

Chapter 17.03 SUPPLEMENTARY STANDARDS

Sections:

- 17.03.010 Access, alleys, off-street parking, and loading.**
- 17.03.020 Landscaping, screening and property maintenance.**
- 17.03.030 Exceptions/projections.**
- 17.03.040 Fences.**
- 17.03.050 Signs.**
- 17.03.060 Utility installation.**
- 17.03.070 Clearing, grading, and storm water management.**
- 17.03.080 Concurrency management.**
- 17.03.090 Accessory buildings, structures, dwelling units, and uses.**
- 17.03.100 Home businesses.**
- 17.03.110 Recreational vehicle parks.**
- 17.03.120 Nonconforming uses and structures.**
- 17.03.130 Adult entertainment uses.**
- 17.03.140 Marijuana related uses.**
- 17.03.150 Electric vehicle charging stations.**
- 17.03.160 Short Term Rentals**

17.03.010 Access, alleys, off-street parking, and loading.

A. Purpose. The provision of alleys, off-street parking and loading space in accordance with the needs and requirements of particular property uses is necessary to promote traffic safety and minimize congestion, while maintaining neighborhood or district character.

B. General Provisions. Where the parking requirements for a use are not specifically defined in this chapter, the parking requirements for such use ~~shall~~may be determined by the city, and such determination shall be based upon the requirements for the most comparable use defined in this chapter and/or the appropriate standards derived from the most recent~~the~~ Institute of Transportation Engineers (ITE) Parking Generation Manual, ~~as adopted by the city.~~

C. Parking Spaces Required. New uses or development activities in all districts shall meet the minimum standards below.

Commented [AG1]: Does this need to be updated?

1. Whenever a building is enlarged or altered, or whenever the use of a building or property is changed, off-street parking shall be provided for such expansions, enlargement, or change in use in accordance with the requirements of this title.

2. Off-street parking shall be provided in accordance with the following:

a. All parking spaces shall be provided with adequate ingress and egress.

b. Each off-street parking space shall be a minimum of 18 feet in length and eight feet in width for a standard space.

c. Except for one dwelling and two dwelling units, groups of more than two parking spaces shall be located and served by a driveway that will require no backing movements or other maneuvering within a street or right-of-way other than an alley.

d. Required parking shall not be located in a required front or required side yard along flanking streets on corner lots.

3. Where parking is provided off site, the distance shall be measured from the closest point of the parking area or lot to the closest point of the nearest building that such parking area or lot is required to serve. Off-street parking facilities shall be located in accordance with the following:

a. For single-family, manufactured housing units, duplexes, or motels: on the same lot as the use it serves.

b. For multiple-family dwellings or boardinghouse: within 200 feet of the building it serves.

c. For hospital, convalescent facility: within 300 feet of the building it serves.

d. For uses other than those specified above: within 500 feet of the building it serves.

e. Other alternatives will be considered if transportation to site will be provided.

D. Size and Location of Parking Spaces.

| Land Use | Parking Requirement |
|---|--|
| Residential | One space per dwelling unit |
| Senior housing developments | One space per unit |
| Motel, tourist home or boardinghouse | One space per sleeping unit, guest room or suite |
| Hospital, nursing home or institution | One space for every four beds |
| Theater | One space for each four seats, except one space for each six seats in excess of 800 seats |
| Church, auditorium, or similar place of assembly | One space for each four seats or eight feet of bench length. Seventy-five square feet of gross floor space if chairs are removable |
| Medical or dental clinic | One space for each 250 square feet |
| Bank, business or professional office with on-site customer service | One space for each 300 square feet |
| Warehouse, storage | One space per 1,000 square feet |
| Food and beverage place with sales and consumption on premises | One space for each four seats plus one for each two employees |
| Fast food/drive-through businesses | One space for each 250 square feet |
| Grocery store and retail | One space for each 200 square feet |
| Retail: selling bulky items such as furniture, appliance, automobiles | One space for each 500 square feet of gross floor area |
| Manufacturing uses and all industries | One space for each two employees based on the maximum employment in any one shift, with a minimum of two spaces |
| Recreational vehicle parks | One space for each recreational vehicle space plus one guest space for each three recreational vehicle spaces |

E. Shared Parking.

1. The city may, upon application for a ~~conditional use~~ [type 1 land use permit](#) by owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under the conditions specified in this section:

Commented [RG2]: Why do we need to regulate? Question by commission – can we just add a footnote that mutual agreement can be submitted to the city to meet parking requirements and standards

Simplify this section and streamline

Commented [AG3R2]: I think this approach works. So many factors may play into decision.

