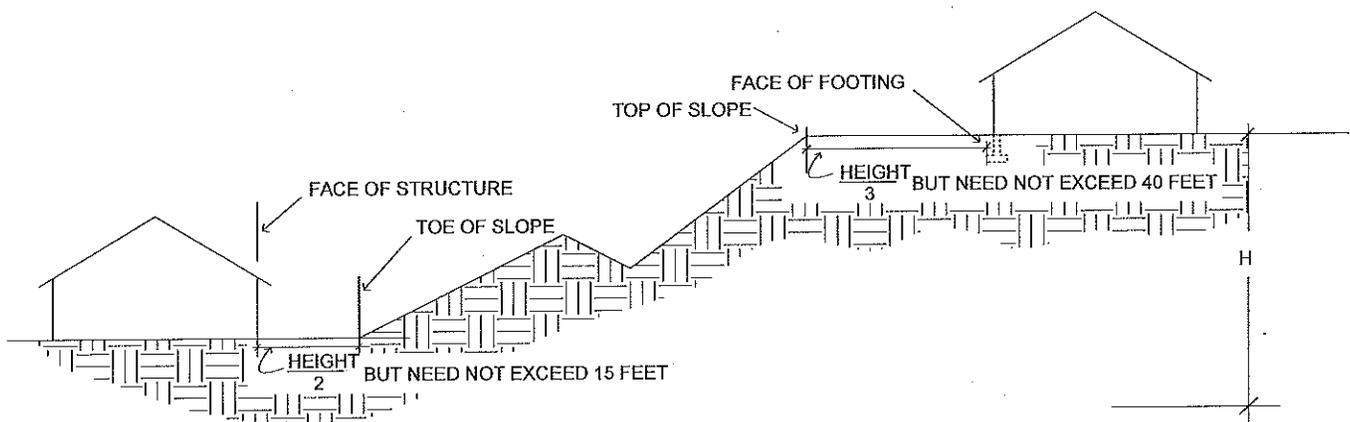
17.05.100 Street Vacations.

Whenever a street is vacated and that street has not been given a zone classification, the land of the vacated street shall acquire the zone classification of the property abutting the street prior to vacation. Where one side of the street is in a different classification from the other side of the street, the centerline of the street prior to vacation shall be considered the boundary line between the two zones.

17.05.110 Building Setbacks from Slopes.

Structures constructed adjacent to slopes and slopes created adjacent to structures shall be in accordance with this section.

1. Setbacks of structures relating to slopes may be in addition to, but never less than the standard lot setbacks as required;
2. Setbacks measured to the bottom of an ascending slope shall be measured to the wall of the structure. If less than fifteen feet, the distance shall be at least one-half the height of the slope; and
3. Setbacks measured to the top of a descending slope shall be measured to the face of the structure footing. If less than forty feet, the distance shall be at least one third the height of the slope.



** 'H' shall be determined from the property line

17.05.120 Protection of Adjoining Property.

Any person making or causing an excavation shall protect adjoining property.

Permanent slopes created adjacent to property lines shall not be steeper than two horizontal to one vertical foot in order to protect neighboring property (example: a slope four feet in height requires a horizontal slope distance of eight feet) unless retained by a County approved retaining wall. Any retaining wall over four feet in

height requires a building permit and may require a Washington State Licensed Engineer design.

17.05.130 Signs.

1. **Purpose.** The purpose of this section is to improve business in Asotin County; increase the County's attractiveness; promote a business person's right to identify their business through reasonable and effective methods; encourage the design and placement of signs in a manner that emphasizes street-side landscaping; minimize the dangerous conflicts between unregulated signage and traffic-control devices; minimize the distraction to motorists, bicyclists, and pedestrians from signs because of their shape, motion, and competition for attention; and promote and protect the health, safety, property values, and general welfare of the citizens of Asotin County.
2. **Sign Table.** Signs shall comply with the applicable standards of SIGN Table A.

SIGN TABLE A

	Maximum Height	Maximum Sign Area Per Sign	Maximum Permitted Number of Signs
Freestanding single business	60'	Based on height of sign 0'-30' ht. up to 150 sq. ft .31'-50' ht. up to 300 sq. ft 51'-60' ht. up to 400 sq. ft	2 per frontage
Freestanding group of businesses	60'	90 sq. ft. per business or the same maximum area per freestanding sign as the single business requirement, whichever is greater.	Based on frontage 0'-200' = Up to 2 signs 201'-400' = Up to 4 signs 401'-600' = Up to 5 signs over 601' = Up to 6 signs
Wall	Not beyond the top or ends of wall	25% of applicable wall area	One
Projecting	Not more than 5" above or beyond the attaching wall	75 square feet or 1/2 frontage whichever is greater	One
Graphic-window	Maximum building height	33% of applicable wall area or applicable window area	NA

Pictorial	Maximum building height	33% of applicable wall area	
Awning	18' or 2 stories	25% of available wall area	
Banner	None	None	One
Off-premises (existing)	30'	125 square feet	One
Home Occupation	6'	6 square feet	One
Temporary	8'	Up to 64 square ft	One
Rooftop	8'	125 square feet	One

3. General Provisions.

- a. Number. Each permitted use within a commercial or industrial district may have a total of two freestanding signs per street frontage and any combination but not to exceed four of the following signs: projecting, wall, graphic, or pictorial. Auxiliary signs are permitted if the combined square footage of such auxiliary signs does not exceed the allowed total of the user's other permitted signs. Auxiliary signs located on windows or entirely within a structure are permitted without limitation.
- b. Area, Height, and Lighting. Sign area, height, and lighting are regulated by the standards contained in Table A.
- c. Structure. The structural components of signs are regulated by the currently adopted edition of International Building Code.
- d. Electrical. The electrical components of signs are regulated by the currently adopted edition of the National Electric Code. All electrical signs must bear the U.L. label.
- e. Illumination. The illumination of signs must be shielded, shaded, reduced, or directed so that the light remains on the property and does not constitute a nuisance by distracting pedestrians and motorists. Strobe or strobe-like devices are prohibited from use where they are visible from the exterior of a building or location.
- f. Maintenance. All signs shall be maintained in a state of security and repair. If a sign is not so maintained, it must be removed or repaired within thirty days of notification by the Department. The owner, his agents, or

assigns are responsible for such maintenance and compliance with this section.

- g. Sight Obstructions. All signs must be in conformance with the Road Standards and section 17.05.020-030 of the Asotin County Zoning Ordinance (view obstruction and clearance triangle).
- h. Removal. When a business or business site is vacated, the applicable freestanding, wall, projecting, auxiliary, and street sign face must be removed within thirty days of notification by the Department.
- i. Freestanding. All freestanding signs must be integrated.

4. Regulation by Sign Type.

- a. Awning Signs. Awning copy is exempt from this section if no more than one hundred percent of the maximum, available freestanding sign area is used for such copy. If more than one hundred percent is used for the awning copy, then the other sign or signs for which the business is entitled must be reduced by an area equal to that exceeding one hundred percent of the available freestanding sign area.
- b. Commercial and Industrial - Development/Sale Signs. Signs advertising commercial or industrial sites or properties “For Sale” or “For Rent” must be placed wholly on the applicable property and may not exceed thirty-two square feet in sign area. The height of such signs are limited to ten feet overall. Any such sign greater than sixteen square feet in area must obtain a building permit and be installed to the approval of the Building Inspector.
- c. Construction Signs. Construction signs are allowed until occupancy of the applicable building or completion of the structure or remodeling, whichever occurs first.
- d. Directional Signs. Direction signs may be permitted in the commercial or industrial zones after approval of a Land Use Permit for a Conditional Use in accord with chapter 17.15. The criteria for approval for such land use permits for conditional uses (variances) will be as follows: the business, group of businesses, or business area must not have arterial street frontage available for free standing signage; special circumstances are necessary because of the location, size, shape, or topography of the property of the business, group of businesses, or business area to provide it with signage privileges typical of other properties in the vicinity or zoning district; and the design of the directional sign can be conditioned to account for aesthetics, lighting, safety, compatibility with surrounding properties, and other factors necessary to meet the purpose (17.05.0130(1)) of this section. Directional signs shall be further conditioned by the following:
 - i. The directional sign must be located as close to the business, group of businesses, or business area as is practical;

- ii. A single business is limited to one directional sign. Groups of businesses and business areas are limited to two directional signs;
 - iii. The preferred means to implement directional signage shall be ground mounted or monument style signs. In cases where this is impractical, the maximum height is limited to twenty feet;
 - iv. Directional signs shall be limited to a maximum area of thirty-two square feet; and
 - v. If applicable, the directional signs shall further the goals and guidelines of any adopted neighborhood or sub area plan and/or overlay zone.
- e. **Electronic Message Signs or Centers.** Electronic message signs or centers are regulated per its applicable sign type, i.e., freestanding or wall-mounted.
- f. **Existing Off-Premises Signs in all Districts.** All existing off-premises signs installed in conjunction with a building permit as of the effective date of the ordinance codified herein are considered conforming, except billboards that are considered nonconforming. Such signs must be brought into full compliance with provisions of section 17.05.0130(3) herein for height, area, lighting, structural, and electrical regulations and Sign Table A of this chapter. All existing off-premises temporary signs not installed with a building permit must be brought into full compliance with this chapter within one hundred eighty days of notification by the Department.
- g. **Off-Premise Signs for Community-Sponsored Events.** Off-Premise signs associated with community-sponsored events on property other than the event site shall be exempt from this chapter but must be approved by the Department of Planning for sight visibility and structural safety. Such signs are allowed for no more than 30 days prior to the event and must be removed within three days of the conclusion of the event season.
- h. **Signs for City, State, Federal, and Community Sponsored Events.** Signs associated with City, State, Federal, or community sponsored events shall be exempt from this section but must be placed to not obstruct sight visibility and be structurally safe.
- i. Such signs must be removed within seven days following the event. It is the responsibility of the candidate and campaign chairmen to remove political signs, and event chairman in the case of nonpolitical events.
 - ii. Event signs are not allowed on public property or buildings, sidewalks, public roads, utility poles, or public facilities. However, event signs will be allowed in the space between the curb and sidewalk: PROVIDED, that there is no traffic visibility obstruction and the abutting owners' permission has been granted.

- i. **Product-Sponsored Signs.** All outdoor product-sponsored signs must devote at least seventy-five percent of the sign area to the on-site business.
- j. **Prohibited Signs.** Except as provided elsewhere, the following signs are prohibited in all districts: off-premises signs, except as provided in subsection 17.05.0130(4)(g) above; abandoned signs; signs imitating or resembling official traffic or government signs or signals; signs attached to trees, utility poles, public benches, light poles, or any other public property or right of way; and other signs not permitted by this chapter. Signs on park benches, when approved by the County, and public transit benches and shelters and on and within public transit vehicles, when installed in conformance with a City or County franchise, are exempt from this chapter.
- k. **Readerboard Signs.** Readerboard signs are regulated per applicable sign type, i.e., freestanding or wall-mounted. Portable reader board signs are regulated as temporary signs and a building permit is required for each location.
- l. **Residential Properties - Development/Sale Signs.** Signs advertising residential properties “For Sale,” “Rent,” or “Sold” must be placed wholly on the applicable property and shall not exceed eight square feet in sign area. The height of such signs is limited to eight feet. If the property is not on an arterial street, a single directional sign may be placed at the nearest arterial with the permission of the owner upon whose property the directional sign is placed, and the directional sign can be no larger than six square feet. Any manufactured home park or multi-family residence containing at least five living units may have one freestanding sign per abutting street frontage, which shall not exceed ten feet in height or thirty-two square feet in area and must not move or give the illusion of movement. All development entry signs in residential areas shall be in conformance with subsection 17.05.0130(4)(o).
- m. **Rooftop Signs.** Rooftop signs are only allowed in LC, HC, or I-C zoning districts after approval of a land use permit for conditional uses in accord with chapter 17.14. The criteria for approval of such land use permits for conditional uses will be based on the following:
 - i. The property requesting the rooftop sign must not have street frontage available for freestanding signage;
 - ii. Wall signs would be inadequate because of restricted visibility from arterial street frontage; and
 - iii. Any approved rooftop sign must be consistent with the sign table.
- n. **Signs Advertising a Group of Businesses.** A group of two or more businesses when located on one land parcel of common ownership or abutting land parcels so as to function as if of common ownership, which are located along a major or minor arterial as designated on the

comprehensive plan, shall comply with Sign Table A of this chapter to determine allowed freestanding signage along said arterial frontage.

- o. **Development Entry Signs.** Development entry signs may be used to identify subdivisions or other substantial developments of similar nature. Such signs shall be constructed of brick, stone, concrete, metal, or similar durable material.
 - i. The sign shall be limited to the identification of the development by the name and shall not name a product or service by brand name or trade name unless the brand or trade name is part of, or synonymous with, the name of the development.
 - ii. The sign shall be a ground mounted or wall sign only; no pole signs shall be permitted.
 - iii. The sign shall be limited to a maximum surface area of sixty four square feet and to a maximum height of eight feet.
 - iv. Signs may have illumination of the display area when properly shielded from direct glare onto streets and adjacent properties.
 - v. The number and location of development entry signs shall be determined by the Asotin County Planning Director. In no case shall a development entry sign be located in the public right of way.
 - vi. Signs shall not obstruct the clear vision area at any intersection.
- p. **Subdivision Directional Signs.** Signs may display the direction to a subdivision by naming the subdivision and furnishing a directional arrow. The sign may not display the name of a realtor or developer and must be removed within twenty-four months of its installation. The sign area is limited to sixteen square feet, and sign height is limited to six feet overall height. The location of such signs must be approved by the City, and any subdivision utilizing such signs is limited to a maximum of three of these directional signs.
- q. **Temporary Signs.** Temporary signs are allowed for a maximum of sixty days within any calendar year. They may be placed for no more than twenty consecutive days and they must be removed for thirty days. Banners are specifically exempt from this section.

5. Administration.

- a. Administration of this chapter is the responsibility of the Department of Planning. The owners, their assign, or agents are responsible for compliance with the requirements contained in this chapter.
- b. All signs must comply with the requirements of this chapter. All sign owners must obtain a building permit prior to installation with the exception of the following:
 - i. Home occupations and signs for family day care homes;

- ii. Subsection 17.05.0130(4)(h): City, State, Federal and community sponsored events;
- iii. Subsection 17.05.0130(4)(l): Residential properties-development/sale signs; and
- iv. Subsection 17.05.0130(4)(p): Subdivision directional signs.
- v. Signs four square feet or less in area;
- vi. Development and “For Sale” or “For Rent” signs;
- vii. Changing sign copy, when such change consists of relettering, replacing, or changing the sign face and repainting, cleaning, or other similar and nonstructural changes;
- viii. Seasonal and holiday decorating within an appropriate holiday season;
- ix. Official public notices or signs relating to an emergency;
- x. National, State, or local governmental unit flags;
- xi. Construction signs;
- xii. Banners;
- xiii. Window signs;
- xiv. Auxiliary signs;
- xv. Signs that are required by law;
- xvi. Signs installed in conjunction with a new structure: PROVIDED, That the construction of the structure is regulated by a current building permit, and the sign complies with this chapter; and
- xvii. Signs relaying information or warning such as “No Trespassing,” “No Dumping,” and “Private”: PROVIDED, that such signs do not exceed sixteen square feet in area.

6. **Permit Applications.** Applications for building permits for signs shall contain the name of the sign owner and user of the sign; address of the property in which the sign is located; location of the sign structure on such property; drawings of the sign showing design, dimensions, structural calculations and method of lighting, if applicable; and other pertinent information necessary to ensure compliance with this chapter. Fees for freestanding, wall, projecting, awning, and rooftop signs shall be in accord with the fee schedule of the International Building Code; fees for all other signs will be twenty dollars.

7. **Nonconforming Signs.** All signs must be in conformance with this beginning date of adoption of this ordinance, except as provided in section 17.05.0130(2) Sign Table A, under special conditions. Nonconforming signs in existence as of the adoption date of this section that can be defined as temporary must be in full compliance with the requirements of this section within one year of such adoption date.

8. **Change in Use.** Any change in building use or classification requiring submittal of a land use permit for site plan approval or any new sign structure installation will be cause of applicable signage to conform with the provisions of this section. Copy modifications are exempt.

17.05.140 Billboard Signs.

Billboards shall conform to the following development standards and procedures:

1. The maximum allowable area of billboards shall not exceed three hundred seventy eight square feet;
2. Billboard setbacks shall be no less than ten feet from the front lot line and five feet from all other lot lines. The setback shall be measured from the furthest most projection or overhang on the billboard;
3. The maximum allowed height (top) of billboards shall not exceed twenty seven feet above the street elevation including cutouts;
4. There shall be one thousand feet between all billboards located on the same street or highway, measured along the centerline of the right of way, regardless of what side of the street the billboards are located;
5. No billboard shall be placed on or over public property;
6. No billboard shall be constructed within one hundred fifty feet of an intersection measured perpendicular to the near right of way line for the crossing street;
7. Billboards may be illuminated by indirect lighting only and the source of the lighting shall not be observable from any location surrounding the billboard. No billboards shall contain any blinking lights or movable parts, except that tri-action sign faces shall be allowed;
8. Application for a permit shall be made to the Asotin County Building & Planning Department upon a form provided by such department; and
9. In the event a billboard is damaged or destroyed for any reason, the damaged billboard shall be repaired or the debris of the destroyed billboard shall be removed within fifteen days of the damage or destruction.

17.05.150 Livestock Standards.

Refer to the Land Use Matrix (Section 17.04.020) for allowed, conditional, or prohibited uses

1. **Animal Outbuildings.** All buildings or structures designed for the sheltering of all animals legally permitted by the provisions of this section shall be setback a minimum of 10' from the adjacent side or rear property line.

17.05.160 Temporary Placement and Storage of Mobile Homes, Manufactured Home, Park Model Homes are Prohibited

The storage, parking or abandonment of a mobile home, manufactured, or park model home which has not been connected to utilities, on private property is prohibited under this ordinance.

Further, all habitable, mobile, manufactured or park model homes shall be installed in accordance with applicable county ordinances and shall be setup within thirty days of placement on private property.

17.05.170 Criteria for Waiver of Prohibition against Temporary Placement and Storage of Mobile Homes, Manufactured Home, Park Models and Recreational Vehicles.

Temporary placement and occupancy of a mobile home, manufactured home, recreational vehicle, or park model as a second dwelling on a lot may be allowed after the following criteria are met. Temporary placement is subject to the conditions, fees, and standards required by this and other county regulations and to annual review by the Planning Director/Zoning Official.

1. Hardship.

A temporary secondary dwelling to be maybe allowed due to hardship. Each secondary dwelling hardship request will be reviewed and acted upon on a case-by-case basis. The approval will only be considered if all of the following criteria are met:

- a. A doctor's statement verifying need of continual care due to a person's physical or mental health will be required, provided directly to the agency by the health care provider;
- b. Secondary dwelling may only be occupied by family members.
- c. No income may be derived from the temporary structure;
- d. Property owner must renew each secondary dwelling waiver annually. Renewal will be based, upon the same criteria as initial request.
- e. Once the hardship ceases, the temporary structure must be removed from the site; failure to do so may result in abatement proceedings.
- f. All temporary structures placed on the property shall be no older than ten years at the time of the request for hardship secondary dwelling. ;

2. Temporary Placement of Mobile Home, Manufactured Home, Park Model or Recreational Vehicle, for purposes of Construction

Requests for temporary placement of mobile home, manufactured home, park model or recreational vehicles on a construction site will be reviewed and acted upon on a case-by-case basis. The approval of temporary placement of a mobile home, manufactured home, park model or recreational vehicle on a construction site as a dwelling, office or storage facility will be based upon the following criteria: **The mobile home, manufactured home, park model or recreational vehicle will be:**

- a. Used as a construction office or caretaker's quarters during a construction project on the condition that it be removed upon completion of the project;
 - b. Used as a temporary dwelling during the construction of a site built home on the condition that it be removed upon completion of the site built home;
 - c. Required to secure all permits for construction and sanitation prior to the installation of the temporary office or dwelling; and
 - d. No older than ten years at the time of the construction waiver with exception to structures existing on the property at the time of the construction waiver; and
3. **Recreational Vehicles** and Park Models shall not be used for dwelling purposes for a period longer than thirty consecutive days and sixty cumulative days annually, unless a waiver has been obtained, or in cases where said vehicle is located in parks specifically intended for such purposes or in accordance with the provisions of chapter 17.11.

