

Title 18

LAND USE AND DEVELOPMENT

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Chapter 18.03

COUNTY PLANNING

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Cross-references:

Chapter 36.70 RCW: Planning enabling act.
Chapter 2.40 CCC: Department of Building and Planning to administer planning.

18.03.010 Planning Department established under Chapter 36.70 RCW.

The Board of Cowlitz County Commissioners does hereby elect to operate under the provisions of Chapter 36.70 RCW. In addition, the Board of Cowlitz County Commissioners selects the provisions of RCW 36.70.040, and does hereby create a Planning Department which shall be organized and function as any other department of the county. [Res. dated 1-17-61, § 1, 32 J 617.]

18.03.020 Planning Commission created.

The Board of County Commissioners, pursuant to the provisions of Chapter 36.70 RCW, and RCW 36.70.040 does hereby also create a planning commission consisting of nine members which shall assist the Planning Department in carrying out its duties, including assistance in the preparation and execution of the Comprehensive Plan and recommendations to the Department for the adoption of official controls and/or amendments thereto. [Res. dated 1-17-61, § 2, 32 J 617.]

18.03.030 Planning Commission conducts hearings.

The Planning Commission shall conduct such hearings as are required by Chapter 36.70 RCW

and shall make findings of fact and conclusions therefrom; which shall be transmitted to the Department which shall transmit the same on to the Board with such comments and recommendations as it deems necessary. [Res. dated 1-17-61, § 3, 32 J 617.]

18.03.040 Powers and duties of Department and Commission.

The powers and duties of the Planning Department and of the Planning Commission shall be such as are now described by Chapter 36.70 RCW, and other applicable laws of the State of Washington. When directed to do so by the Board of Cowlitz County Commissioners, the County Planning Department and the County Planning Commission shall also perform such other duties as are not inconsistent with such state laws. [Res. dated 1-17-61, § 4, 32 J 617.]

18.03.050 Planning Director's responsibility.

A Director of Planning shall be appointed by the Board of County Commissioners; he shall be responsible for the proper operation of the Planning Department; he shall be directly responsible to the Board of County Commissioners; he shall have the responsibility of employing, supervising and dismissing the personnel of the planning staff; he shall be responsible for providing secretarial and technical assistance to the Planning Commission. [Res. dated 1-17-71, § 5, 32 J 617.]

18.03.060 Financing.

The County Planning Department shall incur no financial obligations nor authorize any financial expenditures except for such purposes as are expressly authorized in advance by the Board of County Commissioners in such manner as the law provides. The County Planning Commission shall be subject to the same limitations pertaining to financial obligations or expenditures. Appropriations for the operation of both the Planning Department and the Planning Commission shall be separately identified, but the office accounting or other office records of finances shall be kept by the Planning Department. [Res. dated 1-17-61, § 6, 32 J 617.]

18.03.070 Director, Commission to promulgate rules.

The Planning Director shall establish such rules and procedures as are necessary to assure thorough and expeditious dealing with matters properly the concern of the Planning Department except that

such procedure shall not be in contravention of state law or county resolutions.

The Planning Commission shall adopt its own rules and regulations governing the conducting of its internal affairs provided that such rules and regulations shall not be in conflict with state law or county resolutions. [Res. dated 1-17-61, § 7, 32 J 617.]

18.03.080 Appointments to Commission.

Members of the Planning Commission shall be appointed by the Chairman of the Board of County Commissioners with the approval of the Board, provided that each member of the Board shall submit to the Chairman a list of nominees residing in his commissioner district and the Chairman shall make his appointments from such list so that as nearly as is mathematically possible, each commissioner district shall be equally represented on the Planning Commission. [Res. dated 1-17-61, § 8, 32 J 617.]

18.03.090 Terms of office.

The terms of office for members of the County Planning Commission shall be for four years. [Res. dated 1-17-61, § 9, 32 J 617.]

18.03.100 Staggered terms.

To assure staggered terms of office for members of said Planning Commission as set forth in RCW 36.70.070, 36.70.080, 36.70.090, and 36.70.100, and CCC 18.03.090, two terms of office shall begin on May 10, 1960, and expire January 31, 1964; three terms of office for four years shall begin February 1, 1961; and two terms of office for four years shall begin February 1, 1962; and two terms of office for four years shall begin February 1, 1963. [Res. dated 1-17-61, § 10, 32 J 617.]

18.03.110 Vacancies.

Vacancies resulting from the expiration of terms of office shall be filled by appointments for a term of four years. Vacancies occurring for any reason other than the expiration of a term of office shall be by appointment for the unexpired term of the office being filled. [Res. dated 1-17-61, § 11, 32 J 617.]

18.03.120 Commission organization.

At its first meeting in May, 1960, the Planning Commission shall organize by electing a chairman and vice-chairman to serve until January 31, 1961. Thereafter, at the first meeting in February of each year, the Planning Commission shall organize by electing a chairman and a vice-chairman to serve

for a period of one year. The Planning Commission may appoint standing or special committees to each of which it may assign specific responsibilities and authority provided only that such committee shall make no recommendations except to the Planning Commission. [Res. dated 1-17-61, § 12, 32 J 617.]

18.03.130 Quorum – Meetings.

Five members of the Planning Commission shall constitute a quorum. All actions of the Planning Commission shall be determined by a majority vote at a meeting of which a quorum is present, provided, that where state law or county resolution require a vote larger than the majority of a quorum, such provisions shall govern.

Each Planning Agency shall hold not less than one regular meeting in each month; provided, that if no matters over which the Planning Agency has jurisdiction are pending upon its calendar, a meeting may be canceled. [Res. dated 1-17-61, § 13, 32 J 617.]

Chapter 18.10

LAND USE ORDINANCE

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Cross-references:

RCW 36.70.550 – 36.70.800: Zoning controls.
Chapter 2.40 CCC: Department of Building and Planning to administer planning, building, permit coordination.

GENERAL PROVISIONS

18.10.010 Title.

This chapter shall be known and may be cited as the “Cowlitz County Zoning Code.” [Ord. 5848, § 2, 7-31-78; Ord. 4107, § 1.01, 4-14-75.]

18.10.020 Purpose.

This chapter is adopted as an official land use control for the unincorporated areas of County of Cowlitz, State of Washington, and is established to serve the public, health, safety and general welfare and to provide the economic, social and aesthetic advantages resulting from an orderly planned use of land resources and is a means of carrying out the general purposes set forth and defined in the adopted Comprehensive Plan of Cowlitz County as provided for by Chapter 36.70 RCW. The basic purpose of this chapter is to classify uses and to regulate the location of uses which are mutually compatible, and to protect each such group of uses from the intrusion of incompatible uses. To further accomplish the goal of compatibility, varying degrees of regulations are established for certain uses specified herein. A further purpose of this chapter is to provide a suitable environment for living, business and industry, and to maintain reasonable population densities and reasonable intensities of land use, all for the general purpose of conserving the quality of the environment, public health, safety, convenience and general welfare. [Ord. 4107, § 1.02, 4-14-75.]

18.10.030 Scope and content.

This chapter shall consist of the text hereof and in addition thereto land use maps identified by the appropriate signature of the Chairman of the Board of County Commissioners and marked and designated as the official maps of the Land Use Ordinance of Cowlitz County, which are filed in the office of the Auditor of Cowlitz County, Washing-

ton. Said chapter and each and all of its terms are to be read and interpreted in the light of the commitments of said maps. For the purposes of administration and enforcement, the land use maps in the Public Works Department shall be considered as official land use maps. Any and all amendments of the official land use map shall also be made on the land use maps in said Department at the time the amendment is filed with the County Auditor. If any conflict of maps and the text should arise, the maps of the chapter shall prevail. [Ord. 4107, § 1.03, 4-14-75.]

DEFINITIONS

18.10.040 Definitions – In general.

For the purpose of this chapter certain terms or words herein shall be interpreted as follows, except where specifically defined in this chapter all words used in this chapter shall carry the customary meanings. [Ord. 4107, § 2.01, 4-14-75.]

18.10.042 Accessory.

“Accessory” means a use, building or structure which is subordinate to and the use of which is incidental to that of the main activity, structure, building or use on the same lot or parcel. If an accessory use is attached to the main building by a common wall or roof, such accessory building shall be considered a main part of the main building. [Ord. 4107, § 2.01.01, 4-14-75.]

18.10.044 Agriculture use.

“Agriculture use” means land that is primarily used for the purpose of growing crops and/or raising of livestock including all accessory structures and improvements necessary to further these activities. [Ord. 4107, § 2.01.02, 4-14-75.]

18.10.045 Alley.

“Alley” means a passage or way less than 21 feet wide, open to public travel and dedicated to public use, affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation. [Ord. 80-322, § 1, 9-22-80.]

18.10.046 Building.

“Building” means any structure used or intended for supporting or sheltering any use for occupancy. [Ord. 4107, § 2.01.03, 4-14-75.]

18.10.048 Church.

“Church” means an establishment, the principal purpose of which is religious worship and for which the principal building or other structures contains the principal place of worship and including accessory uses in the main building or in separate buildings or structures including Sunday school rooms and religious education classrooms, assembly rooms, kitchen, library room or reading room, recreation hall, and may include residences on site for nuns and clergy but shall exclude facilities for training of religious orders. [Ord. 4107, § 2.01.04, 4-14-75.]