- a. Up to 50 percent of the parking facilities required by this chapter for a use considered to be primarily a nighttime use or vice versa; provided, that such reciprocal parking area shall be subject to the conditions set forth in this section.
- b. Up to 100 percent of the parking facilities required by this chapter for a church or auditorium incidental to a public or parochial school may be supplied by parking facilities for a use considered to be primarily a daytime use, provided such reciprocal parking area shall be subject to the conditions set forth in this section.
- c. For the purposes of this section, the following uses are typical daytime uses: business offices, retail, manufacturing or wholesale buildings. The following uses are considered typical or nighttime and/or Sunday uses: residential, auditoriums incidental to public or parochial schools, churches, dance halls, theaters, restaurants and taverns.

2. The conditions required for shared parking are as follows:

- a. The building or use for which application is made for authority to utilize the existing off-street parking facilities provided by another building or use shall be located within 300 feet of such parking facilities.
- b. The applicant shall show that there is not substantial conflict in the principal operating hours of the buildings or uses for which the shared use of the parking facilities is proposed.
- c. Parties concerned in the shared use of off-street parking facilities shall evidence agreement for such use joint use by proper legal instrument approved by the city.
- d. If a parking facility is farther than ~~300 feet~~[outline in 17.03.010 3 a-d](#), applicant must show transportation [or alternative plan](#) to attain approval from city administrator.

F. Development and Maintenance of Parking Facilities.

- 1. When five or more new parking spaces are required, the spaces shall be developed and maintained in the following manner:

Commented [AG4]: Should there be a piece, dependant on occupancy type that charging stations may be required and have requirements for those?

Commented [RG5R4]: Add RCW and link to Electric vehicle storage section???

Commented [AG6R4]: Does c not meet that or add actual RCW?

a. Off-street parking areas shall be paved or surfaced with screened gravel, crushed rock or better, and shall be graded and drained to dispose of all surface water. In no case shall such drainage be allowed across a public sidewalk or street.

b. Off-street parking areas which adjoin a residential use on adjoining property shall be separated from such property by an approved sight-obscuring fence or landscaping, such as a hedge.

c. If required by building code or RCW charging stations may be required. If required must meet all state and federal codes.

G. Loading Space Required.

1. In all districts, buildings or structures to be built which receive and distribute material and merchandise by truck shall provide and maintain one off-street loading berth for each 20,000 square feet of gross floor area or fraction thereof, which space shall be of sufficient length and width to accommodate the largest vehicle loading or unloading, but in no case less than 10 feet in width and 25 feet in length and 14 feet in height.

2. Access to the loading space shall be from alleys when possible.

3. No off-street loading area shall be located in a required front yard.

4. Each off-street space for the temporary parking of a vehicle while loading or unloading merchandise. Each berth or berths shall be surfaced and maintained so as to eliminate dust and mud. (Ord. 2104 § 1 (Exh. A), 2022)

Commented [AG7]: Not sure if anything needs to be addressed here.

Commented [RG8]: Loading plan? Addressed
Do we want unloading area dedicated or certain hours and times for loading?

17.03.020 Landscaping, screening and property maintenance.

A. Purpose. The purpose of this section is to establish landscape, screening, and property maintenance standards to enhance the aesthetic appearance of commercial and industrial property throughout the city. In addition, the standards are established to protect the health and safety of the residents and users of the properties. A landscape plan and maintenance schedule are required as part of the review process.

B. Landscape Screening.

Commented [AG9]: We should refer to and hold a listing of approved trees that will abut ROW and public property.

Commented [RG10R9]: Reference an approved list on file with City

Commented [AG11R9]: That works, just need a list.

1. Screening shall provide a filtered, but not blocked, view and may be provided by existing vegetation, landscaped areas, including the use of hedges, berms, fencing or a combination thereof. The use of vegetation (trees and columnar shrubs) is encouraged.

2. Perimeter screening shall be provided as follows:

a. An all-season visual separation and windbreak shall be provided between commercial uses when adjacent to a residential use or district. Perimeter landscaping shall be provided along the side and rear property lines and shall shield the views of industrial or commercial land uses, including outdoor storage, service, parking and loading areas, from roads and adjacent uses. If, however, the rear of the site is adjacent to an agricultural use, no rear yard perimeter screening is required.

b. A 50-foot-wide minimum vegetative buffer strip shall be provided between an industrial use and a residential district. The vegetative buffer shall consist of trees that attain a minimum of seven feet in height. Additional screening may be required between dissimilar land uses.

c. If a parking lot is located adjacent to a street, a perimeter-screening minimum of 10 feet in width shall be provided between the street and the parking lot.

d. Trees and columnar shrubs shall be a minimum of four feet in height at the time of planting and should grow to a minimum of eight feet at maturity.

e. Screening requirements may be relaxed if warranted by the use of clustering or shared access, at the discretion of the city.