17.05.180 Duplex/Attached Single Family Duplex Regulations.

- 1. The following regulations shall be applied to development upon lots created by subdivision under Title 18, Subdivision Ordinance, for Single Family Attached Duplex units:
 - a. Each lot shall contain a minimum site area not less than twice the area specified in the applicable zoning classification under section 17.040.020;
 - b. The five-foot side-yard setback required in section 17.040.020 may be waived for duplex lots partitioned or subdivided when the proposed property line corresponds with a common wall between individual units; and
 - c. Waiver of the five-foot side-yard setback may include approval of eave, gutter, and other non-structural, non-load-bearing projections extending up to eighteen inches past the common wall property line of a duplex lot partitioned or subdivided. Partitions or subdivision of duplex lots involving structures with projections extending across the common wall property line shall be conditioned to require provision of reciprocal easements for the encroachment and maintenance of the projections provided for under sub-section 3, below.
- 2. **Building Code Requirements.** All Building Code requirements shall be met for attached housing/zero lot line development.
- 3. **Common Wall Agreement.** A request for approval of a subdivision for duplex or common-lot-line dwelling units shall be accompanied by a form of agreement by and between the owner and future owner to own, use, maintain, rent, or otherwise occupy the common-lot-line dwelling units. This

maintenance agreement shall be developed by the applicant or owner and provide for the following:

- a. All appropriate signatures and certificates with signature of notary;
 - b. Rules and regulations regarding the maintenance, upkeep, and repair of the building or structure, all common areas (if any), roof and all areas of pavement surfaces including sidewalks, drives and off-street parking facilities, and similar improvements;
 - c. Party-wall easements for all common walls located between duplex or common-lot-line dwelling units;
 - d. Repair and maintenance of any common service sewers providing for necessary easements of ingress and egress and, if on septic systems, common service agreements for the pumping, servicing, and maintenance of such systems;
 - e. Insurance to cover the structure and, if desired, homeowner's insurance for each individual dwelling unit or public liability insurance;
 - f. Covenants to assure the repair and reconstruction of any damaged common-lot-line dwelling unit to a condition and style consistent with the architectural style of the other common-lot-line dwelling unit remaining in the structure; and
 - g. Covenants and/or easements providing for reasonable ingress and egress for general repairs, utility connection and repairs, and maintenance.
 - h. All provisions of the statutory regulation of common wall structures must also be met.
4. **Height.** Height regulations shall be those specified for standard single-family development.
 5. **Parking.** Parking requirements shall comply with standard single-family development for each unit.

17.05.190 Storm Drainage Containment.

Precipitation falling on property must be controlled on that property by means provided by the owner. Those means can be, but are not limited to the use of landscaping or other facilities that eliminate storm water from entering neighboring properties or any public right of way. Roof drains or surface drainage may not be discharged into roadway gutters or ditches unless the property is located within an area where drainage facilities or easements are provided for the property being drained. At no time will storm drainage be discharged into public or private sanitary sewer facilities. Natural drainage ways shall be maintained unless approved methods are applied that allow natural drainage to continue.

The county has ordinances regulating stormwater systems and erosion control during construction. In the event this ordinance conflicts with stormwater ordinances, the ordinance with the higher standard will control

17.05.200 Structure Completion.

All structures permitted shall be completed within two calendar years from the date of permit issuance unless arrangements have been made with the Building and Planning Department. If the structure has not been finished before the completion date has expired, it will be necessary for the holder of the permit to re-apply for a permit for completion that could be equal in cost to that of the original permit, plus investigation fees should they be incurred.

17.05.210 Bed and Breakfast Lodging.

The following minimum conditions shall apply:

1. Bed and breakfast facility shall meet all applicable health, fire, safety and building codes
2. Meal service shall be limited to serving overnight guests of the establishment, a breakfast meal only. Kitchens shall not be allowed in individual guest rooms;
3. The owner shall operate the establishment and reside on the premises:
4. One off-street parking space shall be provided for each room available for patrons. Patron parking shall not be located within any required front yard or side yard or setback area. No on-street parking shall be allowed;
5. The establishment shall be operated in such a manner as to give no outward appearance nor manifest characteristics of a business that would be incompatible with the ability of the neighboring residents to enjoy the peaceful occupancy of their properties;
6. Outdoor activities shall be limited to the hours of 8:00 a.m. to 10:00 p.m.;
7. A Conditional Use Permit for a Bed and Breakfast is renewable after three years, at which time the owner of the conditional use must apply to the Board of County Commissioners to renew the "Conditional Use Permit."

17.05.220 Sand and Gravel Pits and Rock Quarries.

The following conditional standards shall apply for gravel pits and other surface and subsurface mining:

1. Minimum site size: five acres;
2. The mining operation shall not be conducted closer than five hundred feet to any plat boundary;
3. All private truck roads connecting mining operations with county or state roads shall be kept wetted while being used, or shall be oiled or hard-surfaced and maintained so as to prevent the creation of dust;
4. No materials shall be dug, or otherwise removed from its natural site, closer than fifty feet to any property line other than the owners', or to a public right-of-way;

5. No production of sand and gravel shall be permitted from an open pit which creates a slope steeper than one foot horizontal to one foot vertical;
6. Property to be used for production may be required to be fenced along the exterior boundaries. Such fence shall be maintained in good condition at all times;
7. No excavation shall be carried on in dedicated streets;
8. Whenever production on any property shall have been completed, all plants, buildings, structures (except fences) and equipment shall be entirely removed from such property and all stockpiles shall be removed or backfilled into the pit within one year after such completion; provided, however, that the provisions of this subsection shall not apply to any plants, buildings, structures, equipment or stockpiles whenever and so long as any rock and gravel shall be available from other properties for processing by or through such plants, buildings, structures, or equipment;
9. Additional conditions may be attached to the permit for the purpose of rehabilitation of the pit area;
10. When deemed necessary a bond shall be provided to ensure reasonable rehabilitation of open pit or surface mining; the amount of such bond shall be computed by multiplying the square root of the acres involved by the factor of 2.23 (example: eleven-acre site; square root of eleven equals 3.3, times 2.23 equals seven thousand three hundred fifty nine, equals seven-thousand-dollar bond);
11. The property on which a sand and gravel pit or rock quarry operation shall be located shall not be less than one thousand feet from any residential zone;
12. Additional conditions may be attached to the permit by the board of county commissioners on recommendation of the planning commission for the purpose of protecting public health and safety and to ensure a program of rehabilitation of the pit area;
13. Fencing sufficient to exclude livestock and people if it is necessary in the interests of public health and safety, to be determined by the planning commission and recommended to the county commissioners;
14. Dust control may be required on access roads if deemed necessary for public health and nuisance control by the planning committee and board of county commissioners;
15. Any part of the operation creating excessive noise, dust, danger from explosives, or other phenomena hazardous to public health and safety must be at least one thousand feet from the nearest occupied dwellings or from commercial, residential, or recreational-type zones;
16. Road approaches to public streets must be graded to avoid steep slopes to permit entering vehicles to stop in a nearly level position, must intersect the street at a right angle, and must be sufficiently wide so that the vehicles entering or leaving the public street can turn without leaving their own traffic lane;
17. Development proposals for mineral extraction operations shall be consistent with the county's land use, critical areas, transportation and other elements

within the comprehensive plan. Regulatory controls will become applicable concurrent with state requirements;

18. The development of a mineral resource site will be phased with reclamation taking place as one phase is depleted and another phase is being utilized;
19. Settling ponds, retaining basins, ditches, dikes and/or revegetation of slopes will be required for mineral extraction operations to protect water quality and to prevent erosion;
20. Filling will not be allowed in floodways and erosion control will be considered a priority and addressed in the operational plan;
21. Site design shall include adequate measures to control potential negative impacts to adjacent properties, including but not limited to fugitive dust, late hours of operation, light and glare. Such measures may include paving or gravelling road surfaces, watering, limited hours of operation, buffers and locating stockpiles in wind-protected locations;
22. During the operation of the site, and any associated remote stockpiling, noxious weeds will be controlled in order to prevent spreading of the noxious weeds onto other properties, particularly agricultural lands;
23. Assure the reclamation of land for redevelopment after the completion of gravel and mineral extraction including, but not limited to, weed control, revegetation, with the intent being to reestablish adequate ground cover or other uses as allowed within the comprehensive plan;
24. All applicable federal and state regulations will be complied with, including but not limited to those rules administered by the Washington State Departments of Natural Resources and Ecology.

CHAPTER 17.06 EXCEPTIONS

Sections:

- 17.06.010 General Exceptions to Lot Size Requirements.
- 17.06.020 Projections from Building.
- 17.06.030 General Exceptions to Front Yard Requirements.
- 17.06.040 General Exceptions to Building Height, Limitations.

17.06.010 General Exceptions to Lot Size Requirements.

If a lot in a residential zone has an area or dimension that does not meet the requirements of this Title, the lot may be used for a single-family dwelling, subject to the other requirements of the zone in which the lot is located.

17.06.020 Projections from Building.

Cornices, eaves, canopies, sunshades, chimneys, flues, or other similar projections shall not project more than twenty-four inches into a required side yard or front yard.

17.06.030 General Exceptions to Front Yard Requirements.

The following exceptions to the front yard requirements are authorized for a lot in a residential zone:

1. The planning commission may recommend greater yard requirements when the yard abuts a street that the County has designated for widening; and
2. If a street or block has an established pattern of front yard setbacks greater than is required by this Title, the planning commission may recommend new construction to coincide with the established setback.

17.06.040 General Exceptions to Building Height, Limitations.

The following types of structures or structural parts are not subject to the building height limitations of this Title area: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, masts, aerials, cooling towers, elevator shafts, and other structures approved by the Administrator.

CHAPTER 17.07
PLACEMENT OF WIRELESS TELECOMMUNICATION TOWERS AND
TRANSMISSION FACILITIES.

Sections

- 17.07.010 Purpose.
- 17.07.020 Duties of Wireless Telecommunication Providers.
- 17.07.030 Exemption.
- 17.07.040 Use of Existing Structures.
- 17.07.050 Verification that Use of Existing Support Structures is not Possible.
- 17.07.060 Construction of New Wireless Telecommunication Towers.
- 17.07.070 Conditional Use Permit Conditional.
- 17.07.080 Factors Considered by the Planning Commission.
- 17.07.090 Required Conditions for Transmission Tower.
- 17.07.100 Performance Bond.
- 17.07.110 Abandonment and Removal.
- 17.07.120 Failure to Comply with all Requirements.

17.07.010 Purpose.

The purpose of this section is to regulate the placement of wireless telecommunication facilities in a manner consistent with the provisions of applicable law and the Asotin County Zoning Ordinance.

17.07.020 Duties of Wireless Telecommunication Providers.

All wireless telecommunication providers operating or using wireless telecommunication facilities in Asotin County shall file a statement with the Asotin County Planning Department by December 31 or each year. The report shall state whether the wireless telecommunication provider is continuing to use its facilities and, if so, verify that it remains in compliance with all applicable federal/state rules and conditions set forth in any applicable conditional use permit. This annual report shall also include the number of antennas and the location of each antenna in Asotin County as well as documentation demonstrating that the provider is licensed in good standing by the Federal Communications Commission (FCC). Failure to comply with these duties shall be subject to the provisions of section 17.07.120.

17.07.030 Exemption.

Telecommunication towers, antennas, and supporting equipment used primarily for the purpose of public safety telecommunication needs shall be considered exempt from the provisions of this chapter.

17.07.040 Use of Existing Structures.

1. All wireless telecommunication providers shall make reasonable attempts to co-locate on legally existing support structures before applying for a conditional use permit to build a tower. The installation or location of

antennas on legally existing support structures shall be considered an outright use in all zones within the Asotin County Zoning Ordinance.

2. Placement of transmission or reception devices on legally existing support structures shall provide the following prior to the installation of the equipment, and the applicant must complete and return an application form provided by the Planning Department along with an applicable fee as set forth by separate resolution:
 - a. Documents demonstrating landowner authorization and necessary easements have been obtained;
 - b. Plans showing how vehicle access will be provided;
 - c. Documentation demonstrating there is no additional lighting required by the Federal Aviation Administration (FAA); and
 - d. A map showing the area of coverage that will be provided by the transmission of the proposed antenna.
3. Prior to use of the antenna:
 - a. Documentation demonstrating the provider is licensed in good standing by the Federal Communications Commission (FCC) must be provided to the Planning Department;
 - b. If equipment enclosures will be located on the ground, a minimum six foot high sight obscuring fence shall be constructed and completely surround the equipment enclosure to secure and screen the equipment and base of structure; and
 - c. A warning sign no larger than three square feet and no smaller than two square feet must be placed on the fence or access gate. It must contain the name of the owner of the tower and operator of the facility, a phone number for cases of emergency, and any other information required by law.

17.07.050 Verification that Use of Existing Support Structures is not Possible.

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no legally existing support structure is available or can accommodate the proposed antenna based on:

1. Testimony or written verification:
 - a. By a Washington State Licensed Engineer that the legally existing support structures located within the geographic area are not of sufficient size or structural strength to meet the applicant's reasonable engineering requirements;
 - b. That no legally existing structure is located within the geographic area that meets the applicant's reasonable engineering requirements;
 - c. That use of the legally existing structure would cause electromagnetic interference with the existing antennas or the proposed antenna;

- d. That co-locating on a legally existing support structure would violate the RF emissions set by the FCC; and/or
 - e. That there are other limiting factors that render legally existing support structures unsuitable; and
2. The fact that the fees, costs, or contractual provisions required by the owner of an existing support structure are unreasonable.

17.07.060 Construction of New Wireless Telecommunication Towers.

A conditional use permit is required for the placement of wireless telecommunication towers, antennas, and related support structures in all zones indicated by the Asotin County Zoning Ordinance. The priority ranking for tower placement within zones shall be as follows:

1. Agriculture;
2. Rural Residential;
3. Ag-Transition;
4. Public/Semi-Public;
5. Heavy Commercial;
6. Light Commercial;
7. High Density Residential; and then
8. Low Medium Density Residential.

17.07.070 Conditional Use Permit.

Use permits for wireless telecommunication towers, antennas, or support structures are subject to the following standards and requirements:

1. All applicants must complete a conditional use permit application for the construction of a wireless telecommunication tower. The application must be signed by all legal landowners of the property, the applicant, and proposed tower owner;
2. The following documents must be attached and submitted along with the application, and all applicable engineering must be performed by a Washington State Licensed Engineer:
 - a. A legal description of the parcel of land in which the proposed tower is to be located. This legal description shall include all real property described on the deed of conveyance most recently recorded for that parcel;
 - b. A detailed drawing of the tower with the height specified;
 - c. The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate;
 - d. A signed agreement with Asotin County stating that the applicant will allow co-location with other users and that any future owners or operators will allow co-location on the tower;

- e. Documents demonstrating to the satisfaction of the Planning Commission that the necessary easements have been obtained, as well as plans showing how vehicle access will be provided;
- f. Documents demonstrating that the applicant has complied with FAA requirements as well as a diagram showing the placement and type of lighting that will be used if required by the FAA, or documentation demonstrating that no lighting is required and verifying that none will be used;
- g. Evidence satisfactorily demonstrating to the Planning Commission that use of an existing support structure is not possible pursuant to section 5; and
- h. A map showing the area of coverage provided by the transmission of the proposed antenna.

17.07.080 Factors Considered by the Planning Commission.

In addition to the conditional use permit criteria, the Planning Commission shall take the following considerations into account when deciding whether to grant a conditional use permit for a wireless telecommunication tower:

1. Whether or not the wireless telecommunication provider has attempted in good faith to co-locate or use an existing structure in the County;
2. Whether the height, design, and any proposed future modification of the wireless telecommunication facility will reduce or eliminate visual obtrusiveness to the greatest extent feasible and practical;
3. Whether it has been demonstrated the tower will have a negative impact on nearby property;
4. Whether or not the existing land use of the proposed site is unique to that land; and
5. Whether any lighting required by law may pose an unreasonable nuisance at the proposed site.

17.07.090 Required Conditions for Transmission Tower.

The following are required conditions for the approval of the construction of towers and shall appear in any conditional use permit approved for such use:

1. All towers must be built so as to allow for a total of at least four wireless telecommunication providers to co-locate on the tower;
2. Newly constructed towers shall be located no closer than a two mile radius unless otherwise determined by the requirements specified in section 17.07.040 of this chapter;
3. All towers must be setback a minimum of one hundred percent of the height of the tower from any existing public road, property line, residence, or commercial or public building;

4. If equipment enclosures will be located on the ground, a six to seven foot high fence of wood, masonry, or privacy slats completely surrounding the equipment enclosure is required to secure and screen the equipment and structure;
5. A warning sign no larger than three square feet and no smaller than two square feet must be placed on the fencing access gate. It must contain the name of the tower and operator of the facility, a phone number for cases of emergency, and any other information required by law;
6. Any tower/structure shall be finished in a non-reflective neutral color or as otherwise specified by the Planning Commission;
7. No ladder rungs or climbing pegs on towers shall be allowed within twenty feet of the ground;
8. No tower with guyed wires are allowed;
9. No lighting of antennas or antenna support structures is allowed except as required by the Federal Aviation Administration;
10. Prior to turning on or using the antennas, the applicant must submit documentation demonstrating the provider is licensed and is in good standing with the Federal Communications Commission (FCC);
11. Remain in compliance at all times with any applicable laws or regulations including the Asotin County Zoning Ordinance; and
12. All applicants granted a permit under this section shall cooperate and negotiate in good faith with other providers or tower owners in efforts to co-locate. Such good faith shall include sharing technical information to evaluate the feasibility of co-location. Such technical information is limited to necessary information to evaluate the feasibility of co-location.
 - a. If a provider is denied the opportunity to co-locate by a tower owner or operator with a conditional use permit granted under this ordinance, the denied party shall obtain a technical study showing co-location is possible from an independent third party prior to consideration for a permit. If the study concludes co-location may occur without impairment to the existing operator, the tower owner shall be charged the expense of the study and co-location shall be permitted at such a reasonable fee, not to exceed the fair market value as the parties may agree.
 - b. In the event that the parties are unable to agree as to what is fair market value, the parties shall notify the Planning Department of such in writing and shall then select a Washington State Certified Appraiser within thirty days at the expense of both parties. The determination of fair market value by such appraiser shall be binding on the parties. Failure of a tower to allow co-location at a reasonable fee on reasonable terms shall result in the immediate revocation of the owner's conditional use permit.

17.07.100 Performance Guarantees.

The Planning Commission may, as a condition to granting a Conditional Use permit, require a tower owner to provide a commercial or performance bond, cash surety, or letter of credit in such amount as estimated by a licensed engineer to remove such tower and facilities and bring the location back to its original state or better in the event of abandonment or otherwise pursuant to section 17.07.110, as follows:

1. The bond, cash surety or letter of credit shall be executed by a surety company or companies duly authorized to do business in this state and approved by Asotin County;
2. The tower owner shall insure that said bond remains in full force and effect at all times and shall demonstrate proof of the same, satisfactory to Asotin County, prior to building or the issuance of a building permit for the tower in each annual statement to the Building and Planning Department by December 31 of each year;
3. The bond shall name Asotin County as the payee;
4. The bond shall not be cancelled by any party without ninety days advance notice to the Asotin County Building and Planning Department. Such notice of intended cancellation prior to satisfactory removal of the tower, antennas, and related facilities is a violation of the conditional use permit and the County may immediately demand and receive payment in full on said bond;
5. In any action brought to enforce the bond herein, or against the tower owner for failing to maintain the payment on the bond, the prevailing party shall be entitled to recover reasonable attorney fees and court costs; and
6. Enforcement by performance bond is non-exclusive and in addition to all other remedies available at law or in equity.