18.10.049 Commercial feed lot.

“Commercial feed lot” means a pen, corral, holding area or series of same where cattle or other large livestock are fed and maintained for imminent transport to market or slaughter; provided pastures, queuing areas for dairy cattle, and winter or seasonal feeding areas for beef cattle, dairy cattle or other large livestock shall not be considered commercial feed lots. [Ord. 94-005, § 4, 1-3-94.]

18.10.050 Commercial use.

“Commercial use” means an activity which serves all or a portion of the public with the objective of earning a profit for the owners of the activity. This definition excludes industrial uses. [Ord. 4107, § 2.01.05, 4-14-75.]

18.10.052 Commission.

Whenever the term “Commission” is used in this chapter it shall mean the Cowlitz County Planning Commission. [Ord. 4107, § 2.01.06, 4-14-75.]

18.10.054 Conforming use.

“Conforming use” means an activity or use, the nature and type of which is permitted in a land use district pursuant to this chapter. [Ord. 4107, § 2.01.07, 4-14-75.]

18.10.055 Development.

“Development” means any human-made change to improved or unimproved real property, including but not limited to construction or placement of any building, structure, dam, wall, bridge, wharf, embankment, levee, dike, road, pile, abutment, excavation, sign, short subdivision, subdivision, culvert, fill, earth movement or removal, mining, storage of flammables, explosives or other hazardous material, or other similar development attached to or occurring upon real property. The term devel-

opment is synonymous with the term “use.” [Ord. 94-005, § 1, 1-3-94.]

18.10.056 Director.

“Director” means the Director of the Cowlitz County Building and Planning Department. The term includes Planning Director, and may include any person designated by the Director to administer the provisions of this chapter. [Ord. 94-005, § 2, 1-3-94.]

18.10.058 District.

“District” means an area specifically defined as to boundaries and location and classified by this chapter for certain types of uses and excluding other types of uses subject to approval of special use pursuant to this chapter. [Ord. 4107, § 2.01.09, 4-14-75.]

18.10.060 Dwelling.

“Dwelling” means a building or portion thereof designed exclusively for residential purposes including one-family, two-family and multiple-family dwellings but not including hotels, boarding houses or motel units. Such building includes a kitchen and plumbing facilities. [Ord. 4107, § 2.01.10, 4-14-75.]

18.10.061 Explosive materials.

“Explosive materials” means explosives, blasting agents and detonators including but not limited to dynamite and other high explosives; slurries, emulsions and water gels; black powder and pellet powder; initiating explosives; detonators or blasting caps; safety fuses; squibs; detonating cord; igniter cord, igniters and Class B special fireworks, as defined in the Uniform Fire Code. [Ord. 94-005, § 3, 1-3-94.]

18.10.062 Flammable solid.

“Flammable solid” means a solid substance, other than one which is defined as a blasting agent or explosive, that is liable to cause fire through friction or as a result of retained heat from manufacture, which has an ignition temperature below 212 degrees Fahrenheit, or which burns so vigorously or persistently when ignited that it creates a serious hazard. Flammable solids include finely divided materials which when dispersed in air as a cloud may be ignited and cause an explosion. [Ord. 94-005, § 5, 1-3-94.]

18.10.063 Forestry industries use.

“Forestry industries use” means an activity or use on a tract or parcel of land that involves the growing and harvesting of trees including accessory structures and improvements normally associated with timber production such as storage buildings, loading docks, railroad and associated bridges, labor camps and roads necessary to provide access to harvest timber. This definition does not include processing of timber into finished or semi-finished products. [Ord. 4107, § 2.01.11, 4-14-75.]

18.10.064 Hazardous waste.

A. “Hazardous waste treatment and storage facility” means a location at which hazardous waste is treated and/or stored.

B. Hazardous waste treatment and storage facilities are categorized as “on-site,” “off-site,” or both.

1. An “on-site” facility is one that treats and stores hazardous waste generated on the same, geographically contiguous, or bordering property.

2. An “off-site” facility is one that treats and stores hazardous waste generated on any property other than that on which the facility is located.

C. “Hazardous waste” has the same meaning as defined in Chapter 70.105 RCW and the regulations thereunder, as now or hereafter amended.

D. “Treatment” means the physical, chemical, or biological processing of hazardous waste to make such waste nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

E. “Storage” means the holding of hazardous waste for a temporary period. Accumulation of hazardous waste, by the generator on the site of generation, is not storage as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201, as now or hereafter amended.

F. “State siting criteria” means the criteria currently or hereafter developed by the Washington State Department of Ecology under the authority of RCW 70.105.210 for the siting of hazardous waste management facilities. [Ord. 88-102, § 2, 6-27-88.]

18.10.065 Hearing Examiner.

“Hearing Examiner” means the Hearing Examiner of Cowlitz County. [Ord. 95-193, § 1, 12-4-95.]

18.10.066 Lot.

A “lot” is a parcel of land the boundaries of which are as described in the records of the Cowlitz County Auditor. [Ord. 94-005, § 7, 1-3-94.]

18.10.068 Lot area.

“Lot area” means the computed area contained within the lot lines, exclusive of public road rights-of-way or easements. [Ord. 94-005, § 8, 1-3-94.]

18.10.069 Lot line.

“Lot line” means any line bounding a lot as defined in this chapter. [Ord. 94-005, § 9, 1-3-94.]

18.10.070 Lot line, front.

“Front lot line” means the property line abutting a road. For corner lots on major and minor collector roads, collectors, arterials or principal arterials, the front lot line shall be the local access road whenever possible. Where a lot line abutting a road is curved, the front lot line is the chord or straight line connecting the ends of the curb. For a flag lot, the front lot line is the line adjoining the pole portion of the lot, excluding the pole area. [Ord. 94-005, § 10, 1-3-94.]

18.10.072 Lot line, rear.

“Rear lot line” means the lot line opposite the front lot line. [Ord. 94-005, § 11, 1-3-94.]

18.10.074 Lot line, side.

“Side lot line” means any lot line which is not a front lot line or a rear lot line. [Ord. 94-005, § 12, 1-3-94.]

18.10.075 Lot width.

“Lot width” means the horizontal distance between opposite side lot lines as measured at the front building setback line. [Ord. 94-005, § 13, 1-3-94.]

18.10.076 Mobile home.

“Mobile home” means a factory-assembled structure or structures constructed so as to be readily movable as a dwelling unit on its own running gear and designed to be used as a dwelling without a permanent foundation. [Ord. 4107, § 2.01.18, 4-14-75.]

18.10.078 Mobile home park.

“Mobile home park” means a plot of ground under the ownership or management of one or more persons which is primarily utilized as the location for two or more mobile homes for living or

sleeping purposes. [Ord. 4107, § 2.01.19, 4-14-75.]

18.10.080 Multiple-family dwellings.

“Multiple-family dwellings” means a building or portion thereof designed for occupancy by two or more families living independently of each other with each unit containing cooking facilities and plumbing facilities. “Multiple-family dwelling” includes: duplex, triplex, four-plex, apartment house dwellings and flats designed for occupancy on a permanent basis as distinguished from a transient basis. Such a building or buildings are joined by a common roof. [Ord. 4107, § 2.01.20, 4-14-75.]

18.10.082 Nonconforming pre-existing structure.

For the purposes of this chapter, “nonconforming pre-existing structure” means a building or structure or portion thereof which was lawfully erected or altered and maintained but which because of the application of this chapter no longer conforms to the regulations of the district in which it is located as defined by this chapter. [Ord. 4107, § 2.01.21, 4-14-75.]

18.10.083 Non-nuisance light industrial use.

For the purposes of this chapter, a “non-nuisance light industrial use” shall be one that has minimal adverse impacts on such environmental qualities as air, noise, odor, aesthetics, and other elements of the environment. Light industry includes activities such as processing, fabrication, storage and wholesale trade. Generally, these activities require reasonable accessibility to the highway network and/or a rail system. [Ord. 80-196, § 1, 6-23-80.]

18.10.084 Occupancy.

“Occupancy” means the purpose for which a building or a part thereof is used or intended to be used. [Ord. 4107, § 2.01.22, 4-14-75.]

18.10.086 Person.

“Person” means individual, firm, association, co-partnership, political subdivision, government agency, municipal industry, public or private corporation, or any other human entity whatsoever. [Ord. 4107, § 2.01.23, 4-14-75.]

18.10.087 Road.

“Road” means a dedicated or publicly maintained road or road right-of-way; or a private road right-of-way or easement providing access to three

or more lots or dwellings. [Ord. 94-005, § 14, 1-3-94.]

18.10.088 Setback.

“Setback” means the required open space located on the lot between the lot lines and the structure including the primary use on said lot as required by this chapter and such space is unoccupied and unobstructed. [Ord. 4107, § 2.01.24, 4-14-75.]