[f. If the landscaping abuts city property or right-of-way only approved trees will be permitted. A list is available and will be maintained by the city. If tree species meets ~~criteria~~criteria, it can be added to the list if approved by the city administrator.](#)

3. Interior screening shall be required for parking areas according to the following minimum requirements:

a. Landscaping shall be provided at a minimum of 10 percent of the parking area.

Commented [RG12]: Freedom and flexibility for trees

b. One tree for every 10/20 (single/double) row parking spaces shall be provided, for summer shade.

c. Minimum tree size at planting shall be two-inch caliper.

d. Screening shall include shrubs suitable to be maintained at a height of three feet.

e. Avoid obstructing views of crosswalks, intersections, and streetlights.

[f. Only approved trees will be allowed adjacent to city right-of-way.](#)

C. Landscape Materials and Design Requirements.

1. The use of plant materials to achieve a variety of heights, shapes and/or textures upon maturity is encouraged.

2. A combination of evergreen and deciduous trees, shrubs and groundcover shall be used.

3. The use of drought-tolerant plant materials is encouraged.

4. The retention of existing trees is encouraged.

5. Fencing materials shall be attractive, durable, and complement or blend with the natural colors of the surrounding environment.

D. Maintenance.

1. Provisions shall be made for the ongoing maintenance, including irrigation as necessary, of required landscape areas.

2. Trees and shrubs in required landscaped areas, which die, shall be replaced by the property owner. Landscaping shall be placed according to city standards, including annual planting installation time frames. Landscaping shall be installed as required in any mutually agreed-upon development agreements if applicable to the development.

3. All yards shall be maintained such that there will be no accumulation of silt, mud or standing water causing unsightly or hazardous conditions either within the yard or on adjacent properties.

4. All yards and buildings shall be maintained in a neat, tidy manner, including trimming and upkeep of all landscaped areas, and the removal of debris and unsightly objects.

5. All undeveloped land areas shall be maintained in permanent vegetative cover or, alternatively, be landscaped with an approved combination of materials to control runoff.

6. All yards shall be maintained free of noxious weeds consistent with the regulations of the Pend Oreille County weed board. (Ord. 2104 § 1 (Exh. A), 2022)

17.03.030 Exceptions/projections.

A. Purpose. This section is to provide exceptions and projections which are allowable in the setbacks and height limitations as outlined in this chapter.

1. Eaves, cornices, awnings and permitted signs may project not more than two feet into a required yard.

2. Steps, terraces, platforms and porches having no roof coverings; provided, that they do not exceed 24 inches in height above the finished grade, may occupy the front or side yard.

3. Smokestacks, chimneys, and flagpoles may exceed the height limit for the district in which they are located. The allowance will not exceed 10% of the overall height for zone or 5ft. whichever is greater.

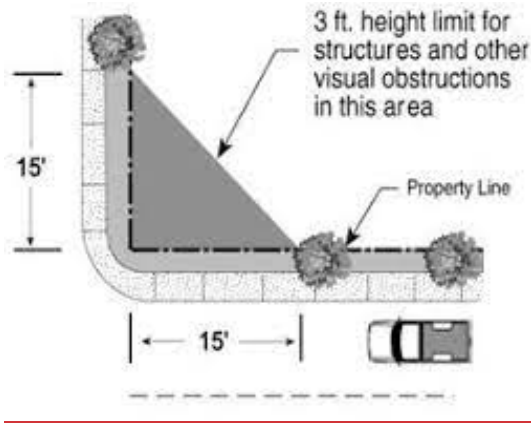
2-4. Porches, decks, and building appendages in all residential zones must be set back at least 5 feet from the front property line. (Ord. 2104 § 1 (Exh. A), 2022)

Commented [RG13]: Why not 5?

17.03.040 Fences.

A. No fencing or other sight obstruction which constitutes a hazard to the traveling public within the area designated as the "sight triangle" shall be allowed on a corner lot. The clear view area is determined by measuring 10-15 feet from the point of two intersecting streets along the property lines and then connecting the two end points with a straight line forming the hypotenuse of the clear view area. Branches on trees within the area shall be removed at the trunk up to a minimum level of seven feet above finished ground level. Shrubs shall be maintained no higher than three feet above finished ground level within the area.