17.07.110 Abandonment and Removal.

Any tower that has had no operating antenna mounted upon it for a period of one hundred twenty consecutive days shall be considered abandoned. The tower owner or landowner thereof shall:

1. Remove any such tower and any accompanying equipment enclosure within ninety days of abandonment;
2. Remove all concrete foundations, pads, etc., to a depth of two feet below existing grade unless the current property owner requests that they remain as is;
3. Bring the location of the removed facility back to its original state, or better;
4. The tower owner or landowner may during the ninety days, apply, and for good cause shown, have granted an extension of time on such terms as the Planning Department shall determine;

5. If such structure, equipment, and pads (as stated above) are not so removed within said ninety days or any extension thereof, then the County has the right without further notice to enter upon the land and remove and abate such structure at the expense of the tower owner or landowner, which may be collected by any remedy available by law; and
6. In the event that more than one wireless telecommunications provider is using the support structure, then this provision shall not become effective until all users cease transmitting from the structures.

17.07.120 Failure to Comply with all Requirements.

Failure to comply with any conditions set forth in this section and all applicable sections including federal and state laws will result in immediate revocation of the wireless telecommunication providers permit and require removal of their antenna, tower, and/or related equipment is applicable and in accordance with section 17.07.110. Procedures for appeals are as outlined in the chapter 17.19.

CHAPTER 17.08 ALTERNATIVE ENERGY FACILITIES

Sections	
17.08.010	Declaration of Intent
17.08.020	Application of Standards and Criteria
17.08.030	Other Applicable Requirements
17.08.040	Conditions for Meteorological Towers
17.08.050	SEPA Requirements
17.08.060	Micrositing Corridors/Areas
17.08.070	Development Standards and Criteria
17.08.080	Compliance with Project Conditions

17.08.010 Declaration of Intent

The intent of this chapter is:

1. To provide requirements for the permitting of wind and solar energy facilities based upon locations where wind and solar energy facilities can meet the standards and criteria set forth herein and/or can be mitigated in relation to the applicable zones; and
2. To provide site criteria for the utilization of the County's wind and solar energy resources. Each energy facility will be subjected to individualized review and the imposition of conditions based on site-specific information that will be tailored to address project impacts in accordance with the adopted site criteria. The ultimate goal is to achieve a predictable but sensitive siting process that effectively addresses project impacts.

17.08.020 Application of Standards and Criteria

Due to the unique nature of each wind and solar energy project site, this section sets forth the requirements and standards for the review and granting of a conditional use permit for a commercial wind or solar energy facility.

1. **Purpose.** The following standards and regulations are necessary for the health, safety, general welfare, and convenience of the inhabitants of the County.
2. **Permits.** No person or applicant shall establish a commercial wind or solar energy facility without first complying with the provisions and standards of this ordinance and obtaining all necessary state and local permits and approvals.
3. **Pre Conditional Use Meeting.** The project applicant will hold a minimum of one informal community meeting within the County to inform the public about the proposed facility. Planning staff will take responsibility for arranging these meetings.
4. **Permits Required.** Before any person shall commence construction, a valid conditional use permit shall be approved. Prior to road construction on county roads and/or new intersections with a county road, county road use and right

of way permits shall be obtained. Building permits must be obtained before foundations are prepared.

5. **Permit Application.** Application for a conditional use permit to create a commercial energy facility shall be filed with the Planning Office. The application for a conditional use permit shall be in writing, signed by the applicant, and shall include the following:
 - a. The name and address of the applicant;
 - b. The project site location and a listing of the tax parcels and parcel ownerships of the proposed facility;
 - c. Twelve copies of the complete layout plan for persons reviewing the application. These plans shall contain the following information:
 - i. Area and dimensions of the project site;
 - ii. Corridor or area within which proposed wind tower turbines, solar panels, and facilities will be located. This includes the study area where micrositing for the final project layout occurs;
 - iii. Number, dimensions, and preliminary footprint of all turbines or solar panels; including the size of the monopoles;
 - iv. Preliminary location and dimensions of all roads and connections to county roads;
 - v. Preliminary location of underground and overhead transmission line corridors;
 - vi. Location of any proposed buildings or facilities, such as operations and maintenance buildings or substations;
 - vii. Location of any existing buildings;
 - viii. Location of existing water, sewer, or any existing gas lines;
 - ix. A map or maps of the existing and proposed site topography including conceptual grading and drainage plans;
 - x. All existing occupied buildings within one mile of turbine "micrositing" corridors or areas and/or proposed turbine locations; and
 - xi. Any other applicable information as might be necessary to interpret the compliance of the plans to the regulation of this ordinance; and
 - d. Such further information as may be requested by the County Planner to enable the determination of whether the proposed facility will comply with all the requirements of this Ordinance and other applicable state and local regulations.
6. **Review Procedure.** Upon receipt of the application and plans, the County Planner shall for review and comment distribute the plans to the following: the County Engineer, the Director of Public Works, the County Environmental Health Officer, the County Building Inspector, and the affected utilities. These

personnel shall review the application and submit written comments to the County Planner within twenty days of the date of distribution of the application.

The County Planner shall review the application for compliance with the provisions of this ordinance and other applicable laws and regulations, shall review the comments received from the review sources, and shall submit a written staff report to the Planning Commission regarding whether the proposed use serves and makes appropriate provisions for the public health, safety, and general welfare.

A public hearing shall be held before the Planning Commission as set out in section 17.15.040.

7. **SEPA Appeal.** In the event of an appeal of the County's SEPA determination, the appeal hearing shall be conducted by a hearings officer as required by section 17.17.270 - SEPA Appeals.
8. **Amendment of a Corridor/Area Site Plan.** A corridor/area site plan as approved by the Planning Commission shall not be altered in a substantial way, such as an increase in the number of towers/solar panels or a change in the project boundaries, unless approved by the Planning Commission. If the alteration is felt to be of a substantial nature, the Planning Commission shall require that the plan be submitted in compliance with these regulations. In the case of micrositing wind turbines, solar panels, or facilities because of changing generator sizing, topographical features, and other conditions, latitude is given provided the wind turbine location is within the corridors/areas approved by the Planning Commission. In the event of micrositing of turbines or facilities within the approved boundaries of the project area, micrositing will not be considered to be a substantial change to the site plan. Prior to any micrositing changes, County Planning staff must be notified.

17.08.030 Other Applicable Requirements.

1. Project applicants will need to comply with other applicable County requirements, such as critical area ordinances, environmental review regulations, and building code requirements.
2. Uses Permitted Outright. The following uses are permitted outright, without the need for a conditional use permit:
 - a. Temporary uses associated with investigatory work to determine the suitability of the site for energy development, such as meteorological towers. The placement of meteorological towers and other such equipment need not obtain a permit through this chapter. However, all other applicable code requirements apply, including provisions stated in 17.08.040.
 - b. Wind Turbine – Private. A wind energy facility (where allowed) and related support structures used for private use is subject to the following limitations:

- i. No more than one wind turbine and related support structures and other improvements per parcel for private use.
 - ii. Minimum lot size shall be five acres.
 - iii. Wind turbine height must conform with the auxiliary building height requirements as specified in the land use matrix.
 - iv. Total electrical generation of the wind turbine shall not to exceed one hundred kilowatts.
 - v. The wind turbine shall be set back from all property lines and public roadways at least one hundred ten percent the height of the wind turbine.
 - vi. Any deviation of these private wind turbine standards shall require a conditional use permit and may be subject to the standards set forth in this chapter for a commercial wind tower.
 - vii. Operation of the wind turbine at the property line shall not increase ambient noise levels by more that 3dba.
- c. Solar Panel – Private. Solar panels attached to a building or providing energy primarily for on-site use are permitted outright and not subject to additional requirements of this chapter.
3. All accessory buildings, uses, and structures related to and supporting the operation of commercial wind energy facilities, including utilities and utility infrastructure needed for the principal use, shall be considered part of the facility. For purposes of this chapter, accessory uses include any temporary (construction phase) concrete or asphalt batch plant and the mining and utilization of on-site gravel for on-site use only, as necessary for the wind energy facility development, such as for the construction of internal roads.

17.08.040 Conditions for Meteorological Towers.

- 1. There is no height restriction on meteorological towers in Asotin County. Towers over two hundred feet are subject to conditions applied by the Federal Aviation Authority (FAA) regarding lighting and markings. The towers will have four FAA red marker balls installed at the uppermost portion of the guy wires to serve as a visual aid for low-flying planes and helicopters.
- 2. For meteorological towers and associated accessory structures, the front setback shall be thirty-five feet from the right of way of any state or county road and side or rear setbacks shall be twenty feet. The setback from parcel or lease lines shall be twenty feet for meteorological towers and five feet for accessory structures.
- 3. The meteorological towers and guy wires shall be fenced sufficiently to prevent unauthorized access. The fence shall be at a minimum six feet high.
- 4. If a meteorological tower is no longer in use, it is to be removed at the time of the decommissioning of a wind energy facility. In the case of a meteorological tower that is not a part of the facility, it is to be removed at the end of its use.

17.08.050 State Environmental Policy Act (SEPA) Requirements.

Expanded SEPA Checklist.

1. An Expanded SEPA Checklist shall be submitted to the Planning Office for each application for a commercial wind or solar energy generating facility. The Expanded Checklist shall be submitted simultaneously with any other permit application that may be required by the County: PROVIDED, That if the County determines that an Environmental Impact Statement (EIS) will be required, an Expanded Checklist will not be required.
2. The Expanded Checklist shall (in addition to being consistent with the SEPA Checklist required in this chapter) provide analysis of impacts to elements of the environment as noted in the SEPA Checklist required in this chapter and chapter 197-11 WAC and explain the measures proposed to avoid, minimize, or mitigate those impacts.
3. Site specific studies for impacts to habitat/wildlife (including avian species) and cultural resources as well as a grading and stormwater management plan complying with applicable local or state best management practices and stormwater quality standards shall be submitted with the Expanded Checklist.
4. Because additional studies may be required by the Planning Office for effective review and siting, a pre-application meeting with a representative from the Planning Office is required. The level of detail and analysis necessary is dependent on the type of project proposed, its location, and the currently available environmental information and review relevant to the proposal.
5. The Expanded Checklist shall include sufficient information to adequately describe the proposal and its impacts including, but not limited to information regarding the total square footage of buildings to be constructed, the maximum height and number of wind turbines, expected noise generation levels, the location of occupied structures in proximity to the proposed project, the locations and length of new roads and above-ground and below-ground electrical cables and power lines, and transportation impacts.
6. An application for review under this chapter shall not be deemed complete until marked complete and dated by the planning official. Except for site specific studies for impacts to habitat/wildlife and avian species, upon a clear showing by the applicant that the study is not applicable or is unnecessary, the Planning Office may, within its discretion, waive specific application requirements. Such a determination shall be documented in writing in the project file. Should the applicant prepare an EIS, the Planning Office may waive all requirements for the submittal of individual studies at the time of application and deem the application complete upon submitting the information required in section 17.08.020(5) above.

17.08.060 Micrositing Corridors/Areas.

1. All terrestrial habitat, critical area assessments, and cultural resource studies required shall be conducted within identified study corridors/areas of

sufficient width and dimension to enable comprehensive environmental assessment while allowing flexibility in the final layout. In order to encourage the maximum sufficiency of studies and to enable the maximum flexibility of final layout based upon site-specific attributes, the County shall review and provide written approval of "micrositing" corridors/areas for all roads, wind turbine or solar panel locations, and above and below-ground electrical transmission locations. This micrositing review occurs at the time of the final layout approval of the project after the conditional use permit has been issued.

2. Actual final locations of wind turbine generators, below-ground electrical cables, and above-ground electrical transmission towers will be established during the micrositing process occurring after permit review and prior to actual construction: PROVIDED, That all such facilities must be sited within the study corridors/areas reviewed and approved by the County. During the micrositing process (when the final, exact locations of the turbines/solar panels and other project elements and equipment are determined), the applicant will typically balance a number of technical and engineering factors, including limitations posed by the terrain, wind data (speed, wind shear, etc.), wake effects of turbines on others, feasibility of access, setbacks (internally established or based on permit requirements), geotechnical considerations (subsurface conditions), environmental restrictions (avoidance of sensitive habitat), cultural/archeological restrictions (avoidance of cultural resource sites), telecommunications constraints (line of sight microwave paths), FAA requirements, and other site-specific criteria that are not fully resolved until final engineering is completed.

17.08.070 Development Standards and Criteria.

1. **Setbacks.** All setback distances established in this section shall be measured from the closest point of the tower/panel to the closest point of the thing from which the tower is set back, for example an occupied building or property line.
 - a. Minimum setbacks. Wind energy turbine towers shall be sited a minimum of one and one-half times the height of the wind turbine generator away from the property line or residential structures, measured from the ground to the maximum extent of the turbine blade.
 - b. Visual setbacks. Visual, including but not limited to shadow flicker, and aesthetic setbacks are imposed to address wholly local concerns regarding the visual and aesthetic impacts of wind turbine generators. For all existing residential structures, commercial wind energy turbine towers shall be setback a minimum distance of one and one-half to five times the maximum height of the turbine, measured to the blade tip at its maximum elevation from any residential structure or property line, whichever is greater.
 - c. A commercial solar energy facility shall be sited a minimum of 200 feet away from an existing residential structure and/or property line.

- d. All accessory buildings, uses, and structures related to and supporting the operation of the commercial energy facilities shall be setback 20 feet away from any residential structure and/or property line.

2. Height Limits.

- a. Subject to standards imposed by the FAA, height limits are not established for wind turbines, transmission towers, and wind data collecting devices such as anemometers.
- b. Solar Panel and building structure height limitations shall be in accordance with the standards established for the applicable zoning district.

3. Site Access and Traffic Management. Prior to commencement of construction, the applicant shall provide the Public Works Department with a traffic management plan. All elements of the traffic management plan shall be reviewed by the County Engineer, who has discretion for determining whether or not the materials are complete or acceptable to the Public Works Department based on state law and prevailing rigorous industry standards. Required elements of the plan shall include:

- a. Public roads to be utilized by the applicant shall be identified in the application. A qualified third party engineer shall document road conditions prior to construction and again within thirty days after construction is complete or as weather permits. The applicant shall enter into a county road use agreement for the repair of damage to public roads resulting from project activities;
- b. Ingress and egress points shall be located and constructed as required by Asotin County Public Works Department in order to assure adequate structural and operational capacity for existing and projected traffic volumes and to provide efficient movement of traffic, including existing and anticipated agricultural traffic and projected construction traffic;
- c. All applicable governmental permits or approvals shall have been obtained, including: permits to access state or county roads (if needed), construction within state or county right of ways, overweight and oversize loads, weight restricted bridges and structures, haul route agreements, etc.;
- d. A franchise agreement pertaining to the long term use of public right of ways for underground utilities, above ground utilities, private facility features, and private infrastructure;
- e. All weather access roads (including graveled roads) suitable to accommodate year-round emergency response vehicles and equipment, shall be provided to within 150 feet of any built structure or surface activity area;
- f. Engineering studies, plans, and reports necessary to substantiate any engineering related elements of the plan; and
- g. Planned phasing requirements of the traffic management plan (if required) to accommodate multi-phase or multi-year construction plans.

4. **Noise.** During construction and operations, sound levels from the project shall also comply with all other applicable state and county noise standards.
5. **Air quality.** All applicable air emission permits shall be obtained with all conditions met. The applicant shall re-vegetate any disturbed areas that are not permanently occupied by the project features. The applicant shall comply with county road standards for dust control and erosion. The applicant shall maintain a water truck on-site during construction for dust-suppression. The construction may be subject to the stormwater ordinances if inside Asotin's urbanized area.
6. **Vegetation and Wildlife Construction Limitations.** Based upon the information provided in the Expanded SEPA Checklist, the applicant shall limit construction disturbance by flagging sensitive areas and conduct ongoing environmental monitoring during construction to assure that flagged areas are avoided. The applicant shall develop a reseeded/restoration and weed management plan in consultation with the Asotin County Weed Control Board. . The construction may be subject to the stormwater ordinances if inside Asotin County's urbanized area.
7. **Overhead Electrical Transmission and Collector Lines.** Overhead electrical transmission and collector lines should be constructed consistently with the existing Avian Power Line Interaction Committee (APLIC) recommendations for raptor protection on power lines and such other commonly accepted industry or regulatory standards.
8. **Avian and Bat Studies and Requirements.** The County shall consider recommended conditions listed in the current, and as amended, Washington State Department of Fish and Wildlife (WDFW) Wind Power Guidelines. However, any recommended conditions taken from the Guidelines or recommended by the WDFW must be reasonable and objective and address project impacts. The following conditions and requirements shall be mandatory:
 - a. The applicant shall conduct project pre-assessment studies consistent with the WDFW Wind Power Guidelines effective on the date of submitting a complete permit application. Project applicants are further advised to consult with WDFW and local habitat/wildlife experts regarding turbine siting before making final site decisions;
 - b. The facility shall use bird flight deflectors on guy supported permanent meteorological towers or use un-guyed permanent meteorological towers;
 - c. The applicant shall assess and monitor raptor nests on the project site for activity prior to construction and modify construction timing and activities to avoid impacts to nesting raptors. At a minimum, one raptor nest survey during breeding season within one mile of the project site should be conducted to determine the location and species of active nests potentially disturbed by construction activities and to identify active and potentially active nest sites with the highest likelihood of impacts from the operation

of the wind plant. A larger survey area (e.g., a two mile buffer) is recommended if there is some likelihood of nesting occurrence of state and/or federally threatened and endangered raptor species (e.g., ferruginous hawk, bald eagle, golden eagle) or if empirical data on displacement impacts may be monitored after construction;

- d. A minimum of one full season of avian use surveys is recommended following current state-of-the-art protocols to estimate the use of the project site by avian species/groups of interest during the season of most concern (usually spring/early summer). Additional seasonal data (e.g. fall or winter) is recommended in the following cases: 1) use of the project site for the avian groups of concern is estimated to be high relative to other projects, and 2) there is very little existing data regarding seasonal use of the project site. This additional avian use data should be collected to refine impact predictions and make decisions on project layout;
 - e. The County shall require the applicant to identify and remove all carcasses of livestock, big game, etc. from within the project that may attract foraging bald eagles or other raptors; and
 - f. The Conditional Use Permit (CUP) shall require the applicant to monitor the project for a minimum of one year following project start-up to estimate bird and bat fatality rates using standard protocol. The applicant shall report bird fatalities observed for the life of the project to WDFW and United States Fish and Wildlife Service USFWS on a quarterly basis, unless and until these wildlife agencies waive or reduce this reporting requirement.
9. **Stormwater.** The applicant shall design and implement Best Management Practices for storm water drainage systems in consultation with a professional engineer to ensure that minimal erosion will occur. After construction and after large rainfall or snowmelt events, the applicant shall monitor the site for erosion on a regular schedule as approved by the Department of Ecology or Asotin County and take corrective action as necessary.
10. **Geologic and Flood Hazards.** The applicant shall design structural foundations and buildings in accordance with applicable International Building Code requirements for the relevant seismic zone. Compliance with all applicable local requirements is required.
11. **Water Resources.** Water required for onsite use (construction phase work, restroom facilities, and general maintenance) shall be obtained in accordance with state and local requirements.
12. **Cultural Resources.** The applicant shall complete a cultural resource survey of areas of the project site that will be disturbed temporarily or permanently. During construction, the applicant shall flag and avoid cultural resources and monitor construction activities to ensure that flagged cultural properties are avoided. The applicant shall train construction workers on the need to avoid cultural properties and provide procedures to follow if previously unidentified

cultural properties, including Indian graves, are encountered during construction. If any previously unidentified cultural resource properties are encountered during construction, the applicant shall cease construction activities in the immediate vicinity of the site pending evaluation by a qualified archeologist and consultation with the Department of Archaeology and Historic Preservation to identify appropriate mitigation measures such as avoidance or scientific data recovery. RCW 27.44.040 criminalizes some actions deemed destructive to cultural resources.