18.10.089 Sign.

“Sign” means any structure or device that attracts the attention of, or communicates information to, persons not on the premises on which the structure or device is located. The term also includes the following:

A. Freestanding Sign. A sign that is attached to some structure (such as a pole, mast, frame or other structure) that is not itself an integral part of or attached to a building or other structure. A sign that stands without support elements, such as a sandwich sign, is also a freestanding sign. If the message is removed from a structure that was originally designed and used as a freestanding sign, this structure shall still be considered a sign.

B. Off-Premises Sign. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided at a location other than the premises on which the sign is located.

C. On-Premises Sign. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided on the premises where the sign is located.

D. Projecting Sign. A sign that is attached to and hangs outward from a building. [Ord. 94-005, § 15, 1-3-94.]

18.10.090 Single-family dwellings.

“Single-family dwellings” are one-family dwellings located in a detached building designed exclusively for occupancy by one family. [Ord. 4107, § 2.01.25, 4-14-75.]

18.10.092 Special use.

A “special use” is any works, structure, or activity that is not explicitly permitted in a specific land use district pursuant to this chapter, but may be permitted pursuant to obtaining approval of the

Hearing Examiner as specified in this chapter. [Ord. 02-044, § 1, 2-26-02; Ord. 4107, § 2.01.26, 4-14-75.]

18.10.094 Special use permit.

A “special use permit” is the issuance of special use approval by the Hearing Examiner and such approval may contain certain conditions that assure that the use will conform to the County Comprehensive Plan and this chapter. [Ord. 02-044, § 2, 2-26-02; Ord. 4107, § 2.01.27, 4-14-75.]

18.10.095 Stable, public or private.

A. A “private stable” means an accessory building for the keeping of horses or other livestock owned by the occupants of the premises and not kept for remuneration.

B. A “public stable” means a building in which horses or other livestock are kept for remuneration, including facilities for saddle and riding clubs, and training or exhibition facilities. [Ord. 94-005, § 16, 1-3-94.]

18.10.096 Structure.

“Structure” means that which is built or constructed, an edifice or building of any kind or any works erected, built up or composed of parts joined together in some definite manner. [Ord. 4107, § 2.01.28, 4-14-75.]

18.10.098 Substantial progress.

For the purpose of this chapter, “substantial progress” means a development approved pursuant to this regulation in which 25 percent or more of the development has been completed during the initial approval period. [Ord. 4107, § 2.01.29, 4-14-75.]

18.10.099 Surface mine.

“Surface mine” means an operation required for extraction of minerals from the earth including mining by open-pit method and extraction of rock or minerals near the surface. The terms “surface mining” and “excavation” shall have the same meaning. The terms shall also include extraction of placed dredge spoils. Notwithstanding any other provision of this chapter, surface mines shall be a permitted use solely pursuant to a special use permit issued pursuant to CCC 18.10.280 through 18.10.315, and subject to administrative guidelines and standards adopted by resolution of the Board of County Commissioners. [Ord. 95-166, § 1, 11-6-95.]

18.10.100 Variance.

A “variance” is a means provided by this chapter by which an adjustment is made in the application of the specific regulations required of a particular piece of property in a particular district under special circumstances applicable to it as specified by this chapter and to which said property is deprived of privileges, commonly enjoyed by other properties in the same district and which adjustment remedies disparity in privileges. [Ord. 4107, § 2.01.30, 4-14-75.]

18.10.102 Yard, front.

“Front yard” means an open space that is located between the front lot line and the structure that includes the primary use of the land or parcel involved and that such space is unoccupied and unobstructed. [Ord. 4107, § 2.01.31, 4-14-75.]

18.10.104 Yard, side.

“Side yard” means an open space on a lot located between the structure that includes the primary use on the lot and the side lot line and such space is unoccupied or unobstructed. [Ord. 4107, § 2.01.32, 4-14-75.]

18.10.106 Yard, rear.

“Rear yard” means an open space on a lot located between the rear lot line and the structure containing the primary use contained on the lot and such space is unoccupied and unobstructed. [Ord. 4107, § 2.01.33, 4-14-75.]

LAND USE DISTRICT BOUNDARIES – MAP**18.10.120 Land use districts – Establishment.**

In order to accomplish the purpose of this chapter, land use districts are hereby established as set forth in Article IV* and regulations are set forth herein defining permitted land use activities, densities, and development performance standards. Those permitted uses specified in each of the above articles* are exclusive excepting special uses approved pursuant to CCC 18.10.280 through 18.10.315. [Ord. 4107, § 3.01, 4-14-75.]

*Codifier’s note: “Article IV” is codified herein as CCC 18.10.150 – 18.10.275. “Each of the above articles” apparently refers to the various sections of Article IV.

18.10.130 Boundaries.

Where uncertainty exists as to the boundaries of any district shown upon the land use map or any part or unit thereof, the following rules shall apply.

A. Where such boundaries are indicated as approximately following the centerline of streets or alleys or lot lines, such lines shall be construed to be such boundaries.

B. In the case of unsubdivided property, and where a district boundary divides such property, the location of such boundaries, unless the same are indicated by dimensions, shall be determined by use of the scale appearing on said land use map.

C. Where a public street or alley is officially vacated or abandoned, the area comprising such vacated street or alley shall acquire the classification of the property to which it reverts.

D. Where a lot subdivided and recorded subsequent to the land use of the area in which it is located becomes so placed that it is unequally bisected longitudinally by the boundary lines of different land use districts, the district boundary shall be considered as following the lot lines of the lot in such manner as to place the lot wholly in that land use classification or area district which applies to the major portion of the lot.

E. Where a lot is equally bisected longitudinally by a land use district boundary line, the total lot shall acquire the most restrictive use classification and the highest area requirement of the two land use classifications or districts involved.

F. Where a lot is bisected by the boundary line between two land use districts and such boundary line parallels the street on which such lot fronts, the total area of such bisected lot shall acquire the same use classification or area district requirement as the front portion of the lot. These provisions shall not apply to through lots.

G. Where property abuts a non-navigable body of water, the use classification shall extend to the center of such body of water, and where property abuts a navigable body of water, the use classification shall extend to the line of ordinary high water mark. [Ord. 4107, § 3.02, 4-14-75.]

18.10.140 Land use district map.

The location and boundaries of the various land use districts are as specified on the official land use map as filed in the office of the County Auditor and as amended. [Ord. 4107, § 3.03, 4-14-75. Amendments, see following note.]

Codifier’s note: The following ordinances have enacted amendments to the official land use map: Ord. 07-050, 3-27-07; Ord. 06-131, 9-26-06; Ord. 06-094, 7-27-06; Ord. 06-054, 5-2-06; Ord. 05-091, 7-12-05; Ord. 04-183, 8-31-04; Ord. 03-122, 8-19-03; Ord. 02-196, 11-19-02; Ord. 02-116, 7-16-02; Ord. 01-132, 8-21-01; Ord. 01-064, 4-9-01; Ord. 01-015, 1-29-01; Ord. 00-036, 4-24-00; Ord. 00-018, 2-28-00; Ord. 99-101, 6-21-99; Ord. 99-068, 4-

19-99; Ord. 99-020, 2-1-99; Ord. 99-019, 2-1-99; Ord. 98-192, 11-16-98; Ord. 98-114, 7-20-98; Ord. 98-031, 2-23-98; Ord. 98-030, 2-23-98; Ord. 97-196, 10-13-97; Ord. 97-195, 10-13-97; Ord. 97-185, 9-29-97; Ord. 97-161, 8-25-97; Ord. 97-102, 5-27-97; Ord. 96-220, 12-23-96; Ord. 95-175, 11-13-95; Ord. 95-174, 11-13-95; Ord. 94-005, 1-3-94; Ord. 93-072, 5-3-93; Ord. 93-054, 4-5-93; Ord. 92-173, 10-26-92; Ord. 92-139, 9-14-92; Ord. 92-110, 8-3-92; Ord. 92-014, 2-3-92; Ord. 91-200, 12-23-91; Ord. 91-179, 11-25-91; Ord. 91-102, 7-22-91; Ord. 90-205, 12-3-90; Ord. 88-057, 5-2-88; Ord. 87-135, 7-6-87; Ord. 87-097, 5-26-87; Ord. 87-013, 1-26-87; Ord. 87-012, 1-26-87; Ord. 86-199, 10-27-86; Ord. 85-232, 11-18-85; Ord. 84-102, 4-23-84; Ord. 84-066, 3-12-84; Ord. 83-060, 3-7-83; Ord. 83-055, 2-28-83; Ord. 82-245, 8-30-82; Ord. 82-152, 6-7-82; Ord. 82-112, 5-10-82; Ord. 82-023, 1-25-82; Ord. 81-777, 10-12-81; Ord. 81-724, 9-8-81; Ord. 81-696, § 2, 8-10-81; Ord. 81-662, § 2, 7-6-81; Ord. 81-623, §§ 9, 10, 4-20-81; Ord. 81-592, § 2, 5-18-81; Ord. 81-588, § 2, 5-18-81; Ord. 80-197, § 2, 6-23-80; Ord. 80-196, § 6, 6-23-80; Ord. 80-123, § 2, 4-21-80; Ord. 80-001, § 5, 1-14-80; Ord. 6362, 10-15-79; Ord. 6150, 4-5-79; Ord. 5845, 7-24-78; Ord. 5060, 1-24-77; Ord. 4830, 9-8-76; Ord. 4821, 8-30-76; Ord. 4638, 3-31-76; Ord. 4508, §§ 3, 4, 12-17-75; Ord. 4207, 7-14-75.