Commented [RG14]: Make sure we reference in definitions



B. Within one year after development of the first business in an area zoned for industrial uses, a fence or wall shall be installed along the side of any part of the property adjoining an R, C-1, PF or C-2 zone. The fence shall not exceed six feet in height.

C. Hedges and fences shall not exceed six feet in height; provided, that fences shall not exceed four feet in front yard setbacks.

D. No electrical or barbed wire fences are permitted, except security fences approved by the city.

E. The height of fences shall be measured from existing grades. (Ord. 2104 § 1 (Exh. A), 2022)

17.03.050 Signs.

A. Purpose. Signage regulations are intended to promote commerce, traffic safety and community identity while improving the visual environment of residential, commercial and industrial areas. This code regulates permanent, temporary, and portable signs.

1. The following sign standards by zone district are intended to include every zone in the city. Only signs as described herein and as may be described under "temporary signs" and "exceptions" will be permitted in each particular zone.

2. These regulations shall apply in all zoning districts and may be subject to additional requirements of certain districts, or to state regulations. In cases of conflict, the most stringent requirement shall prevail.

3. In addition to the provisions of this chapter, signs must comply with the applicable provisions of state and federal laws, this may include but is not limited to:

- a. Signs in or visible from the right-of-way for State Route 20/U.S. Highway 2 must comply with the regulations of the Washington State Department of Transportation and the U.S. Scenic Byways, as appropriate; and
- b. Signs advertising liquor and marijuana must comply with the requirements of the Washington State Liquor and Cannabis Board.

B. ~~General~~Permit.

1. Permit applications shall include the following:

- a. Building permit and associated fees.
- b. Site plan to include:
 - i. The location of the affected lot, buildings and signs; -
 - ii. Scale of the site plan;
 - iii. Location of all existing signs for subject applicant to include size and height;
 - iv. Tax parcel and address of where sign will be located.
- c. Construction drawings of proposed sign, including elevations. A Washington State licensed engineer design, stamp and signature is required for structural signs over 30 feet in height, pole signs and signs over 100 square feet in area regardless of height, and flag signs over 10 feet.
- d. Permits are not required for temporary signs.

~~The following sign standards by zone district are intended to include every zone in the city. Only signs as described herein and as may be described under "temporary signs" and "exceptions" will be permitted in each particular zone.~~

~~2. These regulations shall apply in all zoning districts and may be subject to additional requirements of certain districts, or to state regulations. In cases of conflict, the most stringent requirement shall prevail.~~

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a. Signs in or visible from the right of way for State Route 20/U.S. Highway 2 must comply with the regulations of the Washington State Department of Transportation and the U.S. Scenic Byways, as appropriate; and

b. Signs advertising liquor and marijuana must comply with the requirements of the Washington State Liquor and Cannabis Board.

C. Permitted Signs by in Residential Zones.

| <u>Zones</u> | <u>Residential (1)</u> | <u>Industrial (I)</u> | <u>Commercial (2)</u> | <u>Public Facility (PF)</u> |
|----------------------------|--|--|--|--|
| <u>Attached wall signs</u> | <u>One (1) sign up to 12 sq ft; for multiple dwelling units all signs must be less than 40 sq.ft total and no one sign more than 12 sq.ft.</u> | <u>25% of wall area per building</u> | <u>25% of wall area per building</u> | <u>25% of wall area per building</u> |
| <u>Free standing signs</u> | <u>One (1) 32 sq.ft. sign for subdivision name and entrances</u> | <u>100 sq.ft area</u> | <u>100 sq.ft area</u> | <u>150 sq.ft area</u> |
| <u>Pole Signs</u> | <u>Not permitted</u> | <u>Shall not exceed 60 sq.ft area; may extend 20 feet above ground to bottom of sign</u> | <u>Shall not exceed 60 sq.ft area; may extend 20 feet above ground to bottom of sign</u> | <u>Shall not exceed 60 sq.ft area; may extend 20 feet above ground to bottom of sign</u> |
| <u>Monument signs</u> | <u>One (1) 32 sq.ft. sign for subdivision name and entrances</u> | <u>90 sq.ft area</u> | <u>90 sq.ft area</u> | <u>150 sq.ft area</u> |
| <u>Directional</u> | | | | |

| | | | | |
|-----------------|--|--|--|--|
| Temporary Signs | | | | |
|-----------------|--|--|--|--|

~~(1.) General.~~ The term "residential" shall apply to all zones designated as R-1, R-2, and R-3.