13. Visual Resources.

- a. The applicant shall prepare visual simulations of wind turbines from key viewpoints, chosen in consultation with the Planning Office.
- b. Lighting for security shall be minimized. Lighting fixtures, except those required by the FAA for safety purposes, must be shielded, hooded, and oriented towards the ground so that direct rays of light do not shine onto neighboring properties or serve as a source of light pollution. FAA lights shall be minimized to the extent practicable in consultation with the FAA.
- c. The applicant shall provide a clean looking facility free of debris and unused or broken down equipment by storing equipment and supplies off-site (postconstruction) and promptly removing damaged or unusable equipment from the site.
- d. To the extent practicable, and subject to industry standards and requirements to meet the FAA's daytime lighting and marking standards, the applicant shall chose paint colors that are a non-obtrusive color such as white, off-white, or gray.
- e. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, solar panel, building, or other structure associated with any energy system visible from any public road are prohibited.

14. Decommissioning.

- a. Prior to commencing construction of the project, the applicant shall prepare a decommissioning plan in a form acceptable to the County. A bond, letter of credit, or other security acceptable to the County is required to ensure proper decommissioning of each turbine, solar panel, and other equipment. The amount of the security shall be determined on the basis of the site-specific conditions affecting the costs of decommissioning, access, depth of foundation, terrain, etc., to include credit for salvage value of the equipment. The timing for supplying the security shall be determined in consultation with the County. If, however, the project is owned and operated by an investor-owned electric utility regulated by the Washington Utility and Transportation Commission, such security device as described in this condition may be waived and the removal and restoration obligations hereunder shall be a general obligation of the investor-owned utility.

- b. Upon termination of operations, or if the project is abandoned or ceases operation for more than two hundred seventy consecutive days (except in the event of man-made or natural disaster not in the control of the applicant), the applicant or the then current owner shall, at their sole cost and expense, dismantle and remove above ground improvements including wind turbines, solar panels, step-up transformers, substations, overhead transmission lines and support structures, control hardware, and meteorological towers. Foundations will be removed to a level of three feet below the surface of the ground unless requested to be maintained by the landowner. At the request of the landowner, they shall also remove operations and maintenance buildings. The applicant shall repair any damage as a result of such removal, restore the property to grade, and implement erosion and control devices and procedures, restoring the site as reasonably as possible to its pre-project condition. In the event that the applicant or the then current owner does not fulfill their obligations under this section, the County may, at its sole election, dismantle and remove any wind tower, solar panel, or related facility. In such case, the applicant and the then current owner shall pay and be liable to the County for all costs incurred by the County to complete the decommissioning.
- c. All applicable local and state regulatory requirements shall be complied with, including obtaining demolition permits and complying with permit conditions for removal of existing turbines, solar panels, and structures from the site.

15. Public Safety, Inquiries, and Complaints:

- a. The applicant shall comply with state occupational health and safety standards.
- b. During project construction and all project welding operations, the applicant shall have a readily accessible water truck and chemical fire suppression materials available on site to allow immediate fire response.
- c. The applicant shall provide project staff with cellular or on-site phones to enable timely communication with the Fire Department and other emergency services. The owner of the site will inform the proper fire district of the location of and means of accessing the alternative energy facility
- d. The applicant shall fence site entrances as appropriate and post signs warning of electrical dangers with emergency contact numbers e.g. phone numbers of emergency responders. The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
- e. The applicant shall monitor the site for evidence of unauthorized use and provide additional security as appropriate.

17.08.080 Compliance with Project Conditions.

1. Upon proving reasonable notice to the project owner or operator, County officials shall have the right to enter the project site to verify compliance with project conditions.
2. Compliance with project conditions and code requirements is required. In addition to such other remedies available under law, any County department or other decision maker issuing any decision, environmental determination (such as a mitigated determination of non-significance), approval, authorization, or other determination, including a determination on the conditions to apply to a particular project under this chapter ("authorization"), may conduct enforcement activities in accordance with County code and Washington law.

CHAPTER 17.09 ADULT ENTERTAINMENT

Sections:

- 17.09.010 Purposes.
- 17.09.020 Definitions.
- 17.09.030 Permitted Locations.
- 17.09.040 Prohibited Locations.
- 17.09.050 Prohibited Actions.

17.09.010 Purposes.

The purpose of this chapter is to protect the general public health, safety, and welfare of the citizens of Asotin County through the regulation of adult use businesses through zoning and through certain requirements. The regulations set forth in this chapter are intended to prevent crime; protect the County's retail trade; maintain property values; and generally protect and preserve the quality of the County's neighborhoods, business, and commercial districts.

17.09.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

1. **“Adult Arcade”** means a retail establishment in which coin-operated, slug-operated, or still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein, for observation by patrons within.
2. **“Adult bookstore,” “adult novelty store,” “adult retail store” or “adult video store”** means a commercial establishment that, as one of its principal purposes, offers for sale or rental for any form of consideration one or more of the following:
 - a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 - b. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
3. **“Adult Motion Picture Theater”** means an enclosed building with a capacity of fifty or more persons, or a portion of an enclosed building with a capacity of fifty or more persons, where films, motion pictures, cable television, video cassettes, slides, or similar photographic reproductions are regularly shown that are distinguished or characterized by an emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical

areas,” as defined herein, for observation by patrons therein. “Adult mini theater” is one that has capacity of less than fifty persons as described above.

4. **“Adult Panorama Establishment”** means any building or portion of a building containing devices which for payment of a fee, membership fee, or other charge, is used to exhibit or display a picture, view, or other graphic display distinguished or characterized by an emphasis on matters depicting or relating to “specified sexual activities” or “specified anatomical areas” as defined herein.
5. **“Adult Use”** means any adult arcade, adult bookstore, adult mini theater, adult motion picture theater, adult panorama establishment, adult retail store, or live adult entertainment establishment as defined herein.
6. **“Adult Use Business”** means any adult arcade, adult bookstore, adult mini theater, adult motion picture theater, adult panorama establishment, adult retail store, or live adult entertainment establishment as defined herein, or any establishment, which provides one or more of the activities listed herein.
7. **“Employee”** means any and all persons, including managers, entertainers, and independent contractors who work in or at or render any services directly related to the operation of an adult use business.
8. **“Entertainer”** means any person who provides live adult entertainment within an adult use business as herein defined whether or not a fee is charged or accepted for entertainment.
9. **“Entertainment”** means any exhibition or dance of any type, pantomime, modeling, or any other performance that provides for live adult business as herein defined.
10. **“Live Adult Entertainment Establishment”** means any building or portion of a building that contains any exhibition or dance that is for the benefit of a member or members of the adult public, or advertised for the use or benefit of a member of the adult public, held, conducted, operated, or maintained for profit, direct or indirect.
11. **“Manager”** means any person who manages, directs, administers, or is in charge of the affairs and/or conduct of any portion of any activity involving adult entertainment occurring at any adult entertainment premises. This term includes persons acting as assistant managers.
12. **“Nude Model Studio”** means a place where a person appears semi-nude, nude, or who displays “specified anatomical areas” described herein and the person is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. “Nude model studio” does not include: “state universities,” “regional universities,” “state colleges,” and “institutions of higher education,” as defined by RCW 28B.10.016, as it now exists or is hereafter amended.

13. **“Public Place”** means any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, driveways, and parking lots. “Public place” shall also mean any automobiles whether moving or not, that are in the public view.
14. **“Sensitive Land Uses”** means those land uses that are particularly sensitive to the secondary effects of adult use businesses. Sensitive land uses include the following:
 - b. Churches or other religious facilities or institutions;
 - c. Multiple-family and single-family residential zones;
 - d. Three or more residential dwelling units within one thousand feet of the proposed adult use business;
 - e. Playgrounds and public parks;
 - f. Public and private schools, technical schools, and training facilities;
 - g. Manufactured home parks;
 - h. Nursery school facilities; and
 - i. Nursing home residential care facilities.
15. **“Sexual Activity”** means any conduct described in RCW 9A.44.010(1) and RCW 9A.44.010 (2), as it now exists or is hereafter amended, and any act of masturbation.
16. **“Specified Anatomical Areas”** means less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state even if completely or opaquely covered.
17. **“Specified Sexual Activities”** means human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy, whether between persons of the same or opposite sex; and/or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
18. **“Stock in Trade”** means all books, equipment, magazines, periodicals, pictures, posters, printed material, products (including pre-recorded video tapes, discs, or similar material), or other items readily available for purchase, rental, viewing, or use by patrons of the establishment excluding material located in any storeroom or other portion of the premises not open to patrons.

17.09.030 Permitted Locations.

An adult use business, as defined in this chapter, shall be permitted to locate in a Neighborhood Commercial zone only: PROVIDED, That it meets all the location requirements set forth in the following section.

17.09.040 Prohibited Locations.

1. Adult use businesses shall be prohibited within one thousand feet of any county or unincorporated area of Asotin County zoned for residential purposes. Residential zones shall include:
 - a. Low/Medium Density Residential (L-R);
 - b. High Density Residential (H-R);
 - c. Ag-Transition (A-T);
 - d. Rural Residential (R-R);
 - e. Planned Development District (P-D); and
 - f. Any residential zone hereafter adopted by the County.
2. Adult use businesses shall be prohibited within one thousand feet of any areas defined as sensitive land uses.
3. Adult use businesses shall be prohibited within five hundred feet of any other adult use business, as defined in this chapter.
4. The distances provided herein shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the adult use business is located or is to be located, to the nearest point of the parcel of property or the zoning district boundary line from which the proposed adult use business is separated or is to be separated.

17.09.050 Prohibited Actions.

Nothing in this chapter is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business building or use that violates any Asotin County ordinance or statute of the State of Washington regarding public nuisances, sexual conduct, lewdness, or obscene or harmful matter, or the exhibition or public display thereof.

CHAPTER 17.010
ESTABLISHMENT AND DEVELOPMENT OF MOBILE
HOME/MANUFACTURED HOME PARKS

Sections

17.10.010	Purpose.
17.10.020	Applicability.
17.10.030	Permits.
17.10.040	Permits Required.
17.10.050	Permit Application.
17.10.060	Review Procedure.
17.10.070	Binding Site Plan.
17.10.080	Amendment to the Binding Site Plan.
17.10.090	Duration of Approval.
17.10.100	Completion Prior to Occupancy.
17.10.110	Inspection Required.
17.10.120	Inspection Application.
17.10.130	Inspection.
17.10.140	Park Administration.
17.10.150	Standards.
17.10.160	Fence.
17.10.170	Streets.

17.10.010 Purpose.

The purpose of this section shall be to ensure a suitable living environment for residents of mobile and manufactured homes (MH) located within mobile home/MH parks. The following standards and regulations are necessary for the health, safety, general welfare, and convenience of the inhabitants of Asotin County.

17.10.020 Applicability.

All mobile home parks, as defined by this section, within the unincorporated areas of the County shall be subject to the conditions hereinafter set forth.

17.10.030 Permits.

No person shall establish a new park or alter an existing park without first complying with the provisions and standards of this Ordinance and obtaining all necessary permits and approvals.

17.10.040 Permits Required.

Before any person shall commence construction of a new park or make any alterations to an existing park, a valid permit shall be secured and held.

17.10.050 Permit Application.

Application for a permit to create or alter a mobile home/MH park shall be filed at the office of the Planning Director. The fee for such application shall be set by

separate County Resolution. The application for a permit shall be in writing and signed by the owner. A site plan shall be submitted by a WA State Licensed Surveyor, Engineer, or Architect and shall include the following information:

1. The name and address of the owner;
2. The location and legal description of the park;
3. Ten copies of the complete layout plan for the park to be forwarded to persons reviewing the application. These plans shall contain the following information:
 - a. Area and dimensions of the tract of land;
 - b. Number, location, dimensions, and area of all mobile/MH spaces;
 - c. Location and dimensions of all streets and walks;
 - d. Location of any existing and proposed buildings;
 - e. Location of water, sewer, and gas lines or alternative sewage disposal systems;
 - f. A map or maps of the existing and proposed site topography including grading and drainage;
 - g. Location of fence;
 - h. Location and dimensions of off-street parking areas, including the parking area for accessory parking;
 - i. Location of fire hydrants;
 - j. Location of common refuse container; and
 - k. Other applicable information that might be necessary to interpret the compliance of the plans to the regulations of this Ordinance;
4. Plans and specifications of all buildings, improvements, and other facilities such as electrical wiring, water, service pipes, gas service pipes, and sewer service, constructed or to be constructed within the park; and
5. A list of names and addresses of property owners within 300' of the property boundaries.
6. Such further information that may be requested by the Planning Director to enable the determination of whether the proposed park will comply with all the requirements of this Ordinance and other applicable state and local regulations.

17.10.060 Review Procedure.

1. Upon receipt of the complete application and plans, the Planning Director shall forward plans to the following for review and comment: the Planning Commission, the Health Officer, the County Engineer, and the affected utilities. The Health Office, County Engineer, and affected utilities shall

review the application and submit written comments to the Planning Commission within twenty days of receipt of the application.

2. The Planning Commission shall review the application for compliance with the provisions of this ordinance and other applicable laws and regulations, shall review the comments received from the review sources, and shall determine whether the proposed uses serve and make appropriate provision for the public health, safety, and general welfare.
3. Upon receipt of the written comments from the affected agencies, the Planning Commission shall schedule and hold at least one public hearing on the application prior to taking action. Notice of said hearing shall be published once in the official gazette of the County and posted on the proposed site in one conspicuous location at least ten days prior to the date of the hearing. Failure of a person to receive a notice prescribed in this section shall not impair the validity of the hearing.
4. The Planning Commission shall, within 60 days of receiving the application, make written recommendation of approval, approval with conditions, or disapproval to the Board and shall forward copies of all written comments received on the application.
5. The Board shall consider the recommendation of the planning commission and any other input contributed and shall either approve, approve with conditions, or disapprove the application. If the application is approved or approved with conditions by the Board, the applicant shall prepare and submit a binding site plan to the office of the Planning Director. Said binding site plan shall conform to the approval granted by the Board and shall be signed by the Board during a regularly scheduled meeting.

17.10.070 Binding Site Plan.

The Binding Site Plan shall include all information requested on the layout plan in addition to the legal description of the tract and shall include the following statement that has been signed by the owner and notarized: "I (We), the owner of the hereto described real property located in Asotin County, Washington, do hereby bind ourselves, heirs, or assigns to the binding site plan shown, until such time as the plan is amended or the use as a mobile home park ceases." Said plan shall be filed in the office of the Planning Director. Upon receipt of the approved binding site plan, the Planning Director shall issue a Building Permit. The permit fee will be based upon the value of the work to be accomplished and shall be set by separate County Resolution.

17.10.080 Amendment to the Binding Site Plan.

A binding site plan as approved by the Board shall not be altered unless reviewed by the Engineering Department and the Building and Planning Department. Minor amendments consisting of no more than five percent of the lot area may be administratively approved by the Planning Director. All other amendments shall be reviewed and approved by the Board. If the alteration is felt to be of a

substantial nature, either the Planning Director or the Board shall require that the plan be resubmitted in compliance with these regulations.

17.10.090 Duration of Approval.

Preliminary approval of the binding site plan shall be effective for three years from the date of preliminary approval by the Board. During this time, the terms and conditions upon which the approval was given will not be changed except as provided in section 17.10.080 above. During this time, improvements required by the approved action shall be completed. If improvements have not been completed, the developer may ask for a time extension of a time period not to exceed one year.

17.10.100 Completion Prior to Occupancy.

All required improvements and other conditions of park approval shall be met prior to occupancy of any space by a mobile home: PROVIDED, That completion may be accomplished by phases if approved by the Board.

17.10.110 Inspection Required.

Before any person shall operate a newly established park, an inspection shall be done on the park to assure conformance with the binding site plan and the standards of this Ordinance. With respect to nonconforming parks, the inspection shall be done to assure that any alterations or enlargements are in conformance with this section

17.10.120 Inspection Application.

Application for an inspection shall be filed at the office of the Planning Director. The application for an inspection shall be in writing, signed by the owner, and shall include the following:

1. Name and address of the owner;
2. Name and address of the park operator/manager;
3. Name and address of the mobile home park; and
4. Number of spaces in the mobile home park.

The Planning Director shall inspect the park to assure that it meets the requirements of this Ordinance and other applicable regulations. Fees for said inspection and any subsequent inspections shall be adopted by separate resolution and shall be collected by the Planning Director.

17.10.130 Inspection.

Any park may be inspected at any reasonable time by the Planning Director or Health Officer based upon a complaint, a change of ownership, or a change of status from non conforming use. The park owner shall be given written notice ten days prior to the inspection. If they find conditions or practices that exist that are in violation of any of the provisions or regulations of this Ordinance or other applicable regulations, the Planning Director shall give notice in writing either by

registered mail or personal service to the owner. Unless such violated conditions or practices are corrected within the time stated in said notice, the matter may be turned over to the County Prosecuting Attorney.

17.10.140 Park Administration.

The owner or operator of a park shall be responsible for ensuring the maintenance of all structures and their sites. Park management shall conform to applicable state laws. Compliance with this ordinance shall not exempt the park owner from complying with all other applicable local, state, and federal codes and regulations.

17.10.150 Standards.

The following standards and regulations shall apply to all mobile home parks:

1. The minimum area for a mobile home/MH park shall be two acres;
2. Within a park, the minimum area for a home space shall be two thousand eight hundred square feet and the minimum width for each space shall be thirty feet. The square footage of a mobile home on a space shall not exceed forty percent of the total area of the space;
3. The following are minimum setbacks for homes within a park:
 - a. From a public road right of way, twenty five feet;
 - b. From a street within the park, five feet; and
 - c. From an adjacent property line, 10 feet; and
4. There shall be a fifteen foot minimum clearance between homes: PROVIDED, That with respect to homes located end-to-end, the clearance shall be a minimum of ten feet. The above setbacks include structures such as awnings and decks, covered or uncovered.

17.10.160 Fence.

There shall be a sight-obscuring fence of a minimum of six feet in height surrounding the park on its entire perimeter excluding the points of ingress and egress. The use of trees and/or shrubbery may be used in conjunction with a fence to accomplish the same sight-obscuring objective.

17.10.170 Streets.

1. Streets within a park shall be designed so as to provide continuous forward movement, shall have access onto a public street with a minimum of fifty feet of public right of way, shall have at least two hundred fifty feet of sight distance at the intersection with the public right of way, and said public street shall be capable of accommodating the proposed traffic increases.
2. Every space within the park shall have direct access onto a street within the park and shall not have direct access onto a public street.
3. Within a park, there shall be no dead-end street longer than one hundred fifty feet without an adequate cul-de-sac or approved turn-around. An adequate

cul-de-sac is defined as having an unobstructed surface area with a diameter of ninety (90) feet or greater, with restricted parking.

4. Streets within the park shall have a minimum unobstructed width of twenty-eight feet and shall restrict on-street parking. All streets shall have a Portland cement concrete, asphalt chip seal, or asphaltic concrete surface with an adequate base as specified in the Asotin County Road Standards.