LAND USE DISTRICTS

18.10.150 Rural residential (RR-1) – Permitted uses.

Only the following uses are permitted in this district:

- A. Single-family dwellings;
- B. Accessory buildings and uses including but not limited to the following:
 1. Vehicular garages;
 2. Small animals (household pets) not to exceed four in any combination thereof, when kept on the same lot as the resident dwelling of the owner of said animals;
 3. Swimming pools and other recreational facilities for the sole use of the occupants of the premises and their guests;
- C. Sale of seasonal produce, farms, truck gardening, orchards or nurseries, provided no retail or wholesale business sales office is maintained on the premises, and provided, no poultry or livestock, other than normal household pets, shall be housed within 100 feet of any residence other than the dwelling on the same lot;
- D. Timber management practices, including planting and harvesting of timber crops and harvesting of any wild crop such as ferns, bark, cones and berries;
- E. Other uses compatible with the residential character of this zone subject to special use permit

approval pursuant to CCC 18.10.280 and 18.10.490. [Ord. 80-001, 1-14-80; Ord. 4508, § 1-4.01.01, 12-17-75; Ord. 4107, § 4.01.01, 4-14-75.]

18.10.155 RR-1 – General requirements.

Developments in this district shall comply with the requirements set forth in CCC 18.10.500 through 18.10.580 applicable to this land use district (RR-1). [Ord. 4508, § 1-4.01.02, 12-17-75; Ord. 4107, § 4.01.02, 4-14-75.]

18.10.160 Rural residential (RR-2) – Permitted uses.

Only the following uses are permitted for this district:

- A. Any use permitted in the RR-1 district;
- B. Other uses compatible with the residential character of this land use district subject to special use permit approval pursuant to CCC 18.10.280 through 18.10.490. [Ord. 4508, § 1-4.02.01, 12-17-75.]

18.10.165 RR-2 – General requirements.

Developments in this district shall comply with the requirements set forth in CCC 18.10.500 through 18.10.580 applicable to this land use district (RR-2).* [Ord. 4508, § 1-4.02.02, 12-17-75.]

*Codifier's note: Original has "(RR-1)", apparently a typographical error.

18.10.167 Rural residential-5 (RR-5) – Permitted uses.

Only the following uses are permitted in this district:

- A. Single-family dwellings;
- B. Accessory buildings and uses including, but not limited to the following:
 1. Vehicular garages;
 2. Small animals (household pets) not to exceed six in any combination thereof, when kept on the same lot as the resident dwelling of the owner of said animal;
 3. Swimming pools and other recreational facilities for the sole use of the occupants of the premises, and their guests;
 4. Sale of seasonal produce, farms, truck gardening, orchards or nurseries, provided no retail or wholesale business sales office is maintained on the premises and provided no poultry or livestock, other than normal household pets, shall be housed within 100 feet of any residence other than the dwelling on the same lot;

5. Timber management practices, including planting and harvesting of timber crops and harvesting of any wild crop such as ferns, bark, cones and berries;

6. Other uses compatible with the residential character of this zone subject to special use permit approval pursuant to CCC 18.10.280 through 18.10.490. [Ord. 80-001, § 4, 1-14-80.]

18.10.168 RR-5 – General requirements.

Developments in this district shall comply with the requirements set forth in CCC 18.10.500 through 18.10.580 applicable to this zone (RR-5). [Ord. 80-001, § 5, 1-14-80.]

18.10.170 Suburban residential (SR) – Permitted uses.

Only the following uses are permitted in this district.

A. Any use permitted in the R-R* district.

B. Other uses compatible with the residential character of this land use district subject to special use permit approval pursuant to CCC 18.10.280 through 18.10.490. [Ord. 4508, § 1-4.03.01, 12-17-75; Ord. 4107, § 4.02.01, 4-14-75.**]

*Codifier’s note: Thus in original. “R-R” was the abbreviation for the “Rural Residential” land use district as established by Ord. 4107, prior to the amendments of Ord. 4508 which replaced “R-R” with “RR-1” and “RR-2”.

**Codifier’s note: The section numbers in the history note refer to the original form of Ord. 4107. The copies of the Land Use Ordinance distributed by the Department of Community Development, which include the amendments of Ord. 4508, have renumbered the remaining sections of Article IV (CCC 18.10.170 – 18.10.275), so that the section numbers therein are one greater in the third digit than the original numbers noted here.

18.10.175 SR – General requirements.

All development in this district shall conform to the requirements specified in CCC 18.10.500 through 18.10.580 applicable to this land use district (SR).

18.10.180 Urban residential (UR) – Permitted uses.

Only the following uses are permitted in this district:

A. Any use permitted in the R-R* district;

B. Duplex multiple-family dwellings;

C. Other uses compatible with the residential character of this land use district subject to special use permit approval pursuant to CCC 18.10.280

through 18.10.490. [Ord. 4107, § 4.03.01, 4-14-75.]

*Codifier’s note: See first note following CCC 18.10.170.

18.10.185 UR – General requirements.

All development in this district shall conform to the requirements specified in CCC 18.10.500 through 18.10.580 applicable to this land use district (UR). [Ord. 4107, § 4.03.02, 4-14-75.]

18.10.190 Multiple-family (MF) – Permitted uses.

Only the following uses are permitted in the multiple-family land use district (MF):

A. Any permitted use in the UR land use district;

B. Multiple-family dwellings;

C. Other uses compatible with the character of this land use district subject to special use permit approval pursuant to CCC 18.10.280 through 18.10.490. [Ord. 4107, § 4.04.01, 4-14-75.]

18.10.195 MF – General requirements.

All development in this district shall conform to the requirements specified in CCC 18.10.500 through 18.10.580 applicable to this land use district. [Ord. 4107, § 4.04.02, 4-14-75.]

18.10.200 Neighborhood commercial (C-1) – Purpose.

The purpose of this classification is to provide for the location and grouping of retail activities and services which will serve the daily needs of the neighborhoods in the general area. [Ord. 4107, § 4.05.01, 4-14-75.]

18.10.205 C-1 – Permitted uses.

The following are the permitted uses in the neighborhood commercial (C-1) zone district:

A. Neighborhood food stores and convenience markets, not exceeding 5,000 square feet in total area;

B. Self-service laundries;

C. Gasoline service stations;

D. Barber and beauty shops;

E. Caretaker’s apartment as an accessory to a permitted use, provided the apartment is within or attached to a structure occupied by the permitted use, and provided the apartment is occupied by the owner or his employee for the purpose of caring for, watching, or guarding the property. The apart-

ment shall not be rented or occupied by any person not employed in the main business occupying the property, except that the caretaker's family may also occupy the apartment;

F. Other uses accessory to a permitted use, including but not limited to employee and off-street parking, and utilities. [Ord. 88-102, § 3, 6-27-88; Ord. 82-194, § 1, 7-19-82.]

18.10.207 C-1 – Special uses.

The following uses may be permitted in a C-1 district upon obtaining a special use permit pursuant to the provisions of CCC 18.10.280 through 18.10.490, or as hereafter amended:

A. Churches, public or private schools, community halls, parks, and recreation facilities;

B. Professional services;

C. Day-care establishments providing services for six or more children;

D. Other uses compatible with the character of the land use district in which they propose to locate. [Ord. 82-194, § 2, 7-19-82.]

18.10.210 C-1 – General requirements.

All uses in the C-1 district shall comply with the applicable standards and requirements set forth in CCC 18.10.500 through 18.10.580. [Ord. 82-194, § 3, 7-19-82.]

18.10.215 Urban commercial (C-2) – Purpose.

The purpose of this classification is to provide for the location and grouping of retail activities which serve the needs of the county and traveling public. [Ord. 4107, § 4.06.01, 4-14-75.]

18.10.220 C-2 – Permitted uses.

The following uses are the permitted uses in the urban commercial (C-2) zone district:

A. Any use permitted in the C-1 zone district;

B. Apartments above the first floor of a commercial building;

C. Automobile repair, where conducted entirely within a building;

D. Storage or sales of automobiles in good operating condition;

E. Printing and newspaper establishments;

F. Bakeries, including a retail shop or office in connection therewith;

G. Retail stores of all descriptions where the merchandise is arranged and sales concluded within a building;

H. Shops for the repair or servicing of household appliances and personal equipment, where the

repair and servicing are conducted entirely within a building;

I. Taverns, restaurants, lounges, and other establishments serving food and/or beverages;

J. Hospitals, medical clinics, homes for aged or children, except none of the foregoing shall be used for the purpose of corrections;

K. Lawful commercial amusement facilities, including but not limited to theaters, dancehalls, skating rinks, swimming pools, and bowling alleys;

L. Mortuaries;

M. Bus terminals and stations;

N. Commercial off-street parking lots and garages;

O. Hotels and motels;

P. Laundries and dry-cleaning establishments;

Q. Food stores, supermarkets, and drugstores;

R. Gift, curio, novelty, and variety stores;

S. Small animal and veterinary clinics, except kennels or open runs;

T. Business, financial, and professional services;

U. On-site hazardous waste treatment and storage facilities; provided: (1) such facilities are accessory to and clearly subordinate to another permitted use; (2) such facilities comply with the state siting criteria; and (3) such facilities are developed and operated in compliance with all applicable federal and state laws and regulations, including but not limited to Chapter 70.105 RCW and the regulations thereunder, as now or hereafter amended. [Ord. 88-102, § 4, 6-27-88; Ord. 82-194, § 4, 7-19-82.]