~~(2) The term "commercial" shall apply to all zones designated as C-1 and C-2.~~

~~2. Size. One sign not exceeding two square feet in area shall be permitted per dwelling unit. For multiple dwellings, one or more additional signs totaling 12 square feet shall be permitted.~~

~~3. Location. Permitted signs may be anywhere on the parcel, except as noted below:~~

- ~~a. Signs may not be erected in areas restricted as noted elsewhere in this title.~~
- ~~b. Signs may not project beyond any property lines.~~
- ~~c. Signs may not impede on visibility to pedestrians or motorists.~~

~~4. Ground Signs. Ground-mounted signs shall not exceed five feet in height, and not to exceed 15 square feet.~~

~~5. Wall Signs. Signs mounted on the building shall be flush with the wall surface and shall not project above the eave or roofline.~~

~~6. Illumination. Illumination, if used, shall be what is known as white and not colored light and shall not be blinking, fluctuating or moving. Light rays shall shine only upon the sign or upon the property on which the sign is located and shall not spill over the property lines in any direction except by indirect reflection.~~

D. General provisions applicable to all signs.

1. All signs illuminated with exterior lighting shall have lighting confined to the sign and positioned and shielded to minimize impacts to the surrounding area(s). Gooseneck reflectors and lights are permitted on permanent freestanding and wall signs; provided, that lighting or glare does not extend beyond the property line.

2. Electronic signs shall be permitted on the same basis as other signs. All electronic message centers (EMCs) are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night. Written documentation that the EMC is equipped with the automatic dimming device shall be submitted with the sign permit application. EMCS shall transition no more than every 5 second on local roads.

Commented [AG15]: Should we define how long messages can be up and what the transitions should be?

3. A roof-mounted sign may be substituted for an allowed freestanding sign; provided, that the height of the sign structure may not exceed the maximum height requirements of the zoning district in which the sign is located.
4. No sign shall be erected, relocated or maintained in a manner that prevents the free ingress or egress from any door, window or fire escape.
5. No sign shall be attached to a standpipe or fire escape except official signs.
6. Any sign erected or maintained within five feet of public rights-of-way shall be smooth and free of nails, tacks and wires.
7. All signs shall be maintained in good repair pursuant.
8. No sign shall block the view of fire protection equipment from approach. Signs in Commercial Zones, Industrial and Public Facility Zones.
9. Location. Permitted signs may be anywhere on the parcel, except as noted below:
 - a. Signs may not be erected in areas restricted as noted elsewhere in this title.
 - b. Signs may not project beyond any property lines.
 - c. Signs may not impede visibility to pedestrians or motorists.

~~1. Signs in the C-1 and C-2 zones shall comply with the following standards:~~

~~a. Wall Signs. The total area for all wall signs shall not exceed 75 square feet. In the case of projecting signs, sign area shall be calculated for one side of the sign. Signs flush against the building face may be located anywhere on the surface of the building. Signs projected from the building face may project no more than six feet from the face of the building, have a maximum height of five feet and must have a minimum clearance of eight feet above a public sidewalk and 15 feet above public driveways or alleys.~~

~~b. Pole Signs. Pole or ground-mounted signs are permitted when the building does not cover the full width of the parcel upon which it is located. The total area for a pole sign shall not exceed 60 square feet. Such a sign may extend up to 20 feet above the ground level to the top of the sign, except as may be required by this title.~~

~~c. Marquee Signs. Marquee signs may be on the vertical faces of marquees and may project below the lower edge of the marquee not more than 12 inches. The bottom of the marquee signs shall be no less than eight feet above the sidewalk or grade at any point.~~

Commented [RG16]: List out all zones this applies to

~~d. Sidewalk Signs. Sidewalk signs no larger than 12 square feet per side, containing no moving parts and no lights, may be allowed during business hours. Sidewalk signs must be placed immediately in front of their place of business so as not to be a hazard to either pedestrians or vehicles.~~

~~e. Identity Signs. One ground-mounted identity sign is permitted not exceeding six feet in height with a maximum sign area of 60 square feet.~~

~~f. Miscellaneous Signs. All other signs on the property indicating services, products, prices, trade information, or other information shall not exceed, in total, 80 square feet in area.~~

~~g. Special advertising devices such as inflatables, floating signs and searchlights, shall require a temporary permit.~~

E. Nonconforming Uses and Nonconforming Signs.

1. Any building or land use not conforming to the provisions for the zone in which it is located shall, nevertheless, comply with all the provisions of this sign code for the conforming zone.