17.10.180 Lighting.

Throughout the park there shall be night lighting of an amount equal to or greater than the equivalent of 10 foot candle at 30 inches above the ground at all pedestrian walkways. This illumination may be provided with individual lamp posts at each space or combined into overhead street lamps or any other arrangement which fulfills or exceeds the requirements of this regulation.

17.10.190 Service Building.

A mobile home/MH park which accommodates Recreational Vehicles shall provide the following:

1. Facilities for emptying holding tanks of the Recreational Vehicles.
2. A minimum of one service building (more may be required by Local or State Health and/or plumbing codes) providing at the minimum one wash sink, two flush toilets, one lavatory, and one shower or bathtub for each sex.

17.10.200 Parking.

A minimum of two parking spaces shall be provided for each home space, of which one parking space may be on-street if the street width is adequate as per Section 17.10.170. Furthermore, these parking spaces shall be situated on or immediately adjacent to each individual space. In addition, there shall be a minimum of one parking space per every three mobile home spaces provided for the parking of recreational vehicles, trailers, boats, etc. These parking spaces may be grouped or located anywhere in the park. For the purposes and intent of this regulation, a parking space shall be a minimum of nine feet by twenty feet, shall have sufficient room for access and mobility and shall have a durable, dust free surface.

17.10.210 Fire Hydrants.

Every space within the park shall be within 600 feet of a fire hydrant. This distance is to be measured and determined along the route by which the fire hose would be laid. All hydrants shall be 'Waterous' brand hydrants and shall be installed per manufactured specifications.

17.10.220 Refuse Disposal.

There shall be at least one individual refuse disposal container located at each home space and/or at least one dumpster-type refuse disposal container located within the park for use by the residents of the park.

17.10.230 Accessory Buildings

Accessory buildings, if provided, shall be for the purpose of storage only and shall be located on the space in such a manner as to meet the setback requirements. Accessory buildings shall conform to the setbacks as set forth in 17.10.150 except that with respect to property lines, the setback distance shall be a minimum of five feet. In no case shall an accessory building obstruct ingress/egress from a home or the space it's located on.

17.10.240 Storm Drainage Containment.

The County shall, as a condition of approval, require the owner to construct storm drainage facilities such as dry wells, settling basins, or other methods acceptable to the County so that the excess storm water runoff of at least a ten (10) year flood flow rate will be satisfactorily contained. If deemed necessary by the Asotin County Engineer, higher runoff factors may be required for the design of the containment facilities.

The developer shall be required to show by engineering analysis, that such settling and storm water runoff containment facilities will contain 10-year runoffs so that storm water runoff from the developed mobile home park is no greater than it would have been if the land was left undeveloped.

17.10.250 Nonconforming Parks.

All now existing parks not meeting the requirements of this Ordinance are considered to be nonconforming parks. As such, these parks are not required to comply with the regulations of this Ordinance unless the park is to be altered, extended or the use is discontinued in accordance with Chapter 17.14.

17.10.260 Alterations.

Subject to the provisions of this section, a nonconforming park may only be altered in compliance with this ordinance. Exceptions to this section are as follows.

1. Any enlargement that brings the parks further into compliance with the regulations of this ordinance without increasing the number of spaces or the existing configuration of the park.
2. Any enlargement (or addition) to the park must be in full compliance with the regulations of this ordinance. This shall not be construed to mean that the existing portion of the park must be brought into full compliance. However, if such extension (or alteration) is constructed in such manner that access from the public street serving the park to the extension (or addition) is through any or all of the existing nonconforming park, that access route shall be made to conform with the street standards as prescribed in Section 17.10.

17.10.270 Utilities.

All parks shall provide permanent electrical, water, and sewage disposal connections to each space in accordance with applicable state and local codes and regulations.

1. The sewer lines of the park shall be connected to a public sewer system where available and shall meet the requirements of the Asotin County Public Utility District Sewer Standards.
2. Where a public sewer system is not available, an on-site sewage system shall be used. The approval of the Health Officer shall be obtained on the type of on-site treatment proposed and on the design and construction of the on-site disposal system.
3. All public sewage and plumbing systems within the park shall conform to the requirements of the most currently adopted Plumbing Code recognized by the State of Washington.
4. All water, sewer, electrical, and communication service lines shall be underground and shall be approved by the agency or jurisdiction providing the service. Water and/or gas shutoff valves, meters, and regulators shall not be located beneath the homes and/or accessory structures.

CHAPTER 17.11 RECREATIONAL VEHICLE PARKS

Sections

17.11.010	Purpose.
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17.11.040	Permits Required.
17.11.050	Permit Application.
17.11.060	Review Procedure.
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17.11.090	Duration of Approval.
17.11.100	Completion Prior to Occupancy.
17.11.110	Inspection Required.
17.11.120	Inspection Application.
17.11.130	Inspection.
17.11.140	Park Administration.
17.11.150	Standards.
17.11.160	Nonconforming Parks.
17.11.170	Alteration.
17.11.180	Utility Requirements.

17.11.010 Purpose.

The purpose of this Ordinance shall be to ensure a Recreational Vehicle Park (RV) is a safe living environment for residents of RVs located within RV parks. The following standards and regulations are necessary for the health, safety, general welfare, and convenience of the inhabitants of Asotin County.

17.11.020 Applicability.

All RV parks, as defined by this Ordinance, within the unincorporated areas of the County shall be subject to the conditions hereinafter set forth.

17.11.030 Permits.

No person shall establish a new RV park or alter an existing park without first complying with the provisions and standards of this ordinance and obtaining all necessary permits and approvals.

17.11.040 Permits Required.

Before any person shall commence construction of a new RV park or make any alterations to an existing RV park, a valid permit shall be secured and held.

17.11.050 Permit Application.

Application for a permit to create or alter a RV park shall be filed at the office of the Planning Director. The fee for such application shall be set by separate County Resolution. The application for a permit shall be in writing and signed by the owner. A site plan shall be submitted by a WA State Licensed Surveyor, Engineer, or Architect and shall include the following information:

1. The name and address of the owner;
2. The location and legal description of the RV park;
3. Ten copies of the complete layout plan for the park to be forwarded to persons reviewing the application. These plans shall contain the following information:
 - a. Area and dimensions of the tract of land;
 - b. Number, location, dimensions, and area of all RV spaces including the size of RV each space is intended to contain;
 - c. Location and dimensions of all streets and walks;
 - d. Location of any proposed buildings;
 - e. Location of any existing buildings;
 - f. Location of water, sewer, and gas lines or alternative sewage disposal systems;
 - g. A map or maps of the existing and proposed site topography including grading and drainage;
 - h. Location of fence;
 - i. Location and dimensions of off-street parking areas;
 - j. Location of fire hydrants;
 - k. Location of common refuse container; and
 - l. Other applicable information as might be necessary to interpret the compliance of the plans to the regulations of this Ordinance;
4. Plans and specifications of all buildings, improvements, and other facilities such as electrical wiring, water service pipes, gas service pipes, and sewer service constructed or to be constructed within the park; and
5. A list of names and addresses of property owners within 300' of the property boundaries.
6. Such further information as may be requested by the Planning Director to enable him to determine if the proposed park will comply with all the requirements of this Ordinance and other applicable state and local regulations.

17.11.060 Review Procedure.

1. Upon receipt of the complete application and plans, the Planning Director shall forward plans to the following for review and comment: the Planning Commission, the Health Officer, the County Engineer, and the affected utilities. The Health Office, County Engineer, and affected utilities shall review the application and submit written comments to the Planning Commission within twenty days of receipt of the application.
2. The Planning Commission shall review the application for compliance with the provisions of this ordinance and other applicable laws and regulations, shall review the comments received from the review sources, and shall determine whether the proposed uses serve and make appropriate provision for the public health, safety, and general welfare.
3. Upon receipt of the written comments from the affected agencies, the Planning Commission shall schedule and hold at least one public hearing on the application prior to taking action. Notice of said hearing shall be published once in the official gazette of the County and posted on the proposed site in one conspicuous location at least ten days prior to the date of the hearing. Failure of a person to receive a notice prescribed in this section shall not impair the validity of the hearing.
4. The Planning Commission shall, within 60 days of receiving the application, make written recommendation of approval, approval with conditions, or disapproval to the Board and shall forward copies of all written comments received on the application.
5. The Board shall consider the recommendation of the planning commission and any other input contributed and shall either approve, approve with conditions, or disapprove the application. If the application is approved or approved with conditions by the Board, the applicant shall prepare and submit a binding site plan to the office of the Planning Director. Said binding site plan shall conform to the approval granted by the Board and shall be signed by the Board during a regularly scheduled meeting.

17.11.070 Binding Site Plan.

The binding site plan shall include all information requested on the layout plan in addition to the legal description of the tract and shall include the following statement that has been signed by the owner and notarized: "I (We), the owner of the hereto described real property located in Asotin County, Washington, do hereby bind ourselves, heirs, or assigns to the binding site plan shown, until such time as the plan is amended or the use as a RV park ceases." Said plan shall be filed in the office of the Planning Director. Upon receipt of the approved binding site plan, the Planning Director shall issue a Building Permit. The permit fee will be based upon the value of the work to be accomplished and shall be set by separate County Resolution.

17.11.080 Amendment of a Binding Site Plan.

A binding site plan as approved by the Board shall not be altered unless reviewed by the Public Works Department and the Building and Planning Department.

Minor amendments consisting of no more than five percent of the lot area may be administratively approved by the Planning Director. All other amendments shall be reviewed and approved by the Board. If the alteration is felt to be of a substantial nature, either the Public Works Department, Planning Department, or the Board shall require that the plan be resubmitted in compliance with these regulations.

17.11.090 Duration of Approval.

Preliminary approval of the binding site plan shall be effective for three years from the date of approval by the Board. During this time, the terms and conditions upon which the approval was given will not be changed except as provided in section 17.11.080 above. During this time, improvements required by the approved action shall be completed.

17.11.100 Completion Prior to Occupancy.

All required improvements and other conditions of park approval shall be met prior to occupancy of any space by a RV: PROVIDED, That completion may be accomplished by phases if approved by the Board.

17.11.110 Inspection Required.

Before any person shall operate a park, an inspection shall be done on the park to assure conformance with the binding site plan and the standards of this Ordinance. With respect to nonconforming parks, the inspection shall be done to assure that any alterations or enlargements are in conformance with this section 17.11.170.

17.11.120 Inspection Application.

Application for an Inspection shall be filed at the office of the Planning Director. The application for an Inspection shall be in writing, signed by the owner, and shall include the following:

1. Name and address of owner;
2. Name and address of park operator/manager;
3. Name and address of RV park; and
4. Number of spaces in RV park.

The Planning Director shall inspect the park to assure that it meets the requirements of this Ordinance and other applicable regulations. Fees for said Inspection and subsequent inspections shall be adopted by separate resolution and shall be collected by the Planning Director.

17.11.130 Inspection.

Any park may be inspected at any reasonable time by the Planning Director or Health Officer based upon a complaint, a change of ownership, or a change of status from non conforming use. Each park owner shall be given written notice ten days prior to said inspection. If they find conditions or practices that exist that are in violation of any of the provisions or regulations of this Ordinance or other

applicable regulations the Planning Director shall give notice in writing either by registered mail or personal service to the owner. Unless such violated conditions or practices are corrected within the time stated in said notice, the matter may be turned over to the County Prosecuting Attorney.

17.11.140 Park Administration.

The owner or operator of a RV park shall be responsible for ensuring the maintenance of all structures and their sites. Park management shall conform to applicable state laws. Compliance with this Ordinance shall not exempt the park owner from complying with all other applicable local, state, and federal codes and regulations.

17.11.150 Standards.

The following standards and regulations shall apply to all RV Parks or RV spaces within a mobile home park:

1. **Minimum Area.** The minimum area for a RV Park shall be two acres; however, when a RV park is part of a mobile home park, only the combined total of the park need be two acres;
2. **Spaces Within a Park.** The minimum area for a space in which the RV is required to be backed in or out shall be one thousand two hundred square feet (1,200 sf) and the minimum width shall be twenty feet. The minimum area for a drive-thru space shall be one thousand two hundred square feet (1,200 sf) and the minimum width shall be twenty feet (ten feet for the drive and ten feet for open space). The square footage of a RV on a space shall not exceed forty percent of the total area of the space;
3. **Setbacks.** The following are minimum setbacks for RVs within a park:
 - a. From a public road right of way, ten feet;
 - b. From a street within the park, five feet;
 - c. From an adjacent property line, ten feet;
 - d. Front setback for fence, zero feet; and
 - e. Furthermore, there shall be a ten foot minimum clearance end to end and side to side between RV's. Slide-outs and tip-outs shall not encroach upon the required clearance space;
4. **Fence.** There shall be a sight-obscuring fence of a minimum of five feet in height surrounding the RV park on its entire perimeter excluding the points of ingress and egress. The use of trees and/or shrubbery may be used in conjunction with a fence to accomplish the same sight-obscuring objective;
5. **Clear vision area requirements.** A clear vision area shall be maintained on the corners of all property adjacent to the intersection of two streets in accordance with section 17.05.030;

6. **Streets.**

- a. Streets within a park shall be designed so as to provide continuous forward movement;
- b. Streets shall have access onto a public street with a minimum of fifty feet of public right of way, shall have at least two hundred fifty feet of sight distance at the intersection with the public right of way;
- c. The public street shall be capable of accommodating the proposed traffic increases;
- d. Every space within the park shall have direct access onto a street within the park and shall not have direct access onto a public street;
- e. Within a park, there shall be no dead-end street longer than one hundred fifty feet without an adequate cul-de-sac or approved turnaround having an unobstructed surface area with a minimum diameter of 90 feet, with restricted parking.
- f. Streets within the park shall have a minimum unobstructed width of twenty-four feet;
- g. All streets shall have a Portland cement concrete, asphalt chip seal, or asphaltic concrete surface with an adequate base to support the traffic loads; and
- h. Rural RV Park streets are not required to have paved surfaces but are required to provide adequate means for dust abatement.

7. **Lighting.** Throughout the park there shall be night lighting of an amount equal to or greater than the equivalent of ten foot candle at thirty inches above the ground at all pedestrian walkways. This illumination may be provided with individual lamp posts at each space or combined into overhead street lamps or any other arrangement that fulfills or exceeds the requirements of this regulation;

8. **Sewage.** The RV park shall provide:

- a. A minimum of one service building (more may be required by state health and/or plumbing codes) providing at the minimum one wash sink, two flush toilets, one lavatory, and one shower or bathtub for each sex; and
- b. For dependant RV's, a minimum of one approved sewage dump and a flush water standpipe at the sewage dump with an approved reduced pressure backflow prevention device;

9. **Parking.** In accordance with section 17.05.050, a minimum of one parking space shall be provided for each RV space. In addition, there shall be a minimum of one parking space per every three RV spaces provided for the parking of recreational vehicles, trailers, boats, etc. These parking spaces may be grouped or located anywhere in the park;

10. **Fire Hydrants.** Every space within the park shall be within six hundred feet of a fire hydrant or as required by the Fire Chief. This distance shall be measured and determined along the route by which the fire hose would be laid. Rural RV Parks shall conform within the regulations of Ordinance 98-29 and any revisions thereto.
11. **Refuse Disposal.** There shall be at least one individual refuse disposal container located at each RV space and/or at least one cubic yard refuse disposal container located within the park for use by the residents of the park;
12. **Accessory Buildings.** Accessory buildings, if provided, shall be for the purpose of storage only and shall be located on the space in such a manner as to meet the setback requirements. Accessory buildings shall conform to the setbacks as set forth in section 17.11.150(3) except that with respect to property lines, the setback distance shall be a minimum of five feet. In no case shall an accessory building obstruct free egress from door exits of the RVs; and
13. **Storm Drainage Containment.** The County shall, as a condition of approval, require the owner to construct storm drainage facilities such as dry wells, setting basins, or other methods acceptable to the County so that the excess storm water runoff of at least a ten year flood flow rate will be satisfactorily contained. If deemed necessary by the Public Works Director, higher runoff factors may be required when the developer designs said containment facilities. The developer may be required to show by engineering analysis that such settling and storm water runoff containment facilities will contain ten-year runoffs so that storm water runoff from the developed RV park is no greater than it would have been if the land was left undeveloped. The stormwater control must conform to the County Stormwater Ordinances.

17.11.160 Nonconforming Parks.

All now existing RV parks not meeting the requirements of this Ordinance are considered to be nonconforming parks. As such, these parks are not required to comply with the regulations of this Ordinance unless the park is to be altered, extended or the use discontinued in accordance with chapter 17.14.

17.11.170 Alteration.

Subject to the provisions of this section, a nonconforming park may only be altered in compliance with this ordinance. Exceptions to this section are as follows:

1. Any alteration that brings the park further into compliance with the regulations of this Ordinance without increasing the number of spaces or the existing configuration of the park; and
2. Any enlargement (or addition) to the park must be in full compliance with the regulations of this Ordinance. This shall not be construed to mean that the existing portion of the park must be brought into full compliance. However, if such extension (or addition) is constructed in such manner that access from the public street serving the park to the extension (or addition) is through any

or all of the existing nonconforming park, that access route shall be made to conform with the street standards as prescribed in section 17.11.150(6).

17.11.180 Utility Requirements.

All RV parks shall provide permanent electrical and water connections, and sewage disposal accommodations for each RV space in accordance with applicable state and local codes and regulations.

1. The sewer lines of the RV Park shall be connected to a public sewer system where available and shall meet the requirements of the Asotin County Public Utility District Sewer Standards.
2. Where a public sewer system is not available, an on-site sewage system shall be used. The approval of the Health Officer shall be obtained on the type of on-site treatment proposed and on the design and construction of the on-site disposal system.
3. All public sewage systems plumbing within the park shall conform to the requirements of the most currently adopted Plumbing Code recognized by the State of Washington.
4. All water, sewer, electrical, and communication service lines shall be underground and shall be approved by the agency or jurisdiction providing the service. Water and/or gas shutoff valves, meters, and regulators shall not be located beneath the RVs.

CHAPTER 17.12 PLANNED DEVELOPMENTS

Sections

17.12.010	Purpose.
17.12.020	Deviation from Development Standards.
17.12.030	Procedure.
17.12.040	Findings.
17.12.050	Action Planning Commission.
17.12.060	Action Board of County Commissioners.
17.12.070	Effect of Action.

17.12.010 Purpose.

The purpose of this chapter is to provide a set of flexible standards for the development of property. Planned developments provide the opportunity for flexible design concepts warranting deviation from normal development standards.

17.12.020 Deviation from Development Standards.

1. Planned developments must be five acres or more for a combination of uses.
2. The County may approve deviations from certain standards of this code if the proposal better accommodates the physical conditions of the property and represents an equal or superior product than if applicable sections of the code were strictly followed, but there may be no deviation from the Asotin County street standards. The County may reduce required sidewalks if adequate, safe, pedestrian routes are otherwise established.
3. The residential density of a planned development should not exceed the combined averages of the Comprehensive Plan and the zoning district in which it is located. An increase in the allowable residential density of not more than ten percent of the combined averages of the Comprehensive Plan and zoning district may be permitted if the general health, safety, and welfare of the public will not be detrimentally affected and the resulting development will be as good or better than that resulting from the lot-by-lot development permitted by the Comprehensive Plan and County ordinances.
4. The development must include adequate provisions for streets, parks, schools, and utilities.
5. If uses are proposed that do not conform with the Comprehensive Plan, an amendment to the Comprehensive Plan shall be required before any approval.

17.12.030 Procedure.

1. **Preliminary Sketch.** Before formal application, the applicant must prepare a preliminary sketch of the development for County staff review and comment. Ten copies of the preliminary sketch are to be submitted to the Planning Department for referral to the other Departments. The Director will advise the

applicant of all comments. If necessary, a meeting can be held with County Departments and outside agencies for the purpose of gathering additional information.