18.10.222 C-2 – Special uses.

The following uses may be permitted in a C-2 district upon obtaining a special use permit pursuant to the provisions set forth in CCC 18.10.280 through 18.10.490, or as hereafter amended.

A. Public or private schools;

B. Churches, community halls;

C. Parks, recreation facilities;

D. Other uses compatible with the character of the district in which they propose to locate. [Ord. 82-194, § 5, 7-19-82.]

18.10.225 C-2 – General requirements.

All uses in the C-2 district shall comply with the applicable standards and requirements set forth in CCC 18.10.500 through 18.10.580. [Ord. 82-194, § 6, 7-19-82.]

18.10.230 Light manufacturing (ML) district – Purpose.

The purpose of this zoning classification is to allow light industrial uses or structures where the primary use involves fabrication, manufacturing, assembly, processing and distribution of predominately prefabricated materials. Such uses are expected to be non-nuisance industries. Light industries are expected to refrain from activities that generate environmental pollutants such as noise, smoke, dust, odors, toxic gases, vibration, glare and heat. [Ord. 94-005, § 17, 1-3-94.]

18.10.231 ML – Permitted uses.

The following are the permitted uses in a light manufacturing (ML) zone district:

A. Any use permitted in the C-1 and C-2 districts except single-family dwellings, multiple-family dwellings, apartment houses, hotels, motels, rooming houses, provided, a caretaker's apartment shall be allowed as an accessory to a permitted use, so long as the apartment is within or attached to a structure occupied by the permitted use, and so long as the apartment is occupied by the owner or his employee for the purpose of caring for, watching, or guarding the property. The apartment shall not be occupied by any person not employed in the main business occupying the property, except that the caretaker's family may also occupy the apartment;

B. Auto and truck salvage and wrecking operations provided the operation is approved and licensed pursuant to Chapter 5.05 CCC, or as hereafter amended;

C. Bakeries producing for the wholesale market with retail sales limited to items produced on the premises;

D. Buildings, yards, and developments necessary for the operation of a public utility, but not including thermal power generating facilities;

E. Construction and contracting offices, and equipment and material storage yards;

F. Construction and logging equipment manufacture, sales, repair, and service;

G. Employee cafeterias accessory to a permitted use;

H. Farm and agricultural production, product processing, canning, packaging and distributing, except large animal (sheep, goats, horses, cattle) feedlots and slaughter facilities;

I. Laboratories and research organizations;

J. Light manufacturing and fabrication of previously processed metals and materials;

K. Major automobile and truck repair including painting and body work;

L. Storage and wholesale and retail sales of wood, lumber and building materials;

M. Storage and distribution of petroleum, propane, liquefied gas, coal, and wood as an accessory to a permitted use, so long as all fire and safety specifications are met;

N. Rental and leasing services using extensive outdoor storage and/or warehousing, and primarily serving other permitted uses within the land use district in which they are located;

O. Storage buildings for household goods and property, e.g., mini-storage;

P. Veterinary offices and clinics and hospitals; outside animal runs, dog grooming facilities, kennels or animal boarding establishments;

Q. Warehouses, storage facilities, and distribution centers, including truck terminals and transit storage; provided that docking and loading activities do not use any public street, alley or sidewalk;

R. Nurseries, greenhouses, yard and garden supply outlets;

S. On-site hazardous waste treatment and storage facilities; provided: (1) such facilities are accessory to and clearly subordinate to another permitted use; (2) such facilities comply with the state siting criteria; and (3) such facilities are developed and operated in compliance with all applicable federal and state laws and regulations, including but not limited to Chapter 70.105 RCW and the regulations thereunder, as now or hereafter amended. [Ord. 88-102, § 5, 6-27-88; Ord. 82-181, § 2, 6-28-82.]

18.10.232 ML – Special uses.

The following uses may be permitted in an ML district upon obtaining a special use permit pursuant to the provisions of CCC 18.10.280 through 18.10.490, or as hereafter amended:

A. Churches, community halls, parks, recreation uses;

B. Other uses compatible with the character of the district in which they propose to locate. [Ord. 82-181, § 3, 6-28-82.]

18.10.234 ML – General requirements.

All uses in the ML district shall comply with the applicable standards and requirements set forth in CCC 18.10.500 through 18.10.580. [Ord. 82-181, § 4, 6-28-82.]

18.10.235 Heavy manufacturing (MH) – Purpose.

The purpose of this zoning classification is to allow heavy industrial uses or structures where the primary use involves fabrication, manufacturing, assembly, processing and distribution of raw materials, primarily serving nonlocal wholesale and retail markets. Heavy industrial uses may generate some noise, smoke, dust, odors, toxic gases, vibration, glare, heat and other environmental pollutants in conformance with applicable regulations and must be tolerated, to the benefit of the economy and general welfare of the county. Heavy industrial uses are dependent upon rail, water or arterial access to the interstate highway system. [Ord. 94-005, § 19, 1-3-94.]

18.10.236 MH – Permitted uses.

The following are permitted uses in a heavy manufacturing (MH) zone district:

A. Any use permitted in the ML zone district;

B. On-site and off-site hazardous waste treatment and storage facilities; provided: (1) such facilities are accessory to and clearly subordinate to another permitted use; (2) such facilities comply with the state siting criteria; and (3) such facilities are developed and operated in compliance with all applicable federal and state laws and regulations, including but not limited to Chapter 70.105 RCW and the regulations thereunder, as now or hereafter amended;

C. All other uses, except single-family dwellings, multiple-family dwellings, apartment houses, hotels, rooming houses, auto courts, motels and mobile home parks, except a caretaker's apartment or dwelling shall be allowed for any business except a gasoline service station; provided the apartment is within the same structure as the business and is occupied by the owner or his employee whose duty it shall be to care for, watch and guard the property. The apartment or dwelling shall not be rented or occupied by any party not employed in the main business occupying the property. [Ord. 88-102, § 6, 6-27-88; Ord. 81-623, § 4, 4-20-81.]

18.10.237 MH – General requirements.

All development in this district shall conform to the standards and requirements set forth in CCC 18.10.500 through 18.10.580. [Ord. 81-623, § 5, 4-20-81.]

18.10.239 MH – Special provisions.

All heavy manufacturing uses shall comply with state and federal pollution abatement standards

both prior to commencement of operation, and at all times thereafter. [Ord. 81-623, § 6, 4-20-81.]

18.10.241 Agriculture-industrial (AG-I).

A. Purpose. It is the purpose of this district to protect agricultural uses, while providing for the conversion of land to light industrial uses that support diversification of the county's industrial base. This can be accomplished by allowing specific light industrial uses as special uses if the site is near other urban development and appropriate infrastructure, if such special use will conform with applicable regulations regarding noise, smoke, dust, odors, toxic gases, vibration, glare and heat, and if such special use will not create an unreasonable risk of fire, explosion or other hazard.

B. Permitted Uses. The following uses and structures are permitted in the AG-I zone district:

1. Agricultural activities: farms, dairies, pastures, apiaries, horticulture, floriculture, animal and poultry husbandry, slaughterhouses, cultivation, management and harvest of any forest crop and private stables;

2. All activities associated with the production of agricultural products, including but not limited to the following:

a. Operation, maintenance, and repair of farm equipment,

b. Disposal and use of manure,

c. Spraying and fertilizing,

d. Preparation of farm products for market,

e. Sale of produce,

f. Storage and transportation of agricultural products;

3. All buildings associated with the production of agricultural products, including but not limited to:

a. Barns, private stables,

b. Storage,

c. Roadside stands for the sale of produce,

d. Nurseries and greenhouses,

e. Buildings for farm produce production, storage and distribution,

f. On-site hazardous waste treatment and storage facilities; provided: (1) such facilities are accessory to and clearly subordinate to a permitted use or special use; (2) such facilities comply with the state siting criteria; and (3) such facilities are developed and operated in compliance with all applicable federal and state laws and regulations, including but not limited to Chapter 70.105 RCW and the regulations thereunder, as now or hereafter amended.

C. Accessory Uses. The following uses are allowed accessory to the above permitted uses:

1. Housing for the property owner's immediate family members and employees, providing there is no division of land, except as provided in CCC 18.10.547 through 18.10.548, as now enacted or hereafter amended.