2. Signs existing and not conforming to the provisions of this chapter, but which were constructed in compliance with previous regulations, shall be regarded as nonconforming signs. Such signs may be maintained in their present condition unless hazardous but may not be altered to size or relocated unless in conformity with the sign code.

F. Exemptions. The following types of signs are exempted from all the provisions of this chapter, except for construction and safety regulations and the following requirements:

1. Public Signs. Signs of a noncommercial nature and in the public interest erected by or on the order of a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, and the like.

2. Institutional. Signs setting forth the name or any simple announcement for any public, charitable, educational, or religious institution located entirely within the premises of that institution up to an area of 24 square feet. Such signs may be illuminated in accordance with the regulations contained hereinafter. If building-

mounted, these signs shall be flat wall signs and shall not project above the roofline. If ground-mounted, the top shall be no more than six feet above ground level.

3. Integral. Names of buildings, dates of erection, monumental citations, commemorative tablets, and the like when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

4. Private Traffic Direction. Signs directing traffic movement onto premises or within premises not exceeding three square feet in area for each sign. Illumination of these signs shall be permitted in accordance with subsection (C)(6) of this section on illumination. Horizontal directional signs on and flush with paved areas are exempt from these standards.

5. Small Signs. Signs not exceeding two square feet in area attached flat against the building, stationary, and not illuminated announcing only the name and occupation of building tenant.

6. Rental. Signs on the premises announcing rooms for rent, room and board, apartment or house for rent and not exceeding four square feet in area.

7. Vehicles. Signs on vehicles of any kind, provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond the original manufactured body proper of the vehicle.

G. Prohibited Signs. Prohibited are signs which:

1. Contain or are an imitation of an official traffic sign or signal ~~or contain the words "stop," "go slow," "caution," "danger," "warning," or similar words.~~

2. Are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.

3. May swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment.

4. Are erected in such a position as to completely blanket another sign already in place on either side. A sign is said to be blanketing when it hides other signs or a substantial portion thereof at a distance of 25 feet.

5. Off-premises signs, including billboards, except directional signs and signs of public interest. (Ord. 2104 § 1 (Exh. A), 2022)

17.03.060 Utility installation.

A. Purpose. The purpose of this section is to provide standards for the installation and maintenance of needed utility facilities in order to provide a safe and efficient municipal service system while ensuring compatibility with surrounding uses.

B. Standards.

1. Whenever the lot on which the utility use is located is in or adjoins a residential zone, it shall be suitably landscaped so as to screen it from view from properties in the vicinity. Such landscaping shall be continually maintained by the utility provider.

2. Safety fencing shall be erected and maintained around utility installations and structures in which there is any safety hazard whatsoever for children. All structures shall be located such that the safety fence does not encroach on any yard requirements in the district in which the use is located.

3. Lighting shall be directed away from adjacent properties, streets, and sidewalks to eliminate glare to surrounding properties, pedestrians, and drivers.

4. Odor shall be properly mitigated in accordance with industry standards and adopted regulations.~~No objectionable odor is permitted.~~ (Ord. 2104 § 1 (Exh. A), 2022)

17.03.070 Clearing, grading, and storm water management.

A. Purpose. The purpose of this section is to provide standards to govern clearing and grading activities in order to protect private property, water quality, environmentally sensitive areas, and shorelines.

B. Applicability. All development activities must comply with the provisions of this chapter unless specifically exempted.

1. It is the responsibility of the applicant to demonstrate compliance with the provisions of this chapter.

2. The following clearing and grading activities are exempt from this section:

- a. Any landfill or excavation of 100 cubic yards or less throughout the total lifetime of the fill or excavation.
- b. Routine yard maintenance activities.

C. Storm Water Management Standards. The city hereby adopts the most recent version of the Storm Water Manual for Eastern Washington prepared by the Washington State Department of Ecology, except as follows:

- 1. Exemptions. None.

D. Clearing and Grading Standards. The following clearing and grading standards shall apply to development activities in all zones and shall be processed as a Type 1 permit:

- 1. All clearing and grading activities shall be conducted so as to minimize potential adverse effects on off-site property, surface water quality, critical areas, and shorelines. Clearing and grading activities must be compliant with SEPA regulations.
- 2. Storm water runoff from new developments shall not adversely affect off-site property, surface water quality and quantity, and/or critical areas. Provisions shall be made to control the release of surface water runoff from the development both during and following construction.
- 3. Clearing and grading, including drainage and erosion control measures, shall conform to the requirements of the most recent Washington State Department of Ecology Storm Water Management Manual for Eastern Washington as adopted by the city of Newport, or alternative measures that meet or exceed these standards as determined by the city.
- 4. All development shall ensure that soil erosion and sedimentation of drainage ways will be controlled to prevent damage to adjoining property and downstream drainage channels and receiving waters.
- 5. Surface drainage shall not be directed to or discharged onto city roads or ditches within city rights-of-way unless approved by the city.