2. **Application.** After review of the conceptual plan, the applicant may file an application. A title report must accompany the application showing all existing interests in the property and the names and addresses of all property owners, as they appear on the tax rolls of the County Treasurer, within three hundred feet of the exterior boundaries of the property. If the owner of the property under consideration owns another parcel or parcels of property that lie adjacent to the property under consideration, notice will be given to owners of such property located within three hundred feet of the boundaries of such property.
3. **Approval.** Planned developments require a public hearing by the Planning Commission. The Planning Commission's recommendation will be submitted to the Board of County Commissioners in accordance with chapter 17.19.
4. **Hearings.** All planned development public hearings will be held in accord with chapter 17.19.050.
5. **Required Information for Residential Developments.** The completed application form must be accompanied by the following:
 - a. A drawing of the proposed development containing all information required by Title 18, Asotin County Subdivision Ordinance;
 - b. A written statement indicating all requested deviations from the Asotin County Code;
 - c. A list of property owners within three hundred feet;
 - d. An environmental checklist;
 - e. A fee, in accordance with the adopted fee schedule;
 - f. Preliminary homeowners' association charter, bylaws, and any restrictive covenants that must not conflict with this code;
 - g. A statement indicating which areas are to be dedicated to the public;
 - h. Any other relevant information required by the Director; and
 - i. A development schedule showing the estimated starting date, probable stages of development, and the estimated completion date.
6. **Required Data for Developments with a Combination of Uses.**

The completed application form must be accompanied by the following:

 - a. Development plans showing the use or uses, with dimensions; the location of proposed structures and of any areas to be dedicated for streets, parks, playgrounds, schools, and school sites; landscaping; and other open space;
 - b. A list of property owners within three hundred feet of the subject property;
 - c. An environmental checklist;

- d. A fee, in accordance with the adopted fee schedule;
 - e. Any other information required by the Planning Director; and
 - f. A development schedule showing the estimated starting date, probable stages of development and estimated completion date;
7. **Regulations.** Development of the property will be limited to the uses set forth in the planned development permit. The regulations and conditions will also be set out in the permit.
 8. **Subdivisions.** If the planned development entails a subdivision of land, preliminary and final plats must be submitted for approval, and substantially conform to the approved planned development. Preliminary plats can be considered concurrently with the planned development application and must comply with Title 18, Asotin County Subdivision Ordinance.
 9. **Zone Change.** Any approved planned development is considered a change-of-zone and will be indicated on the County zoning maps as "PDP No." All construction must be in substantial conformance therewith.

17.12.040 Findings.

1. A Planned Development Permit will be reviewed by the Planning Director and Planning Commission and may be approved by the Board of County Commissioners only when the following findings are made:
 - a. The planned development generally conforms to the Comprehensive Plan and zoning district for use, density, open space, circulation, public facilities, and the standards of development set forth therein;
 - b. The planned development generally conforms to the zoning district uses;
 - c. The planned development forms an integrated whole of sufficient unity to justify exceptions to the normal regulations of the Asotin County Code;
 - d. The residential development will produce a desirable and stable residential environment in harmony with surrounding property;
 - e. The commercial development will have proper traffic circulation and parking and should have no adverse effects upon surrounding property; and/or
 - f. The industrial development conforms to applicable performance standards, railroad or truck access, and necessary storage and should have no adverse effects upon surrounding property.
2. Conditions may be necessary to assure compatibility of the development with the surrounding area. Such conditions may include, but are not limited to additional landscaping, special setbacks and buffers, fences and walls, lighting, and surfacing of parking areas; time restrictions for certain activities; regulations of vehicular access; regulation of noise, vibration, odors, etc.; roads and alleys (if streets are to be private, responsibility for maintenance shall be established); recreational areas and their maintenance; and such other

conditions as will make possible development in an orderly and efficient manner in conformity with the Asotin County Code.

17.12.050 Action - Planning Commission.

At a pre-decision meeting, the Planning Commission will recommend approval, conditional approval, or denial of an application after a public hearing is held.

17.12.060 Action – Board of County Commissioners .

The Board of County Commissioners will approve, conditionally approve, or deny an application after review of the Planning Commission’s findings.

17.12.070 Effect of Action.

1. **Effective Date.** The effective date is the date, after approval, when the applicant has filed a written agreement concurring with the conditions imposed by the permit. This must be completed within sixty days of approval.
2. **Notification of Applicant.** The Director will notify the applicant in writing of the action taken and, if approved, issue a permit.
3. **Expiration of Permit.** A planned development permit expires if a building permit is not issued within the time specified therein. The time may be extended, but any extension of more than one hundred eighty days requires the approval of the Board of County Commissioners after a public hearing. In the case of subdivisions, at least one-third of the streets within the development, or phase under development, must be excavated to sub-grade within one hundred eighty days of the issuance of the permit or it expires. The time may be extended, but any extension of more than one hundred eighty days requires the approval of the Board of County Commissioners after a public hearing. The project must be completed within the time specified in the permit or the permit will be revoked in the manner it was approved unless the Commissioners finds that the development is proceeding in a reasonable manner in which case the Commissioners may grant reasonable extensions. Phases of a development will be treated as individual permits.
4. **Revocation.** Cessation of work or abandonment thereof for a period of twelve months is grounds for revocation. The applicant may be required to complete certain construction deemed necessary to protect property owners within and surrounding the development from adverse affects.
5. **Recording notice.** Before commencing construction, the permittee must record with the Asotin County Auditor a description of the property indicating that it is subject to a planned development permit.
6. **Amendment.** The permit may be amended in the same manner as approval of the original permit. The Planning Director may clarify any ambiguities or approve minor modifications that do not:
 - a. Increase the number of units by more than ten percent or exceed the total density provided for in the Asotin County Comprehensive Plan or Zoning Code, whichever is less;

- b. Change any of the streets or street standards;
 - c. Change any approved land use designations; and
 - d. Is consistent with the intent of the original permit.
7. **Termination.** Termination of all or part of a permit is the same procedure as approval upon written request by the developer. Termination will include conditions that are necessary to protect property owners within and surrounding the development from any adverse effects.

CHAPTER 17.13 DEVELOPMENT AGREEMENTS

Sections

- 17.13.010 Findings.
- 17.13.020 Development Contract Authorized.
- 17.13.030 Enforceability.
- 17.13.040 Recording.
- 17.13.050 Approval.

17.13.010 Findings.

The County finds that the lack of certainty in the approval of development projects can result in a waste of public and private resources, escalate housing costs for consumers, and discourage the commitment to comprehensive planning that would make maximum efficient use of resources at the least economic cost to the public. Assurance to a development project applicant that upon government approval, the project may proceed in accordance with existing policies and regulations, and subject to conditions of approval, all as set forth in a development agreement, will strengthen the public planning process, encourage private participation, comprehensive planning, and reduce the economic costs of development. Further, the lack of public facilities and services is a serious impediment to development of new housing and commercial uses. Project applicants and the County may include provisions and agreements whereby applicants are reimbursed over time for financing public facilities.

17.13.020 Development Contract Authorized.

1. The County may enter into a development agreement with a person having ownership or control of real property within its jurisdiction. The County may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement. A development agreement must set forth the development standards and other provisions that shall apply to, govern, and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with all applicable development regulations.
2. Sections 17.13.010 through 17.13.040 do not affect the validity of a contract rezone, concomitant agreement, annexation agreement, or other agreement in existence or adopted under separate authority that includes some or all of the development standards provided in subsection 3 of this section.
3. For the purposes of this section, “development standards” includes, but is not limited to:
 - a. Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;

- b. The amount and payment of impact related charges imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;
 - c. Mitigation measures, development conditions, and other requirements under chapter 43.21C.020(c) RCW and WAC 197-11, as it now exists or is hereafter amended;
 - d. Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;
 - e. Affordable housing;
 - f. Parks and open space preservation;
 - g. Phasing;
 - h. Review procedures and standards for implementing decisions;
 - i. A build-out or vesting period for applicable standards; and
 - j. Any other appropriate development requirement or procedure.
4. The execution of a development agreement is a proper exercise of the County's police power and contract authority. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety. No development agreement with the County may exceed ten years.

17.13.030 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 build-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance, development standard, or regulation or a new zoning ordinance, development standard, or regulation adopted after the effective date of the agreement. A permit or approval issued by the County after the execution of the development agreement must be consistent with the development agreement.

17.13.040 Recording.

A development agreement shall be recorded with the real property records of the Asotin County's Auditors Office. During the term of the development agreement, the agreement is binding on the parties and their successors.

17.13.050 Approval.

The County shall only approve a development agreement by resolution after a public hearing. The public hearing shall be held before the Planning Commission whose recommendation and record shall be acted on by the Board of County Commissioners.

CHAPTER 17.14 NONCONFORMING USES

Sections

- 17.14.010 Existing Uses.
- 17.14.020 Purpose.
- 17.14.030 Application Requirements.
- 17.14.040 Review Process.
- 17.14.050 Standards
- 17.14.060 Use of Existing Lot.
- 17.14.070 Maintenance and Repair of Existing Structure.
- 17.14.080 Reconstruction of Existing Structure.
- 17.14.090 Expansion of Existing Use or Structure and Structural Modifications.
- 17.14.100 Discontinuance of Existing Use.
- 17.14.110 Appeals.

17.14.010 Existing Uses.

The Planning Director shall act upon applications for Certificates of Zoning Compliance pursuant to the terms and conditions of this section.

17.14.020 Purpose.

This section provides a simple and expeditious process for establishing, upon request of a property owner, that a lot, use, or structure lawfully existed prior to the effective date of this chapter. In addition, this section establishes the terms and conditions for continuing existing uses, structures, and lots that were lawfully established prior to the effective date of this ordinance and to allow existing businesses and uses to continue to operate even though the use is no longer permitted in the zone in which the use is located.

17.14.030 Application Requirements.

The application shall contain the following:

1. A description of ways in which the lot, use or structure does not conform to this chapter; and
2. Documents, photographs, statements, or other substantial evidence including, but not limited to tax records, business license, state tax records, and business receipts that demonstrate that the lot, use or structure lawfully existed prior to the effective date of this chapter.

17.14.040 Review Process.

The review process for a Certificate of Zoning Compliance shall be the review process set forth in chapter 17.19.

17.14.050 Standards.

1. A legally established lot, use or structure that does not conform to the requirements of this chapter shall be deemed a legal existing lot, use, or

structure and may be continued, transferred, conveyed, and/or used as if conforming.

2. For existing legal lots, the Planning Director may, upon request of the property Owner, incorporate in any certificate such conditions regarding land use standards for minimum tract or parcel size, site coverage, height, and screening as are required to allow reasonable use of the lot while ensuring any permitted use is compatible with the character of surrounding permitted uses.
3. The burden of establishing that any lot, use, or structure lawfully existed as of the effective date of this chapter shall, in all cases, rest with the owner and not with the County.

17.14.060 Use of Existing Lot.

Any permitted use authorized by this chapter shall be permitted on an existing legal lot provided that it complies with all sections of this chapter other than tract or parcel size or conditions imposed pursuant to section 17.14.050 and other pertinent Chapters of the Asotin County Code and state law, in addition to:

1. Adjustment of boundary lines to make legally established lots more useable is encouraged and may be made pursuant to Title 18, Asotin County Subdivision Ordinance; and
2. A conforming use or structure located on a legally established existing lot may not be expanded, enlarged, or extended.

17.14.070 Maintenance and Repair of Existing Structure.

Normal maintenance and incidental repair of existing legal structures shall be permitted: PROVIDED, That it complies with all sections of this chapter and other pertinent chapters of the Asotin County Code.

17.14.080 Reconstruction of Existing Structure.

Reconstruction, restoration, or repair of an existing legal structure shall be permitted in the following circumstances:

1. When damaged by fire, flood, earthquake, or other disaster, the building or structure as originally located may be rebuilt so long as the use of the property is not intensified thereby and rebuilding starts within two years after the destruction. Adherence to the setbacks required by the current code will be required where practicable. The two year period may be extended by the Planning Director upon application and demonstration of need for up to one additional year; and
2. When a building or structure no longer conforms to the requirements of this chapter by reason of a taking, purchase, required dedication, or by gift of property to a governmental agency, and such building or structure is destroyed to any extent up to total destruction after such taking, purchase, required dedication, or gift to a governmental agency, the building or structure may be rebuilt to the old building line so long as the use of the property is not intensified thereby and rebuilding starts within two years after the destruction.

The two year period may be extended by the Planning Director upon application and demonstration of need for up to one additional year.

17.14.090 Expansion of Existing Use or Structure and Structural Modifications.

A legally established existing use or structure may not be expanded, enlarged, or extended (including extension of hours of operation); PROVIDED, That this subsection does not apply to junk and/or salvage yards.

17.14.100 Discontinuance of Existing Use.

All legally established existing uses shall convert to a conforming use when:

1. The Use or structure within which the use is conducted is moved to another lot or structure unless the move is due to a County, municipal, state, or federal project; or
2. The use is terminated or discontinued for more than two years.

17.14.110 Appeals.

All administrative or judicial appeals of decisions of the Planning Director pursuant to this chapter shall be as provided in chapter 17.19.

CHAPTER 17.15 CONDITIONAL USES

Sections:

- 17.15.010 Authorization to Grant or Deny Conditional Uses.
- 17.15.020 Conditional Use Permit Decision Criteria.
- 17.15.030 Application for a Conditional Use.
- 17.15.040 Public Hearing on a Conditional Use.
- 17.15.050 Notification of Action.
- 17.15.060 Appeal.
- 17.15.070 Revocation of a Conditional Use Permit.

17.15.010 Authorization to Grant or Deny Conditional Uses.

Uses designated in this Title as conditional uses may be permitted, enlarged, or otherwise altered by the Board of County Commissioners. In permitting a conditional use, or the modification of an existing conditional use, the Board of County Commissioners may impose, in addition to those standards and requirements expressly specified by this Title, any additional conditions that it considers necessary to protect the best interest of the surrounding property or the County as a whole. These conditions may include increasing the required lot size or yard size; limiting the height of buildings; controlling the locations and number of driveways; increasing the street width; increasing the number of off-street parking and loading spaces; limiting the number, size, and location of signs; and requiring diking, fencing, screening, or landscaping to protect nearby property. In the case of a use existing prior to the adoption of this amended ordinance, and that is classified in this Title as a conditional use, any change in use or in a lot area or any alteration of the structure shall conform with the requirements dealing with conditional uses.

17.15.020 Conditional Use Permit Decision Criteria.

1. A conditional use shall be granted by the County only if the applicant demonstrates:
 - a. That the use will not endanger the public health or safety, and that the use will not generate significant nuisance conditions such as noise, dust, glare, and vibration;
 - b. That the use meets all required conditions and standards set forth in the district where it proposes to locate;
 - c. That the location and character of the use is compatible and consistent with the character of the area in which it is to be located and in conformance with the comprehensive plan; and
 - d. That the use will be supported by adequate public facilities or services.
2. To ensure the above conditions, the County may require and approve specific plans to increase requirements of this Title. Any decrease in the dimensional standards of this Title shall only be granted by a variance (chapter 17.16).

3. The action for which the conditional use permit is required shall be begun or completed, or both within two years of approval, unless extended by the Board of County Commissioners. Failure to begin or complete, or both, such action within the time limit set shall void the conditional use permit.

17.15.030 Application for a Conditional Use.

A property owner may initiate a request for a conditional use or for the modification of an existing conditional use by filing an application with the zoning official on forms prescribed by the Planning Department. The application shall be submitted at least fifteen days prior to the meeting at which it will be considered. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The Zoning Official may request other drawings or information necessary to an understanding of the request, or a pre-application meeting.

17.15.040 Public Hearing on a Conditional Use.

Before the Planning Commission may act on a request for a conditional use, it shall hold a public hearing in accordance with the provisions of section 17.19.050. Within fourteen days of the public hearing, the Planning Commission shall make a recommendation to the County Commissioners to accept or deny the proposed conditional use.

17.15.050 Notification of Action.

Within ten days after a decision has been rendered by the County Commissioners, the Zoning Official shall provide the applicant with written notice of the action on the request.

17.15.060 Appeal.

The action of the County Commissioners may be appealed to the Superior Court according to the provisions of section 17.19.100.

17.15.070 Revocation of a Conditional Use Permit.

The following procedures shall apply:

1. When a citizen files a sworn complaint regarding a violation, or a zoning enforcement official observes a violation of an existing conditional use permit, the zoning official shall investigate the alleged violations concerning the use of any structure or property subject to the permit;
2. If the Zoning Official finds a violation of the permit and/or conditions or if the permit is not compatible with the neighborhood or the Asotin County Comprehensive Plan, the enforcement officer may issue a warning or suspend or revoke the conditional use permit or red tag the use. A copy of the enforcement officer's findings and decision shall be provided to the complainant and the owner of the conditional use permit within ten days of the decision;

The owner of the conditional use permit may appeal the suspension or revocation of the permit in writing within twenty days of the issuance of the suspension or revocation to the hearing officer in conformity with section 17.19.060.

CHAPTER 17.16 VARIANCES

Sections:

- 17.16.010 Authorization to Grant or Deny Variances.
- 17.16.020 Circumstances for Granting as Variance.
- 17.16.030 Application for a Variance.
- 17.16.040 Public Hearing on a Variance.
- 17.16.050 Notification of Decision.

17.16.010 Authorization to Grant or Deny Variances.

The Planning Commission may authorize variances from the requirements of this Title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this Title would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions that it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this Title.

17.16.020 Circumstances for Granting as Variance.

No variance shall be granted unless it can be shown that ALL of the following circumstances exist:

1. Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity and those conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control;
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity;
3. The authorization of the variance will not be materially detrimental to the purposes of this Title, be injurious to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of county development plans or policies;
4. The variance requested is the minimum variance that will alleviate the hardship;
5. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the zone; and
6. The special conditions requiring a variance do not result from the actions of the applicant.

17.16.030 Application for a Variance.

A property owner may initiate a request for a variance by filing an application with the zoning official using forms prescribed by the Planning Department. The application shall be accompanied by a site plan, drawn to scale, showing the condition to be varied and the dimensions and arrangement of the proposed development. The zoning official and/or County Commissioners may request other drawings or information necessary for an understanding of the request. Once the complete application is submitted, the application shall be forwarded to the Planning Commission within 30 days.

17.16.040 Public Hearing on a Variance.

Before the Planning Commission acts on a request for a variance, it shall hold a public hearing in accordance with the provisions of section 17.19.050. Within fourteen days of the public hearings, the Planning Commission shall make a recommendation to the County Commissioners to accept or deny the proposed variance.

17.16.050 Notification of Decision.

Within ten days after the County Commissioners have reached a decision on a request for a variance, the Zoning Official shall notify the applicant of the decision.

CHAPTER 17.17
STATE ENVIRONMENTAL POLICY ACT (SEPA)

Sections:

- 17.17.010 Authority.
- 17.17.020 Adoption by Reference.
- 17.17.030 Definitions.
- 17.17.040 Additional Definitions.
- 17.17.050 Designation of Responsible Official.
- 17.17.060 Lead Agency Determination and Responsibilities.
- 17.17.070 Administrative Procedures for SEPA Applications.
- 17.17.080 Additional Considerations in Time Limits Applicable to the SEPA Process.
- 17.17.090 Additional Timing Considerations.
- 17.17.100 SEPA Integration.
- 17.17.110 Planned Actions.
- 17.17.120 Categorical Exemptions-Adoption by Reference.
- 17.17.130 Flexible Thresholds for Categorical Exemptions.
- 17.17.140 Use of Exemptions.
- 17.17.150 Environmental Checklist.
- 17.17.160 Mitigated DNS.
- 17.17.170 Preparation of EIS-Adoption by Reference.
- 17.17.180 Preparation of EIS – Additional Considerations.
- 17.17.190 Additional Elements to be Covered by an EIS.
- 17.17.200 Public Notice-Adoption by Reference.
- 17.17.210 Public Notice.
- 17.17.230 Using Existing Environmental Documents - Adoption by Reference.
- 17.17.240 SEPA Public Information.
- 17.17.250 SEPA and Agency Decisions Adoption by Reference.
- 17.17.260 Substantive Authority.
- 17.17.270 SEPA Appeals Administrative.
- 17.17.280 Notice/Statute of Limitations.
- 17.17.290 Categorical Exemptions Adoption by Reference.
- 17.17.300 Agency Compliance - Purpose and Adoption by Reference.
- 17.17.310 Fees.
- 17.17.320 Forms - Adoption by Reference.