D. Special Uses. The following uses are allowed by special use permit, pursuant to CCC 18.10.280 through 18.10.315, if found compatible with the character of this zone district, and are geographically logical, outward expansions of urban development from the Woodland city limits, within the Woodland Urban Growth Management Area. All special uses shall, at a minimum, meet the applicable development standards and performance standards in CCC 18.10.500 through 18.10.729. Additional conditions may be attached to a special use permit when circumstances or characteristics of the proposed use warrant such conditions to make the proposal consistent with the intent of the Comprehensive Plan and this district.

1. Nurseries, greenhouses, yard and garden supply sales;
2. Livestock training, auction, or exhibition facilities;
3. Commercial feedlots;
4. Public stables;
5. Feed and seed stores and other agricultural materials, supplies and machinery sales and service;
6. Equipment assembly, sales, rental, repair and service;
7. Bakeries producing for the wholesale market with retail sales limited to items produced on the premises;
8. Storage buildings and warehouses for consumer goods;
9. Cold and ice storage plants including storage and office within the building;
10. Laboratories and research facilities;
11. Light industrial fabrication; processing, storage and distribution of prefabricated materials. All such uses must comply with applicable federal, state and local regulations, and must not create an unreasonable risk of fire or explosion to adjacent properties. Retail sales must be secondary to the production and wholesale sales of the products and materials;
12. Major automobile, motorcycle and truck repair/auto and truck frame repair and straightening; vehicle painting; and engine, transmission, and suspension repair and rebuilding. Outdoor storage

of vehicle shall be behind a sight-obscuring fence, wall or hedge;

13. Construction and contracting offices and equipment and material storage yards;

14. Rental and leasing services requiring extensive outdoor storage and warehousing, and primarily serving other permitted uses within this district;

15. Buildings, yards and development necessary for the operation of a public utility; provided thermal power generating facilities shall not be allowed;

16. Petroleum, propane, liquefied gas, coal, wood and similar bulk fuel storage and distribution facilities;

17. Veterinary offices and clinics including outside animal runs; dog grooming facilities;

18. Employee cafeterias as part of the special use;

19. Other light industrial uses not listed, but having similar characteristics and site requirements;

20. Nonmotorized recreation, educational and scientific projects, road and utility corridors, and other activities authorized by county critical areas regulations where such activities are located to buffer industrial uses and agricultural uses from critical areas and resource lands. [Ord. 94-005, § 22, 1-3-94.]

18.10.245 Agriculture (AG) – Permitted uses.

The following uses are permitted in this zone district:

A. Single-family dwellings and accessory buildings and uses;

B. Agricultural uses including the raising of livestock and accessory buildings and uses;

C. Recreation uses;

D. On-site hazardous waste treatment and storage facilities; provided: (1) such facilities are accessory to and clearly subordinate to another permitted use; (2) such facilities comply with the state siting criteria; and (3) such facilities are developed and operated in compliance with all applicable federal and state laws and regulations, including but not limited to Chapter 70.105 RCW and the regulations thereunder, as now or hereafter amended;

E. Other uses compatible with the character of this zone district, pursuant to CCC 18.10.280 through 18.10.315. [Ord. 88-102, § 8, 6-27-88; Ord. 4107, § 4.08.01, 4-14-75.]

18.10.250 AG – General requirements.

Uses permitted in this district shall comply with the standards set forth in CCC 18.10.500 through 18.10.580 applicable to this land use district. [Ord. 4107, § 4.08.02, 4-14-75.]

18.10.251 Agriculture-38 (AG-38).

A. Purpose. The purpose of the AG-38 district is to protect agricultural uses and agricultural soils, and to provide for long-term agricultural activities with minimal encroachment of nonagricultural uses.

B. Permitted Uses. The following uses are permitted in the AG-38 district:

1. Agricultural activities: farms; dairies; pastures; apiaries; horticulture; floriculture; animal and poultry husbandry; commercial feedlots; slaughterhouses; cultivation, management and harvest of any forest crop; and private stables;
2. All activities associated with the production of agricultural products, including but not limited to the following:
 - a. Operation, maintenance, and repair of farm equipment;
 - b. Disposal and use of manure;
 - c. Spraying and fertilizing;
 - d. Preparation of farm products for market;
 - e. Sale of produce;
 - f. Storage and transportation of agricultural products;
3. All buildings associated with the production of agricultural products including but not limited to:
 - a. Barns, private stables;
 - b. Storage;
 - c. Roadside stands for the sale of produce;
 - d. Housing for the property owner's immediate family members and employees, providing there is no division of land, except as provided in CCC 18.10.547 through 18.10.548, as now enacted or hereafter amended;
 - e. Nurseries and greenhouses;
 - f. Buildings for farm produce production, storage, and distribution;
 - g. On-site hazardous waste treatment and storage facilities; provided: (1) such facilities are accessory to and clearly subordinate to a permitted agricultural use, (2) such facilities comply with the state siting criteria, and (3) such facilities are developed and operated in compliance with all applicable federal and state laws and regulations, including but not limited to Chapter 70.105 RCW

and the regulation thereunder, as now enacted or hereafter amended.

C. Special Use. The following uses may be permitted by special use permit if found compatible with the character of this zone district, pursuant to CCC 18.10.280 through 18.10.315:

1. Mining and storage of dredge spoils, provided, top soils shall be stockpiled on site prior to deposition of the dredge spoil materials, and such top soils shall be distributed over the top of the dredge spoils upon completion of the dredging activity;
2. Handling and storage of forest products;
3. Water-oriented outdoor recreational uses;
4. Utility and transportation corridor(s);
5. Public stables;
6. On-site hazardous waste treatment and storage facilities; provided: (a) such facilities are accessory to and clearly subordinate to an approved special use, (b) such facilities comply with the state siting criteria, and (c) such facilities are developed and operated in compliance with all applicable federal and state laws and regulations, including but not limited to Chapter 70.105 RCW and the regulations thereunder, as now or hereafter amended. [Ord. 94-005, § 20, 1-3-94.]

18.10.252 AG-38 – General requirements.

Uses in this zone shall comply with the standards set forth in CCC 18.10.500 through 18.10.729. [Ord. 94-005, § 21, 1-3-94; Ord. 80-196, § 4, 6-23-80.]

18.10.255 Forestry-recreation (FR) – Purpose.

The forestry-recreation land use district is intended to provide for the maintenance of a stable commercial forest land base for the development and sustained production of forest products and to protect this resource from the intrusion of incompatible uses. Compatible uses, such as recreation, water use, and wildlife habitat, are also permitted subject to such conditions necessary to eliminate incompatible aspects of such uses. [Ord. 4107, § 4.09.01, 4-14-75.]

18.10.260 FR – Permitted uses.

The following uses are permitted in the FR zone district:

- A. All uses permitted in the AG and AG-38 zone districts;
- B. Forestry industries;
- C. Portable and temporary milling, chipping and barking equipment;

D. Harvesting any wild crop such as ferns, bark, cones and berries;

E. Fish and wildlife management and structures incidental thereto;

F. Excavation of mineral, sand, gravel, rock or soil and the structures and activities incidental thereto, including crushing and mixing plants;

G. Sanitary landfills and solid waste transfer facilities;

H. The construction, operation and maintenance of a transportation system for the management and protection of the forest lands and the removal of forest products;

I. Individual recreation uses which may be permitted by the landowner, such as hiking, horseback riding, hunting, fishing, swimming, boating, and camping at undeveloped sites;

J. On-site hazardous waste treatment and storage facilities; provided: (1) such facilities are accessory to and clearly subordinate to another permitted use; (2) such facilities comply with the state siting criteria; and (3) such facilities are developed and operated in compliance with all applicable federal and state laws and regulations, including but not limited to Chapter 70.105 RCW and the regulations thereunder, as now or hereafter amended;

K. Other uses compatible with the character of the zone district, pursuant to CCC 18.10.280 through CCC 18.10.315. [Ord. 88-102, § 10, 6-27-88; Ord. 4107, § 4.09.02, 4-14-75.]

18.10.265 FR – General requirements.

All developments in this land use district shall comply with the requirements set forth in CCC 18.10.500 through 18.10.580 applicable to this land use district. [Ord. 4107, § 4.09.03, 4-14-75.]

18.10.270 Unclassified (U) – Area of application.

The areas to which this classification is to be applied, as defined within Cowlitz County's adopted Comprehensive Plan, are generally those expansive areas of Cowlitz County which have not had extensive urban development and probably will not have any degree of such development in the foreseeable future. [Ord. 4107, § 4.10.01, 4-14-75.]

18.10.275 U – Permitted uses.

In the U district all uses which have not been declared a nuisance by statute, resolution, ordinance, or court of competent jurisdiction are permitted. [Ord. 4107, § 4.10.02, 4-14-75.]

SPECIAL USES

18.10.280 Applicability.

Any person proposing to develop a nonconforming land use shall apply for and obtain a special use permit prior to beginning development. [Ord. 4107, § 5.01.01, 4-14-75.]