6. Drainage controls may be required to regulate velocities of runoff water and to control pollutants, erosion, and sedimentation if the city determines that it is probable that damage could occur downstream to property or water quality of receiving water bodies. Such controls may include landscaping or reestablishing native vegetation, ponds, catch basins, biofilters, and other control structures or systems.

7. If required by the city, a drainage analysis shall be prepared. A drainage report, prepared under the direction of and stamped by a professional engineer, shall be submitted by the applicant for review as part of the permit application. The drainage report shall clearly define the measures proposed to control storm water runoff so as to avoid off-site, downstream impacts to adjacent property and receiving water bodies. The city shall have the authority to approve or reject the adequacy of drainage reports and storm water control measures, which decision is final and not subject to administrative appeal.

8. The city may condition any approval of a development permit so as to require clearing, grading and drainage controls to meet the requirements of this section. (Ord. 2104 § 1 (Exh. A), 2022)

17.03.080 Concurrency management.

A. Purpose. The purpose of this chapter is to ensure that adequate public facilities are available when the impacts of development occur. This means that facilities will have the capacity to serve development without decreasing levels of service below locally established minimums, and that the facilities or services are in place or that a financial commitment is in place to provide the facilities or services within a specified time.

B. Applicability. All proposed projects or development activities must be reviewed for transportation and utility concurrency; provided, that the city may establish an expedited concurrency review process for activities that do not meet SEPA thresholds. Development is prohibited if the level of service for transportation facilities cannot be met.

Commented [RG17]: Confirm what this applies to

C. Transportation Concurrency Review Procedures. The city shall utilize the following procedures for evaluating all projects or development activities for concurrency, unless the applicant otherwise noted in writing:

1. Certificate of Concurrency.

a. The city shall complete a transportation concurrency evaluation at the time a development permit is applied for or during the course of permit review. The review shall conclude with a determination that the proposed project meets the level of service standards whereby a written determination of concurrency shall be issued and attached or incorporated to the development permit approval. When a project is determined to have not passed level of service standards the certificate of concurrency shall be conditioned in a manner that satisfies the requirements of this chapter, or the project shall not be approved.

b. The applicant shall provide the city with all information necessary to complete the concurrency evaluation on the proposed development. It shall be the responsibility of the applicant to provide studies, surveys, traffic counts, engineering review or any other items determined to be necessary for an accurate concurrency evaluation.

c. A certificate of concurrency shall be accorded the same terms and conditions as those for the underlying development permit. If a development permit timeline is extended the certificate shall also be extended for the same time duration. A certificate of concurrency shall be valid only for the development permit approved for the same parcel and may be transferable to any new owner(s) of the parcel to which it was issued.

d. A certificate of concurrency shall apply only to the specific land uses, densities, intensities and project described in the application and project permit. A concurrency certificate is valid for any modification of the permits for which the certificate was issued so long as such modification does not require the applicant to obtain a new project permit.

Commented [RG18]: Simplify this section

2. Traffic Impact Calculations.

a. Trip Generation. Traffic calculations shall be based on the trip generation average described within the latest available edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual for the particular type and extent of the development being proposed.

b. Concurrency Test. The projected number of trips generated by a proposed development shall be subtracted from existing or new transportation capacity of the impacted transportation facility. If projected demand is less than available

capacity the project is not adverse to level of service standards and shall be issued a certificate of concurrency.

D. Transportation Concurrency Mitigation Methods. The city shall use the following procedures and criteria to review and approve the adequacy of mitigation methods unless the applicant is otherwise noted in writing:

1. If mitigation is determined necessary to maintain level of service standards for an impacted transportation facility the applicant may choose among the following actions subject to city review and approval:

- a. Reduce the size of the project until levels of service standards are met;
- b. Enter into a legally binding development agreement with the city whereby all required improvements will be constructed and completed within six years of the development approval date which also ensures that the financing will be available to pay for the improvements;
- c. Be subject to a development approval conditioned that the required improvements be completed prior to the issuance of building permits, final plat or site plan approvals associated with the development;
- d. Propose transportation demand management strategies to reduce vehicle trips generated by the project development;
- e. Await the city's completion of mitigating improvements if such improvements are underway or planned as part of the city six-year transportation improvement plan;
- f. Any combination of the above.