17.17.010 Authority.

The County of Asotin adopts the ordinance codified in this chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA Rules, WAC 197-11-904, as it now exists or is hereafter amended. This chapter contains this county's SEPA procedures and policies. The SEPA rules, chapter 197-11 WAC, as it now exists or is hereafter amended, must be used in conjunction with this chapter.

17.17.020 Adoption by Reference.

This article contains the basic requirements that apply to the SEPA process. The county adopts the following sections of chapter 197-11-230 of the Washington Administrative Code by reference:

WAC

- 197-11-040 Definitions.
- 197-11-050 Lead agency.
- 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.
- 197-11-158 GMA project review-reliance on existing plans and regulations.
- 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 an 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 (optional).
- 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.

17.17.030 Definitions.

This section contains uniform usage and definitions of terms under SEPA. The county adopts the following sections by reference, as supplemented by WAC 173-806-030:

WAC

- 197-11-220 SEPA/GMA definitions.
- 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	Mitigated.
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.

17.17.040 Additional Definitions.

In addition to those definitions contained within WAC 197-11 and in section 17.02.020 of this Title, when used in this chapter, the following terms shall have the following meanings unless the context indicates otherwise:

1. "County" means the municipal corporation of Asotin County, Washington.
2. "Department" means any division, subdivision, or organizational unit of the County established by ordinance, rule, or order.
3. "Early notice" means the County's written 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).
4. "Ordinance" means the ordinance, resolution, or other procedure used by the County to adopt regulatory requirements.
5. "SEPA rules" means chapter 197-11 WAC adopted by the Department of Ecology.

17.17.050 Designation of Responsible Official.

1. For those proposals for which the County is the lead agency, the responsible official shall be the Asotin County Planning Director or designee.
2. For all proposals for which the County is the lead agency, the responsible official 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 were adopted by reference in WAC 173-806-020.
3. For those proposals requiring the specialized expertise of more than one county department, the responsible official may request information necessary to discharge his responsibilities under this chapter from those other departments. Such information as can be reasonably supplied by those departments shall be transmitted to the responsible official in a timely manner.

17.17.060 Lead Agency Determination and Responsibilities.

1. The department within the County receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and 197-11-922 through 197-11-940 unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.
2. When the County is the lead agency for a proposal, the department receiving the application shall refer the matter to the responsible official who shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.

3. When the County is not the lead agency for a proposal, all departments of the County shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No county department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the County may conduct supplemental environmental review under WAC 197-11-600.
4. If the County 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 County 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 County shall be initiated by the responsible official.
5. The responsible official is authorized to make agreements as to lead agency status of shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944: PROVIDED, That the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.
6. Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal.
7. When the County is lead agency for a MTCA remedial action, the department of ecology shall provide an opportunity under WAC 197-11-253(5) to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under WAC 197-11-253(6), the County shall decide jointly with ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency.

17.17.070 Administrative Procedures for SEPA Applications.

The administrative procedures of chapter 17.04, Use Zones, shall apply to applications for SEPA review.

17.17.080 Additional Considerations in Time Limits Applicable to the SEPA Process.

1. Except for a determination of significance, or for a project having no other permits requiring a Notice of Application, the responsible official may not issue a threshold determination under SEPA, or a decision or recommendation on a project permit, until the expiration of the notice of application comment period on the underlying project permit.
2. Threshold determinations shall be issued at least fifteen days prior to any open record hearing.

17.17.090 Additional Timing Considerations.

For non-exempt proposals, the DNS or final EIS for the proposal shall accompany the County's staff recommendation to the planning commission and County Commissioners.

17.17.100 SEPA Integration.

Use of Existing Comprehensive Plans and Development Regulations for Environmental Review.

1. The responsible official may determine that existing comprehensive plans, subarea plan elements of a comprehensive plan, development regulations, or other local, state, or federal rules or laws provide adequate analysis and mitigation of the specific probable adverse environmental impacts of a proposed action as defined by RCW 43.21C (SEPA) and chapter 17.17 of this code.
2. A comprehensive plan, subarea plan, or development regulation shall be considered to adequately address a specific probable adverse environmental impact if the responsible official, through the environmental and project review processes, has identified the specific adverse environmental impacts of the proposed project; and
 - a. The impacts have been avoided or otherwise mitigated; or
 - b. The Board of County Commissioners has designated as acceptable certain levels of service, land use designations, development standards, or other land use planning required or allowed by RCW 36.70A.
3. If the responsible official determines that existing plans, development regulations, rules, or laws adequately address a project's probable specific adverse environmental impacts as provided in subsections A and B above, then the responsible official shall not impose additional studies or mitigation under RCW 43.21C (SEPA) or this chapter during project review.
4. In deciding whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the responsible official shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the responsible official shall base or condition its project approval on compliance with these other existing rules or laws.
5. Nothing in this section limits the authority of an agency in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws as provided by this chapter.

17.17.110 Planned Actions.

1. A planned action, as defined in subsection (2) of this section, does not require a threshold determination or the preparation of an environmental impact

statement under RCW 43.21C or this chapter but is subject to environmental review and mitigation as provided in RCW 43.21C and this Title.

2. For the purposes of this subsection, a “planned action” means one or more types of project action that:
 - a. Are designated planned actions by an ordinance or resolution adopted by Asotin County pursuant to RCW 43.21C;
 - b. Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with a comprehensive plan or subarea plan adopted;
 - c. Are subsequent or implementing projects for the proposals listed in subsection b. of this section;
 - d. Are located within the Urban Planning Boundary as defined under chapter 17.02 of this Code; and
 - e. Are consistent with the Asotin County Comprehensive Plan.
3. Asotin County shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the County and may limit a planned action to a time period identified in the environmental impact statement or the ordinance or resolution adopted under this subsection.

17.17.120 Categorical Exemptions-Adoption by Reference.

This article contains the rules for deciding whether a proposal has a “probable significant, adverse environmental impact” requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The county adopts the following sections by reference, as supplemented in this part:

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.

17.17.130 Flexible Thresholds for Categorical Exemptions.

Asotin County establishes the exempt levels under WAC 197-11-800(1)(b) including, but not limited to:

1. The construction or location of any residential structures of four dwelling units;
2. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure covering 10,000 square feet and to be used only by the property owner or designated agent in the conduct of farming the property. This exemption shall not apply to feed lots;
3. The construction of an office, school, commercial, recreational, service, or storage building with 4,000 square feet of gross floor area and with associated parking facilities designed for twenty automobiles;
4. The construction of a parking lot designed for twenty automobiles;
5. Any landfill or excavation of five hundred cubic yards throughout the total lifetime of the fill or excavation and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder;
6. The construction or designation of bus stops, loading zones, shelters, access facilities, and pull-out lanes for taxicabs, transit, and school vehicles;
7. The construction and/or installation of commercial on-premise signs, and public signs and signals;
8. The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators, transportation corridor landscaping (including the application of Washington state department of agriculture approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 248-54-660), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights of way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right of way is required, adding auxiliary lanes for localized purposes (weaving, climbing, speed change, etc.) where capacity is not significantly increased and no new right of way is required, channelization and elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation, installation of catch basins and culverts, and reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders; addition of bicycle lanes, paths, and facilities; and pedestrian walks and paths, but not including additional automobile lanes;
9. Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections (1) and (2) of this section, as well as fencing and the construction of small structures and minor facilities accessory thereto;
10. Additions or modifications to or replacement of any building or facility exempted by subsections (1) and (2) of this section when such addition,

modification, or replacement will not change the character of the building or facility in a way that would remove it from an exempt class;

11. The demolition of any structure or facility, the construction of which would be exempted by subsections (1) and (2) of this section, except for structures or facilities with recognized historical significance;
12. The installation of impervious underground tanks having a capacity of ten thousand gallons or less;
13. The vacation of streets or roads;
14. The installation of hydrological measuring devices, regardless of whether or not on lands covered by water; and
15. The installation of any property, boundary, or survey marker other than fences regardless of whether or not on lands covered by water.

17.17.140 Use of Exemptions.

1. Each department within the County that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal shall determine whether the license and/or the proposal is exempt. The department's 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 apply to the proposal. An action that is exempt may not be conditioned or denied under this chapter. The county shall not require completion of an environmental checklist for an exempt proposal.
2. In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (see WAC 197-11-060). If a proposal includes exempt and non-exempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.
3. If a proposal includes both exempt and nonexempt actions, the County may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:
 - a. The county shall not give authorization under this subsection for:
 - i. Any nonexempt action;
 - ii. Any action that would have an adverse environmental impact; and
 - iii. Any action that would limit the choice of alternative;
 - b. A department may withhold approval of an exempt action that would lead to modification of the physical environment when such modification would serve no purpose if nonexempt action were not approved; and
 - c. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the

expenditures would serve no purpose if nonexempt action were not approved.

17.17.150 Environmental Checklist.

1. Except as provided in subsection (5) below, a completed environmental checklist substantially 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 specifically exempt in this chapter; except, a checklist is not needed if the County and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The county shall use the environmental checklist to determine the lead agency and if the County is the lead agency, to determine the responsible official and to make the threshold determination.
2. For private proposals, the County will require the applicant to complete the environmental checklist, providing assistance as necessary. For county proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.
3. The county may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal if the County has technical information on a question or questions that is unavailable to the private applicant, or the applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.
4. For all proposals for which the County is the lead agency, the responsible official of the County shall make the threshold determination pursuant to the criteria and procedures of WAC 197-11-310 through 340, subject to the appeal procedures of section 17.17.250 of this chapter.
5. For projects submitted as planned actions under WAC 197-11-164, the County shall use its existing environmental checklist form or may modify the environmental checklist form as provided in WAC 197-11-315. The modified environmental checklist form may be prepared and adopted along with, or as part of, a planned action ordinance or developed after the ordinance is adopted. In either case, a proposed modified environmental checklist form must be sent to the department of ecology to allow at least a thirty-day review prior to use.

17.17.160 Mitigated DNS.

1. As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal made by the applicant, or on changes to, or clarification of, the proposal made by the applicant.
2. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request shall:
 - a. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the County is lead agency; and

- b. Precede the County's actual threshold determination for the proposal.
3. The responsible official should respond to the request for early notice within twenty-eight days. The response shall:
 - a. Be written;
 - b. State whether the County currently considers issuance of a DS likely and, if so, indicate the general or specific area of concern that is leading the County to consider a DS; and
 - c. 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.
4. As much as possible, the County should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.
5. When an applicant submits a changed or clarified proposal along with a revised or amended environmental checklist, the County shall base its threshold determination on the changed or clarified proposal and should make the determination within twenty-eight days of receiving the changed or clarified proposal:
 - a. If the County 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 County shall issue and circulate a DNS under WAC 197-11-340(2);
 - b. If the County indicated an area of concern but did not indicate specific mitigation measures that would allow it to issue a DNS, the County shall make the threshold determination and issue a DNS or DS as appropriate;
 - c. The applicant's proposed mitigation measures (clarifications, changes, or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, where as proposals to "muffle machinery to X decibel" or "construct two-hindered-foot storm water retention pond at Y location" are adequate; and
 - d. Mitigation measures that justify issuance of a mitigated DNS by reference to agency staff reports, studies, or other documents.
6. A Mitigated DNS is issued under WAC 197-11-340(2), requiring a fourteen day comment period and public notice.
7. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit 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 County.
8. If the County's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the

proposal, the County should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).

9. The county's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the County to consider the clarifications or changes in its threshold determination.

17.17.170 Preparation of EIS-Adoption by Reference.

This section contains the rules for preparing environmental impact statements. The county 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.
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.

17.17.180 Preparation of EIS – Additional Considerations.

1. Preparation of the draft and final EIS (DEIS and FEIS) and the draft and final supplemental EIS (SEIS) is the responsibility of the Asotin County planning department under the direction of the responsible official. Before the County issues an EIS, the responsible official shall be satisfied that it complies with this chapter and chapter 197-11 WAC.
2. The responsible official shall determine whether the DEIS and FEIS and draft and final SEIS shall be prepared by county staff, the applicant, or by consultant. If the responsible official requires an EIS for a proposal and determines that someone other than the County 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 County's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

3. The county may require an applicant to provide information the County does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (This does not apply to information the County may request under another ordinance or statute.)
4. In the event that an EIS is to be prepared by a private applicant or a consultant retained by the private applicant, the responsible official shall assure that the EIS is prepared in a responsible manner and with appropriate methodology. The responsible official shall direct the areas of research and examination to be undertaken, as well as the organization of the resulting document.

17.17.190 Additional Elements to be Covered by an EIS.

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 or purpose under this chapter. When the decision is made to require an EIS, the responsible official will at that time determine which, if any, of the following additional elements are to be included in the draft and final statement:

1. Economy;
2. Social policy analysis; and
3. Cost-benefit analysis.

17.17.200 Public Notice-Adoption by Reference.

This article contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The county adopts the following sections by reference, as supplemented in this part:

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. |

17.17.210 Public Notice.

1. -Whenever the County issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the County shall give public notice as follows:

- a. If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due;
 - b. If no public notice is required for the permit or approval, the County shall give notice of the DNS or DS by:
 - i. Publishing notice in a newspaper of general circulation in the County, city, or general area where the proposal is located; and
 - ii. Notifying the news media; and
 - c. Whenever the County issues a DS under WAC 197-11-360(3), the County shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.
2. Whenever the County issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:
 - d. Indicating the availability of the DEIS in any public notice required for a nonexempt license;
 - e. Publishing notice in a newspaper of general circulation in the County, city, or general area where the proposal is located; and.
 - f. Notifying the news media.
 2. Whenever possible, the County shall integrate the public notice required under this section with existing notice procedures for the County's nonexempt permit or approval required for the proposal.
 3. The county may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

17.17.220 Designation of Official to Perform Consulted Agency Responsibilities for the County.

1. The responsible official shall be responsible for preparation of written comments for the County in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.
2. The responsible official shall be responsible for the County's compliance with WAC 19711-550 whenever the County 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 County.

17.17.230 Using Existing Environmental Documents - Adoption by Reference.

This article contains rules for using, supplementing, and retaining existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the County's own environmental compliance. The city/county adopts the following sections by reference:

WAC
197-11-164 Planned actions – definitions 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.

17.17.240 SEPA Public Information.

1. Information and documents relating to SEPA activities for Asotin County shall be retained at the following location:

Asotin County Planning Department
P.O. Box 610
95 2nd Street
Asotin, WA 99402
Telephone: (509) 243-2020
Fax: (509) 243-2019

2. The county shall retain all documents required by the SEPA rules (chapter 197-11 WAC) and make them available in accordance with chapter 42.17 RCW.

17.17.250 SEPA and Agency Decisions Adoption by Reference.

This article contains rules and policies for SEPA’s substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This article also contains procedures for appealing SEPA determinations to agencies or the courts. The county adopts the following sections of chapter 197-11 WAC by reference:

WAC

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

17.17.260 Substantive Authority.

1. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of Asotin County.
2. The county may attach conditions to a permit or approval for a proposal so long as:
 - a. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter;
 - b. Such conditions are in writing;

- c. The mitigation measures included in such conditions are reasonable and capable of being accomplished;
 - d. The county has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
 - e. Such conditions are based on one or more policies in subsection (4) of this section and cited in the license or other decision document.
3. The county may deny a permit or proposed project on the basis of SEPA so long as:
- a. A finding is made that approving the proposal would result in probable significant adverse environment impacts that are identified in a FEIS or final SEIS prepared pursuant to this chapter;
 - b. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
 - c. The denial is based on one or more policies identified in subsection (4) of this section and identified in writing in the decision document.
4. The county designates and adopts by reference the following policies as the basis for the County's exercise of authority pursuant to this section.
- a. The county shall use all practicable 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:
 - i. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
 - ii. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
 - iii. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
 - iv. Preserve important historic, cultural, and natural aspects of our national heritage;
 - v. Maintain, wherever possible, an environment that supports diversity and variety of individual choice;
 - vi. Achieve a balance between population and resource use that will permit high standards of living, a wide sharing of living, and a wide sharing of life's amenities; and
 - vii. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

- b. The county 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.
- c. The county adopts by reference the policies, county codes, ordinances, resolutions, and plans as they now exist or are hereafter amended or supplemented.

17.17.270 SEPA Appeals Administrative.

SEPA appeals shall be heard by a Hearings Officer at an open record public hearing as specified by section 17.19.

17.17.280 Notice/Statute of Limitations.

- 1. The county, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.
- 2. The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the County auditor, applicant, or proponent pursuant to RCW 43.21C.080.

17.17.290 Categorical Exemptions Adoption by Reference.

The county adopts by reference the following rules for categorical exemptions, as supplemented in this chapter, including WAC 173-806-070 (flexible thresholds), WAC 173-806-080 (use of exemptions) and WAC 173-806-190 (Critical Areas):

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

17.17.300 Agency Compliance - Purpose and Adoption by Reference.

This article contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The county adopts the following sections by reference:

- WAC
- 197-11-900 Purpose of this part.
 - 197-11-902 Agency SEPA policies.
 - 197-11-916 Application to on going 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, 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.

17.17.310 Fees.

The county shall require fees for activities in accordance with this chapter as set forth in a separate County Resolution, as may be amended or adjusted hereafter.

17.17.320 Forms - Adoption by Reference.

The county adopts the following forms and sections 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.

CHAPTER 17.18 AMENDMENTS

Sections:

- 17.18.010 Authorization to Initiate Amendments.
- 17.18.020 Public Hearing on an Amendment.
- 17.18.030 Amendment Criteria.
- 17.18.040 Action by County Commissioners Final.
- 17.18.050 Appeal from Ruling of the County Commissioners.
- 17.18.060 Record of Amendments.

17.18.010 Authorization to Initiate Amendments.

An amendment to the text of this Title or to a zoning map may be initiated by the County Commissioners, by the planning commission, or by a property owner. A property owner may initiate a request for an amendment to this Title by filing an application with the zoning official, using forms prescribed by The Planning Department.

17.18.020 Public Hearing on an Amendment.

Before final action is taken on a proposed amendment, the planning commission shall hold a public hearing in accordance with the provisions of section 17.19.050. Within ninety days of the public hearing, the planning commission shall make a recommendation to the County Commissioners to accept or deny the proposed amendment.

17.18.030 Amendment Criteria.

The County may amend this ordinance when it finds that such amendment is consistent with the Comprehensive Plan, is not detrimental to the public welfare, and when any of the following applies:

1. Change in economic, technological, or environmental conditions has occurred to warrant modification of this ordinance;
2. It is found that an amendment is necessary to correct an error in this ordinance;
3. It is found that an amendment is necessary to clarify the meaning or intent of this ordinance; or
4. It is found that an amendment is necessary to provide for a use that was not previously addressed by this ordinance or those amendments as deemed necessary by the County Commissioners to provide for the health, safety, and general welfare.

17.18.040 Action by County Commissioners Final.

The County Commissioners may, by ordinance, amend any portion of the text of this Title or amend the zoning map, subsequent to a public hearing by the planning commission and the Board of County Commissioners.

17.18.050 Appeal from Ruling of the County Commissioners.

An action or ruling by the County Commissioners pursuant to this ordinance may be appealed to the Superior Court within fifteen days after the Commissioners have made their decision. Written notice of appeal shall be filed with the superior court clerk. Once an appeal of the Board of County Commissioner's action on an ordinance has been appealed to Superior Court, the Superior Court rules will apply. If the appeal is not filed with the Superior Court clerk within the fifteen-day period, the decision of the County Commissioners is final.