18.10.285 Application forms – Information required.

Forms for application of special use permits shall be supplied by the Cowlitz County Department of Building and Planning. Such forms shall require the following information:

A. Signature of applicant;

B. Signature of landowners;

C. Method of supplying development with the essential public services such as sewage disposal, water, power, solid waste disposal;

D. Approximate value of development;

E. A vicinity sketch showing the relationship of the proposed development to existing streets;

F. Name of engineer, if applicable;

G. Location of natural or artificial drainage ways on the development site;

H. A plan of the proposed use showing streets, open spaces, structures, uses of each structure, parking areas, fencing, walkways;

I. Such additional information as may be materially necessary for the Hearing Examiner to review and take action pursuant to CCC 18.10.295. [Ord. 02-044, § 3, 2-26-02; Ord. 95-193, § 5, 12-4-95; Ord. 4107, § 5.01.02, 4-14-75.]

18.10.290 Review of application.

Upon receipt of application for a special use permit, the Director shall review it for completeness. Upon determination that the application is complete, the Director shall review the application for potential consistencies and inconsistencies with the County Comprehensive Plan and this regulation and shall develop a report of findings to be attached to the application. In reviewing a special use permit application, the Director shall coordinate with all other agencies of jurisdiction. Upon completion of his/her review, the completed application shall be submitted, together with the report of the Director to the Hearing Examiner. [Ord. 02-044, § 4, 2-26-02; Ord. 95-193, § 6, 12-4-95; Ord. 4107, § 5.01.03, 4-14-75.]

18.10.295 Review by Hearing Examiner and public testimony for the record.

A. Upon receipt of an application for a special use permit, the Director shall set a date for a public hearing to consider such application. The Director or his/her authorized agent shall provide notice of such hearing pursuant to CCC 18.10.480.

B. Any person interested in any application for special use permits may appear at the hearing set for review thereof and present his/her remarks for the record. This hearing is considered to be the open record hearing as defined in RCW 36.70B.020. "For the record" means that all persons or parties who testify or file a written statement at the Hearing Examiner public hearing become part of the permanent record.

If the Hearing Examiner finds that the proposed action is consistent with the Comprehensive Plan and conforms to this regulation, the Hearing Examiner shall approve the application subject to such conditions as may be necessary to assure that development will comply with the Comprehensive Plan and will be compatible with other uses in the district and this chapter. Such conditions may include but may not be limited to the following:

1. Specific location, construction sequence and timing, operation and maintenance, duration of use, removal of development upon termination of use, dedication of lands, compliance with approved engineering plans and specifications, off-street parking, setbacks and special screening.

2. Where the Hearing Examiner finds that additional information is necessary, action on said application shall be continued.

C. If the Hearing Examiner finds that the proposed action is consistent with this chapter and the land use district in which it is located but not consistent with the Comprehensive Plan, said application shall be denied and the action of the Hearing Examiner shall be noted on the application; provided, that the Hearing Examiner may find that the proposed action is in conformance to the goals and spirit of the Comprehensive Plan, but not in conformance to the land use element of said plan; and provided further, that the Hearing Examiner may give preliminary approval to said application subject to amendment of the County Comprehensive Plan pursuant to RCW 36.70.410. Following amendment of the County Comprehensive Plan, the Hearing Examiner shall give final approval to said special use permit subject to conditions that it deems appropriate to assure conformance to the Comprehensive Plan and this chapter. [Ord. 02-

044, § 5, 2-26-02; Ord. 95-193, § 7, 12-4-95; Ord. 4107, § 5.01.04, 4-14-75.]

18.10.300 Effective period of special use permit.

A special use permit shall be effective for the duration stated therein. If no duration is stated, the permit shall remain effective until it is revoked, or otherwise becomes void. A special use permit may be revoked upon order of the Hearing Examiner if the permit holder fails to comply with any condition or requirement set forth in the permit. Any physical site improvements required under a special use permit shall, unless otherwise stated in the permit, be completed within one year from the date the permit is issued. If the required improvements are not completed within such one-year period or such other period as may be stated in the permit, but substantial progress thereon has been made, the Director may grant one one-year extension of the deadline for completion. If at the end of such one-year extension the required improvements have not been completed, the special use permit shall be void.

A special use permit shall become void upon expiration of its duration. Upon such expiration, all nonconforming uses on the property for which the permit was issued shall cease, unless a new special use permit is obtained pursuant to the provisions of CCC 18.10.280 through 18.10.315. [Ord. 02-044, § 6, 2-26-02; Ord. 81-664, § 1, 7-20-81.]

18.10.310 Appeals.

Appeals of the Hearing Examiner decision shall be to a court of competent jurisdiction pursuant to Chapter 36.70C RCW, the Land Use Petition Act. [Ord. 02-044, § 7, 2-26-02.]

18.10.315 Issuance of special use permit.

Special use permits shall be issued not later than 10 days following approval; provided that no appeal has been filed pursuant to CCC 18.10.310. [Ord. 4107, § 5.01.08, 4-14-75.]

18.10.320 Appeals – Action by the Board of County Commissioners.

Repealed by Ord. 02-044. [Ord. 95-193, § 9, 12-4-95; Ord. 92-149, § 1, 9-21-92; Ord. 4107, § 5.01.09, 4-14-75.]

18.10.325 Inclusion of findings of fact.

Repealed by Ord. 02-044. [Ord. 4107, § 5.01.10, 4-14-75.]

VARIANCES

18.10.340 Hearing Examiner – Appointment.

A Hearing Examiner shall be appointed by the Board of County Commissioners and shall serve at their pleasure with such authority as may now or hereafter be conferred by ordinance. The Hearing Examiner may designate an alternate who will also be appointed by the Board of County Commissioners. [Ord. 95-193, § 10, 12-4-95.]

18.10.345 Hearing Examiner may grant variances – Department's duties.

The Hearing Examiner shall have the power to grant variances from the provisions of CCC 18.10.500 through 18.10.729. A request for variance shall be made on forms provided by the Director. Before an application for a variance shall be acted upon, all of the matters relating to the application shall be reviewed by the Director and his/her findings shall be transmitted to the Hearing Examiner for his/her consideration not later than 10 days prior to the public hearing set pursuant to CCC 18.10.355. The Director of Building and Planning may coordinate his/her review of the application with those county agencies that have an interest in the application. [Ord. 95-193, § 11, 12-4-95; Ord. 94-005, § 23, 1-3-94; Ord. 4107, § 5.02.02, 4-14-75.]

18.10.350 Required showing for a variance – Approval.

A. Before a variance shall be granted it shall be shown that: (1) because of special circumstances applicable to subject property including size, shape, topography, surroundings or location, the strict application of this chapter would be to deprive subject property of rights and privileges enjoyed by other property in the vicinity and under the initial land use district as set forth in this chapter; (2) the granting of the variances will not be materially detrimental to the public health or injurious to property or improvements thereon; (3) the granting of the variance will not materially compromise the goals and policies of the Comprehensive Plan or the spirit of this chapter.

B. The Hearing Examiner shall approve of the variance request if he/she finds that all of the above circumstances apply to the proposed use. Upon approval of the Hearing Examiner of any variance, the Hearing Examiner may attach such conditions including, but not limited to, those in CCC 18.10.295 to his/her approval as will assure that the development will conform to this chapter and the

Comprehensive Plan. [Ord. 95-193, § 12, 12-4-95; Ord. 4107, § 5.02.03, 4-14-75.]

18.10.355 Variance – Hearing.

Upon the filing of an application for variance, the Director shall set the time and place for a public hearing on such matter. Written notice thereof shall be mailed to all landowners of record within 300 feet of subject property. Said notice shall be addressed as shown on the current tax rolls and transmitted through the U.S. mail not less than 12

days prior to the hearing date. [Ord. 95-193, § 13, 12-4-95; Ord. 4107, § 5.02.04, 4-14-75.]

18.10.360 Notice of hearing.

Notice of time, place and purpose of the public hearing shall be made not less than 12 days prior to the hearing date. A copy of the Hearing Examiner's hearing notice shall be transmitted to the applicant. [Ord. 95-193, § 14, 12-4-95; Ord. 4107, § 5.02.05, 4-14-75.]

18.10.365 Inclusion of findings of fact.

The Hearing Examiner shall, in making an order, decision or termination, include in the written record of the case, the findings of fact upon which the action is based. Appeals of the Hearing Examiner decision shall be to a court of competent jurisdiction, pursuant to the Land Use Petition Act, Chapter 347, Washington Laws, 1995. [Ord. 95-193, § 15, 12-4-95; Ord. 4107, § 5.02.06, 4-14-75.]

**APPEALS AND ADMINISTRATIVE
REVIEW**

**18.10.370 Hearing Examiner review of
Director's decisions.**

The Hearing Examiner may review any interpretation of the provisions of this chapter made by the Director and any order, requirement, decision or determination relating thereto made by him/her in the application of the specific provisions in this chapter to any parcel, structure or use. The Hearing Examiner may affirm or reverse the interpretation of the provisions of this chapter, by the Director and any order, requirement, decision or determination relating thereto. Appeals of the Hearing Examiner decision shall be to a court of competent jurisdiction pursuant to the Land Use Petition Act, Chapter 347, Washington Laws, 1995. [Ord. 95-193, § 16, 12-4-95; Ord. 4107, § 5.03.01, 4-14-75.]