2. Acceptable impact mitigation requires a finding of the following:

- a. The mitigation contributes to transportation facility performance and established level of service standards;
- b. The mitigation is consistent with the city's comprehensive plan;

c. Any improvements to an intersection or roadway do not shift traffic to residential areas or to other intersections where there is no mitigation being proposed;

d. Any adverse environmental impacts of the facility improvements may be reasonably minimized or eliminated; and

e. The improvements are consistent with the city's construction standards.

E. Public Facilities and Utilities Concurrency. All applicants shall submit, subject to city review and approval, documentation that adequate provisions have been made to ensure that public facilities and utilities are in place or can reasonably be provided to serve the proposed development. This shall include but is not limited to: fire and emergency medical services, law enforcement, electrical service, sewer services, water services, and public health facilities. (Ord. 2104 § 1 (Exh. A), 2022)

17.03.090 Accessory buildings, structures, dwelling units, and uses.

A. Accessory structures or buildings shall not occupy any parcel or lot independent of the primary building [unless approved by the city](#) and shall comply with the following provisions:

1. Accessory buildings may include the following or similar structures and shall only not be used as a livable space, in accordance with the provisions of this title, as determined by the city:

a. Detached and attached accessory dwelling units;

b. Garages;

c. Shops;

d. Buildings utilized by an approved home business;

e. Storage sheds;

f. Greenhouses and potting rooms;

g. Children's playhouse; and

h. ~~Storage container(s).~~ [Park model or tiny home.](#)

2. The following shall not be converted to, or used as, a storage building, accessory building, or accessory dwelling unit, unless specifically authorized in this title:

- a. Trailer;
- b. Bus;
- c. ~~RV; unless utilized for temporary use while a primary home is constructed. Subject to permit approval by City Manager.~~
- d. Vehicle;
- e. Camper;
- f. Mobile home;
- g. Tent; or
- h. ~~Park model or tiny house.~~

Commented [RG19]: Can we use an RV or temporary use for building a home? Construction trailer? – allow living while home is being built

Commented [AG20R19]: Yes I would like that change.

~~3. The rental of buildings or rooms for periods of 30 days or less require a temporary use permit and/or related permits from the city.~~

Commented [RG21]: Vacation rental - May separate into its own section?

Commented [AG22]: This has not been occurring and we have nothing in place to monitor

Commented [RG23]: Define short term rental – clarify this in definitions and if there needs to be a procedure

4. Accessory buildings, dwelling units, or structures shall only be permitted on parcels with a legally established primary residence, primary building, and/or primary use.

5. All accessory buildings and structures shall comply with the applicable provisions of this title, including setback, lot coverage, building height, and storm water management, as well as the provisions of the International Codes, as adopted and administered by the city, unless otherwise specifically authorized in this title.

17.03.160 Short Term Rentals

Commented [RG24]: Draft new code in supplemental standards

A. Purpose:

- 1. ~~The purpose of this chapter is to establish regulations for the operation of short term rentals within the city. It does not apply to hotels, motels, and bed and breakfasts.~~
- 2. ~~The provisions of this chapter are necessary to provide adequate housing opportunities to low and moderate income persons and to prevent unreasonable burdens on services and impacts on residential neighborhoods posed by short term~~

rentals. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and that they won't unreasonably reduce community housing opportunities. Maintenance of the city's existing residential neighborhoods is essential to its continued social and economic strength. It is the intent of this chapter to protect housing availability and to minimize the impact of short term rentals on adjacent residences, and to minimize the impact of the commercial character of short term rentals.

B. General requirements:

1. No owner or property within the Newport city limits may offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short term rental without a Newport short term rental permit and license and any applicable state and federal requirements. Offer includes through any media, whether written, electronic, web-based, digital, mobile, or otherwise.
2. A short term rental is permitted use in any conforming or preexisting dwelling unit in any zone.

C. Approval Criteria

1. Annual administrative permit and associated fees to be obtained at City. Annual permits shall include the following materials:
 - i. Annual safety inspection.
 - ii. Verification that lodging and business taxes through the previous quarter from the expiration date have been remitted to the Washington State Department of Revenue for an existing short term rental. If applying for a new short term rental, then verification of lodging taxes will be done at the annual renewal of the license;
 - iii. Evidence that rental has posted emergency exit and a layout plan in all units along with local contact information.
 - iv. Evidence of meeting the Washington State standards regulating Consumer Safety and Liability insurance as stated in RCW 64.37.
 - v. Such other information the City Administrator or designee deems reasonably necessary to administer this chapter.