17.18.060 Record of Amendments.

The County Auditor shall maintain records of amendments to this Title in a form convenient for use by the public.

CHAPTER 17.19 ADMINISTRATIVE PROVISIONS

Sections:

- 17.19.010 Administration.
- 17.19.020 Planning Commission Established - Membership.
- 17.19.030 Planning Commission Duties.
- 17.19.040 Form of Petitions, Applications, and Appeals.
- 17.19.050 Filing Fees.
- 17.19.060 Notice of Public Hearing.
- 17.19.070 Appeals of Administrative Interpretations and Approvals.
- 17.19.080 Appeal of Planning Commission Recommendations.
- 17.19.090 Appeal to the County Commissioners.
- 17.19.100 Judicial Appeal.

17.19.010 Administration.

The County Commissioners shall appoint a Planning Director as the zoning official who shall have the authority and duty to promulgate administrative rules, forms, procedures, and interpretations consistent with the terms of this Title. Appeals of any such rule, procedure, interpretation, or other administrative determination made by the Planning Director shall be made in accordance with the appeal procedures as set forth in this section.

17.19.020 Planning Commission Established - Membership.

Pursuant to the authority conferred by chapter 35.63 RCW, a planning commission is created (herein after referred to as the “commission”) consisting of appointed by the Board of County Commissioners. The members shall be selected without respect to political affiliations and they shall serve without compensation.

Planning Commission Duties.

The commission shall perform the following duties:

1. Serve as an advisor to the County Commissioners in order to promote the orderly physical development and growth of the County;
2. Prepare a comprehensive plan for the orderly physical and social development of the County. The comprehensive plan shall become the official plan of the County when approved by the County Commissioners and filed with the County Auditor. The commission may recommend to the County Commissioners the plan prepared as a whole, or may recommend parts of the plan by successive recommendations with the parts corresponding with geographic or political sections, divisions, or subdivisions of the County, or with functional subdivisions of the subject matter of the plan. The commission shall comply with requirements of notice and public hearing provided by law in initiating and recommending the whole or parts of the comprehensive plan;

3. Recommend, or prepare and recommend, for the adoption by the County Commissioners, regulations, amendments, extensions, or additions to such regulations or plans for the physical development of the County in the interest of health, safety, morals, or general welfare of the community including, but not limited to the following:
 - a. The use of buildings and land for residence, trade, industry, and other purposes;
 - b. The height, the number of stories, size, construction, and design of buildings and other structures;
 - c. The size of the yards, courts, and other open spaces on the lot or tract;
 - d. The density of population;
 - e. The setback of buildings along property lines, highways, parks, or other public water frontages; and
 - f. The subdivision and development of land;
4. Review and make recommendations to the County Commissioners on plats, plans or subdivisions, or dedications of land situated within the boundaries of the County or proposed for annexation to the County, subject to approval by the County Commissioners; hold public hearings on proposed plats and subdivisions; and establish, subject to approval by the County Commissioners, such regulation and standards as are necessary to constitute a guide in determining whether or not the proposed plat or subdivision is in harmony with the comprehensive plan;
5. Act as a research and fact-finding agency of the County. The commission shall cause to be made such surveys, analyses, studies, and reports generally authorized or requested by the County Commissioners;
6. Establish such other work project priorities as the County Commissioners may direct;
7. Review, discuss, and analyze such work products and projects as may be referred to the commission by the County Commissioners or staff;
8. Form, subject to advanced approval of the County Commissioners, ad hoc committees within as well as outside its membership to study specific problems or projects that may arise from time to time;
9. The administrative staff of the County as assigned by the County Planning Director shall provide staff assistance and serve as liaison to the Planning Commission and shall also serve to facilitate communication by the Planning Commission to the County Commissioners.

17.19.030 Form of Petitions, Applications, and Appeals.

All petitions, applications, and appeals provided for in this Title shall be made on forms prescribed by the County.

17.19.040 Filing Fees.

The County Commissioners may require the payment of filing fees to cover the cost to the County of the administrative details of processing amendments to this Title, conditional use applications, and variance applications. Filing fees shall be set by separate county resolution.

17.19.050 Notice of Public Hearing.

When the planning commission or the County Commissioners is required to hold a public hearing, notice of the hearing shall be given in the following manner:

1. Except for Public Hearings on ordinance changes, each notice of hearing shall be mailed to all property owners within three hundred feet of the property that is the subject of the hearing;
2. Each notice of hearing shall be published in the official newspaper of the County at least ten days prior to the date of hearing;
3. Notice shall be posted in at least one conspicuous place on the property designed to attract public awareness. Said posting shall be erected not less than ten calendar days prior to the scheduled public hearing. Posted information shall be able to withstand adverse weather conditions;
4. When the hearing involves a Planned Development application and said Planned Development is located adjacent to the right of way of a state highway, notice shall be given to the State Department of Transportation;
5. Each notice of hearing on an appeal authorized by this Title, or on an application for variance, shall be published in the official newspaper of the County prior to the date of hearing. In addition, at least ten days prior to the date of the hearing, notice of the hearing shall be posted on the property for which the application is made;
6. Failure of a person to receive a notice prescribed in this section shall not impair the validity of the hearing; and
7. A public hearing may be recessed in order to obtain additional information or to serve further notice upon property owners or persons who may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

17.19.060 Appeals of Administrative Interpretations and Approvals.

Administrative interpretations and administrative approvals may be appealed by applicants or parties of record to the Hearing Officer.

- a. "Hearing Officer" means the official appointed by the County for administrative hearings.
 1. The hearing officer shall hear all appeals of decisions of Planning Director or designee or enforcement officer under this ordinance.
 2. The hearing officer shall hear evidence presented by whomever the County designates.

3. The hearing officer shall likewise hear evidence presented by the person appealing the decision or interpretation.
 4. In the case of an appeal of a notice of civil violation and/or order to abate issued by the Enforcement Officer, the burden of proof at the hearing shall rest with the County. If the decision of the enforcement officer is found to be supported by a preponderance of the evidence, the decision shall be affirmed.
 5. Formal rules of evidence need not be followed, but witnesses shall be sworn by the hearing officer and a written order issued.
 6. A person may appeal the written order up holding the decision of the Planning Director, designee or enforcement officer, or an order finding no violation entered by the Hearing Officer to the District Court within twenty (20) days of the hand delivered notice or within twenty (20) days of the postmark of the mailed notice. The request must contain a copy of the written order, and the name, address and telephone number of the person requesting the hearing, a copy of the violation citation, rule, interpretation or decision being appealed. The request must also include a brief description of the reason the person believes there is no violation. This request will be mailed to the enforcement agency that will set the hearing date. The District Court will review the matter de novo.
 7. The County is not required to pay the hearing officer if a decision on a hearing has not been rendered within 30 days of the date of the hearing.
- b. A person may appeal the written notice of violation, rule, interpretation or decision before the Hearing Officer within twenty (20) days of the hand delivered notice or within twenty (20) days of the postmark of the mailed notice. The request must contain a copy of the written notice, and the name, address and telephone number of the person requesting the hearing. The request must also include a brief description of the reason the person believes there is no violation. This request will be mailed to the enforcement agency that will set the hearing date.

A notification giving the time, location and date of such hearing decision, interpretation or notice of violation by the Planning Director, designee, or enforcement officer will be sent to the person requesting the hearing or his/her authorized representative by certified mail with a five (5) day return receipt requested.

- c. Failure of any person to file a timely appeal or failure of any person who has filed an appeal to attend the scheduled hearing, shall constitute a waiver of his or her right to an appeal hearing.
- d. Filing of an appeal shall stay the enforcement of any notice of civil violation, order to abate, collection of fine, penalties or assessments or during the pendency of such appeal except as otherwise provided. A STOP WORK or RED TAG order is not stayed by filing of an appeal, nor is a revocation of conditional use permit stayed.

- e. A copy of the final order of the hearing officer shall be mailed to the appellant(s) within three (3) working days following the entry of a written order under this section. Unless otherwise stated in the order, such order shall be final and conclusive ten (10) days from the date of mailing thereof unless any party of record makes application to a court of competent jurisdiction for judicial review and stay of enforcement.

17.19.070 Appeal of Planning Commission Recommendations.

Recommendations of the Planning Commission may be appealed by applicants or parties of record from the Planning Commission hearing to the County Commissioners.

17.19.080 Appeal to the County Commissioners.

1. Filing. Every appeal to the County Commissioners shall be filed with the Planning Director within fifteen days after the date of the recommendation or decision of the matter being appealed.
2. Contents. The notice of appeal shall contain a concise statement identifying:
 - a. The decision being appealed;
 - b. The name and address of the appellant and his interest in the matter;
 - c. The specific reasons why the appellant believes the decision to be wrong; The appellant shall bear the burden of proving the decision was wrong;
 - d. The desired outcome or changes to the decision; and
 - e. The appeals fee.

17.19.090 3. A notification giving the time, location and date of such hearing decision, interpretation or notice of violation by the Planning Director, designee, or enforcement officer will be sent to the person requesting the hearing or his/her authorized representative by certified mail with a five (5) day return receipt requested.

4. Failure of any person to file a timely appeal or failure of any person who has filed an appeal to attend the scheduled hearing, shall constitute a waiver of his or her right to an appeal hearing.

17.19.100 Judicial Appeal.

1. Appeals from the final decision of the County Commission shall be made to Asotin County Superior Court within twenty-one days of the date the decision or action became final, as provided for in chapter 36.70C RCW, as it now exists or is hereafter amended, unless another time period is established by state law or local ordinance.
2. Notice of the appeal and any other pleadings required to be filed with the court shall be served on the County Clerk, Director, and Prosecuting Attorney within the applicable time period. This requirement is jurisdictional.

3. The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The appellant shall post with the County Clerk prior to the preparation of any records an advance fee deposit in the amount specified by the County Clerk. Any overage will be promptly returned to the appellant.

CHAPTER 17.20 ENFORCEMENT AND ABATEMENT

Sections

17.20.010	Written Complaint/Notice to Owner.
17.20.020	Inspections.
17.20.030	Cease and Desist Order.
17.20.040	Violators Punishable by Criminal Fine and Imprisonment.
17.20.050	Violators Punishable by Civil Penalties.
17.20.060	Administrative Notice and Order.
17.20.070	Violation of Order.
17.20.080	Revocation of Approvals or Permits.
17.20.090	Lien Following Affirmative Review by the County Commissioners.

17.20.010 Written Complaint/Notice to Owner.

Any aggrieved person may file, on forms provided by the Planning Department, a sworn statement alleging a violation of this ordinance with the Planning Director alleging that a violation of this chapter has occurred or may occur.

17.20.020 Inspections.

1. If the building, structure, or property is occupied, the Planning Director shall first present identification credentials, state the reason for the inspection, and request entry. If consent to enter is not given and the Planning Director has probable cause to believe that a criminal violation of County regulations has occurred, then he may make an inspection after first obtaining a search warrant.
2. If the building, structure, or property is not occupied, the Planning Director shall first make a reasonable effort to locate the owner or other person having control and request permission to enter. If the Planning Director is unable to locate the owner or person having control and has probable cause to believe that a criminal violation of County regulations has occurred, the Planning Director may make an inspection after first obtaining a search warrant.
3. Asotin County Superior Court shall have jurisdiction to issue inspection warrants under Asotin County Land Use Codes.

17.20.030 Cease and Desist Order.

Whenever a continuing violation will materially impair the Planning Director's ability to secure compliance with said Title, or when any person is proceeding in defiance of permit requirements issued in conjunction with said Title, the Planning Director or his designee may issue a Stop Work Order and the following provisions shall apply:

1. A Cease and Desist Order (RED TAG) shall be posted on the property in a conspicuous place and/or served on the persons engaged in the activity;

2. All Cease and Desist Orders shall be mailed to the owner of the property by certified mail within one working day of issuance to the owner of the property;
3. A Cease and Desist Order may only apply to that portion of the activity that is found to be in violation;
4. The Planning Director's decision is subject to appeal to the Hearing Officer.

17.20.040 Violators Punishable by Criminal Fine and Imprisonment.

Any Person willfully and knowingly violating any provision of the Chapters referenced above or amendments thereto or any Person willfully and knowingly aiding or abetting such violation is guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed one thousand dollars per day and/or imprisonment in the County jail for a term not to exceed ninety days. Continued violation of the provisions of an issued enforcement order issued pursuant to subsection 17.20.030 shall constitute notice. Each day such violation continues may be considered a separate offence.

17.20.050 Violators Punishable by Civil Penalties.

The Planning Director may:

1. Take appropriate informal action or institute a proceeding to require compliance with this chapter or to enjoin, correct, or abate any acts or practices that constitute or will constitute a violation. When appropriate, the Planning Director is authorized to waive the permit and/or restoration requirements of this ordinance as necessary to abate or correct a violation of a minor nature. If a violation can be remedied or abated through a permit process and the landowner agrees to submit all necessary applications, a period of up to forty-five days shall be allowed for the landowner to make application for all necessary permits before an Enforcement Order may be issued;
2. Issue an enforcement order pursuant to subsection 17.20.030;
3. Abate the violation if corrective work is not commenced or completed within the time specified in an enforcement order;
4. Suspend or revoke any approvals or permits issued for the same property and/or the property owner pursuant to this Title. Unless the permit is required as a means to achieve compliance, the Planning Director may also suspend review of any pending permit applications and refuse to process any permit applications applied for through this Title until compliance is achieved; and
5. File a lien against the property for costs of abatement and/or civil fines pursuant to subsection 17.20.090.
6. The Planning Director's decision is subject to appeal to the Hearing Officer.

17.20.060 Administrative Notice and Order.

Within twenty days of discovery or receiving notice of a potential violation, the Planning Director shall make a determination of whether a violation has occurred, and if there is a determination that a violation has occurred that cannot otherwise be abated pursuant to subsection 17.20.030, the Planning Director may issue an enforcement order as provided for under RCW 7.48. If such enforcement order is issued, the Planning Director shall notify the complainant of his determination in writing. Additionally, whenever the Planning Director has reason to believe that a use or condition exists in violation of this chapter and that violation will be most promptly and equitably terminated by an administrative proceeding, the Planning Director may commence an administrative notice and order proceeding to cause assessment of a civil penalty, abatement, or suspension of work or revocation of any approvals or permits issued pursuant to this Title.

1. An Enforcement Order may be issued without written or oral notice. The Planning Director shall cause the enforcement order to be directed to and served upon the property owner on whose property the violation exists, the operator of the source of the violation, the Person in possession of the property where the violation originates, and/or the person or persons otherwise causing or responsible for the violation. In addition, the order may be posted on the subject property and may be filed in the Office of the Asotin County Auditor. The order shall require immediate cessation of such work or activity and may temporarily suspend any approval or permit issued under this Title. The notice and order shall contain:
 - a. The street address, when available, and a legal description of the real property;
 - b. A statement that the Planning Director has found the Person to be in violation of this chapter, a brief and concise description of the conditions found to be in violation, and a specific description of the procedure of appeal and to stay the hearing before the County Commissioners;
 - c. A statement that the violator may be subject to a civil penalty up to one thousand dollars for each day that the violation continues and if applicable, the conditions on which assessment of such civil penalty is contingent;
 - d. A statement of the corrective action required to be taken. If the Planning Director has determined that corrective work is required, the order shall require that all required permits be secured and the work be physically commenced and completed within such time as the Planning Director determines is reasonable under the circumstances; and
 - e. Statements advising that:
 - i. If any required work is not commenced or completed within the time specified, the Planning Director will proceed to abate the violation, cause the work to be done, and charge the costs thereof as a lien against the property and any other property owned by the Person in

violation and as a Personal obligation of any Person in violation as provided for under RCW 7.48; and

- ii. If any assessed civil penalty is not paid by the specified date, the Planning Director may commence proceedings to charge the amount of the penalty including interest from the date of entry of the order at the maximum rate permitted under RCW 19.52.020 on the date of entry of the order as a lien against the property and as a Personal obligation of any Person in violation.
2. The Planning Director shall withdraw an order if compliance is achieved within ten days of posting or service thereof. The Director may withdraw an order if the applicable permit processes are commenced within thirty days of the posting or service and the Planning Director determines satisfactory progress is being made toward compliance. If the violation is subsequently continued or repeated, the Planning Director shall cause a second order to be served on persons engaged in any work or activity in violation of this chapter and may also cause the order to be posted on the subject property. The second order involving the same violation shall not be withdrawn.
3. Appeal of Enforcement Order.
An appeal may be made pursuant to Section 17.19.060.
4. The Planning Director may at any time add to, rescind in part, or otherwise modify an enforcement order by causing a supplemental order to be served, pursuant to subsection 17.20.050 on persons engaged in any work or activity in violation of this chapter. The supplemental order may also be posted on the subject property and may be filed in the Office of the Asotin County Auditor. The Planning Director shall also have the authority to negotiate and modify the enforcement order and issue an agreed enforcement order signed by both the Planning Director and alleged violator consistent with the time frame specified in section 17.20.060(1)(d) above.
5. Service of the enforcement order shall be made upon all persons identified in the order either personally or by mailing a copy of such order by certified mail, postage prepaid, and return receipt requested. If the address of any such person cannot reasonably be ascertained, a copy of the order shall be mailed to such person at the address of the location of the violation. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this chapter. Service by certified mail in the manner provided in this section shall be effective five calendar days after the date of postmark, unless postal records show actual receipt prior to that date. The order may be, but is not required to be posted on the subject property.

17.20.070 Violation of Order.

If after any order has been duly issued by the Planning Director, or an order appealed has become final and the person or persons to whom such order is directed fails, neglects, or refuses to obey such order, including refusal to pay a civil penalty assessed under such order, the Planning Director may:

1. Cause such person or persons to be prosecuted under the provisions of this chapter, as provided for under RCW 7.48;
2. Institute any appropriate action to collect a civil penalty assessed under this chapter;
3. Abate the violation using the procedures of this section and RCW 7.48; and/or
4. Pursue any other appropriate remedy at law or equity as provided for under RCW 7.48.

17.20.080 Revocation of Approvals or Permits.

1. Basis for Revocation. The Planning Director may revoke any approval or permit issued under this chapter until compliance is achieved for:
 - a. Failure of the holder to comply with the requirements of this chapter;
 - b. Failure of the holder to comply with any order issued pursuant to this section; or
 - c. Discovery by the Planning Director that an approval or a permit was issued in error or on the basis of incorrect information supplied to the County that was material to the decision or approval.
2. Such approval or permit revocation shall be carried out as follows:
 - a. A revocation notice and order shall be issued by the Planning Director in general conformance with the provisions of subsection 17.20.060;
 - b. A permit may be suspended by the Planning Director pending action by the hearing officer.

17.20.090 Lien Following Affirmative Review by the County Commissioners.

Asotin County shall have a lien for any civil penalty imposed or for the cost of any work of abatement done pursuant to this section, or both, against the real property on which the civil penalty was imposed or any of the work of abatement was performed. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be on a parity. The Board may cause a claim for lien to be filed for record with the Auditor within ninety days from the date the civil penalty is due or within ninety days from the date of completion of the work or abatement performed by Asotin County pursuant to this section. The claim of lien shall contain the following:

1. The authority for imposing a civil penalty or proceeding to abate the violation, or both;
2. A brief description of the civil penalty imposed or the abatement work done, or both, including the violations charged and the duration thereof, the time the work is commenced and completed, and the name of the persons or organizations performing the work;
3. A legal description of the property to be charged with the lien;

4. The name of the known or reputed owner; and
5. The amount, including lawful and reasonable costs, for which the lien is claimed. The lien may be foreclosed by a civil action in Asotin County Superior Court.