**18.10.375 Guidelines for Hearing Examiner
action.**

The Hearing Examiner shall interpret the provisions of this chapter in such a way as to carry out the intent and purpose of this chapter as shown on the land use district maps herein, and as amended in the text. Where further clarification is needed, the Hearing Examiner may utilize the Comprehensive Plan to guide him/her in his/her decisions. [Ord. 95-193, § 17, 12-4-95; Ord. 4107, § 5.03.02, 4-14-75.]

18.10.390 Burden of proof.

At every stage of the special use permit and variance approval process, the burden of demonstrating that any proposed development is consistent with the Comprehensive Plan, this chapter and is compatible with the character of the uses in the land use district in which it will be located is upon the applicant. [Ord. 4107, § 5.04.01, 4-14-75.]

18.10.395 Appeals.

All decisions and orders of the Board of County Commissioners and Hearing Examiner in the furtherance of the provisions of this regulation shall be final subject only to review by the Superior Court of Cowlitz County. Appeals of the Hearing Examiner decision shall be to a court of competent jurisdiction, pursuant to the Land Use Petition Act, Chapter 347, Washington Laws, 1995. [Ord. 95-193, § 18, 12-4-95; Ord. 4107, § 5.04.02, 4-14-75.]

AMENDMENTS

**18.10.410 Land use ordinance or maps may be
amended.**

Whenever public necessity, convenience and general welfare require, the boundaries of the land use districts established on maps by this chapter, and the classification of property uses herein or other provisions of this chapter may be amended as follows:

- A. By the amendment of the text of the chapter; or
- B. By amendment of the land use map. [Ord. 4107, § 5.05.01, 4-14-75.]

18.10.415 Initiation of amendment.

Amendments of this chapter and the maps which are a part thereof, may be initiated by:

- A. The verified application of one or more owners of the property which is proposed to be changed or reclassified; or
- B. By the adoption of a motion by the Board of County Commissioners requesting the Commission to set the matter for hearing or recommendation; or
- C. By adoption of a motion by the Commission. [Ord. 4107, § 5.05.02, 4-14-75.]

**18.10.420 Amendment initiated by
application.**

A. An application to amend this chapter shall be filed with the Building and Planning Department. If the application is for an amendment to the land use district map, it shall include a legal

description and location of the property to be redesignated. An application for a redesignation must be signed by not less than 51 percent of the property owners of the area to be redesignated, and representing at least 51 percent of the area proposed for redesignation.

B. Each signer of an amendment application for a redesignation shall give his address and tax parcel number of his property as shown in the Assessor's records. [Ord. 95-193, § 19, 12-4-95; Ord. 4107, § 5.05.03, 4-14-75.]

18.10.425 Public hearing is required.

The Commission shall hold at least one public hearing before taking action on any amendment to this chapter, and notice of such hearing shall be given as provided in CCC 18.10.480. [Ord. 4107, § 5.05.04, 4-14-75.]

18.10.430 Time limit for decision on application.

Conclusive action on an application shall be taken by the Commission within 90 days from the date of the initial hearing upon the matter, or the application shall be deemed approved. The matter may be continued for a longer period of time with the written consent of the applicant. [Ord. 4107, § 5.05.05, 4-14-75.]

18.10.435 Notice of Commission's decision.

When the Commission's action is to recommend approval or denial of an amendment, the Building and Planning Department shall notify the applicant of said decision. Other persons at the hearing requesting notice of the action shall be notified in the same manner as the applicant. If the action of the Commission is to recommend approval of an amendment, a copy of the action together with the findings considered by the Commission to be controlling shall be forwarded to the Board of County Commissioners within 14 days of said action. The findings shall be made available to the public upon request. [Ord. 95-193, § 20, 12-4-95; Ord. 4107, § 5.05.06, 4-14-75.]

18.10.440 Board to hold public hearing.

At the next regular public meeting of the Board of County Commissioners, following the filing of the Commission's recommended approval of any amendment, the Board shall set the date for a public hearing to consider the recommendations of the Commission. Notice of the public hearing shall be given pursuant to CCC 18.10.490. [Ord. 4107, § 5.05.07, 4-14-75.]

18.10.445 Finality of Planning Commission's action.

The action of the Commission in denying an application for an amendment shall be final and conclusive unless an appeal is filed as provided in CCC 18.10.450. [Ord. 4107, § 5.05.08, 4-14-75.]

18.10.450 Appeal of Planning Commission action.

The action of the Planning Commission may be appealed to the Board of County Commissioners by filing a written notice of the appeal setting forth the basis for the appeal with the Building and Planning Department along with the appeal fee not later than 20 calendar days after the action of the Planning Commission. The appeal before the Board of County Commissioners is considered to be a closed record hearing as defined by Section 402 of Chapter 347, Washington Laws, 1995, and the submission of new evidence or information shall be limited as provided therein. Only those parties to the open record hearing through testimony or filed written statements, will be allowed to testify at the appeal hearing before the Board of County Commissioners. If an appeal is requested, a typed transcript along with all evidence submitted to the Planning Commission will be forwarded to the Board of County Commissioners. The person or persons requesting the appeal before the Board of County Commissioners shall be required to pay for the typed transcript and shall pay for the same in advance along with the appeal fee, as established by Board of County Commissioners resolution. Notice of the public hearing shall be given pursuant to CCC 18.10.490. The Board shall render a decision after the hearing and shall notify the appellant of its decision by mail. In the event the Board determines the record on appeal is incomplete, the application may be remanded to the Planning Commission for further proceedings. [Ord. 95-193, § 21, 12-4-95.]

18.10.455 Report appeal to the Board.

The Building and Planning Department shall advise the Board of County Commissioners of the filing of the appeal, and shall, prior to the consideration of such appeal by the Board, file with the Board a report containing the findings and recommendations upon which the Commission's action was based. [Ord. 95-193, § 22, 12-4-95; Ord. 4107, § 5.05.10, 4-14-75.]

18.10.460 Decision of Board.

Enactment of an ordinance by the Board of County Commissioners approving an amendment

shall constitute final action. When the action of the Board is to deny a request for an amendment, the adoption of the motion shall constitute final action. Written notice of the action shall be forwarded to the Building and Planning Department to be attached to the permanent file of the case and the Building and Planning Department shall notify the applicant of the final action of the Board. The Board shall make its findings available to the public upon request. [Ord. 95-193, § 23, 12-4-95; Ord. 4107, § 5.05.11, 4-14-75.]

18.10.465 Compliance with Comprehensive Plan.

Proposed amendments to the text or the map portion of this chapter shall be reviewed by the Planning Commission and the Board of County Commissioners to assure conformance of the amendment to the Comprehensive Plan. [Ord. 4107, § 5.05.12, 4-14-75.]

18.10.480 Public hearing notice requirements – Planning Commission review of special use permit applications and proposed amendments to the land use district map.

The County Planning Commission shall provide notice of public hearings required by this chapter to be published in a newspaper of general circulation in the county at least once, not less than 10 days prior to the date set for the hearing. Notice shall be sent by mail at least 10 days prior to the date of said hearing to the owners of the property proposed for the location of a special use or map amendment and to all owners of property within 300 feet of the boundary of the area proposed for the special use or map amendment. Failure to send notice by mail to any such property owner where the address of said owner is not a matter of public record or because his ownership is not of public record shall not invalidate any proceedings in connection with a proposed special use permit application or amendment application. Notice of said public hearing shall be posted in at least two conspicuous places in the affected area at least 10 days prior to the public hearing. The Planning Commission may issue additional notification as it deems appropriate.

Said public notices shall set forth the date, time, place and purpose of the public hearing and in general terms describe the nature of the proposed special use. Documents of record shall be controlling as to the status of legal ownership. [Ord. 4107, § 5.06.01, 4-14-75.]

18.10.490 Public hearing notices – Board of County Commissioners review of special use permit applications and proposed amendments to the land use district map.

The Board of County Commissioners shall give notice of all public hearings required to be held under the provisions of this chapter by publishing said notice at least once in a newspaper of general circulation within the county, not less than 10 days prior to the date fixed for such hearing. Such notice shall set forth the date, time, place, and purpose of the public hearing and shall state in general terms the nature of the proposed special use or amendment. In addition, written notice shall be given to the owners of the property proposed for the location of the special use or map amendment. Notice shall be posted in at least two conspicuous places in the affected area at least 10 days prior to the public hearing. The Board may provide additional notice as it deems appropriate. [Ord. 4107, § 5.06.02, 4-14-75.]

PERFORMANCE STANDARDS AND REQUIREMENTS

18.10.500 Application of standards.

After April 14, 1975, any use established and any building, structure, or tract of land developed, constructed or used for any permitted or special use shall comply with the applicable performance standards set forth herein.

If any existing use or building or other structure is extended, enlarged, moved, structurally altered, the standards included within this section are to be considered applicable to these activities and they shall be considered minimum standards. [Ord. 4508, § 2-6.01, 12-17-75; Ord. 4107, § 6.01, 4-14-75.]

18.10.501 Standards.

All development shall conform to the development standards of the zone district classifications in which the development is located as indicated in Table 18.10.501. However, Table 18.10.501 contains only minimum standards, and stricter standards may be required by other regulations, including building codes, fire codes or regulations governing sewage disposal or water service. Where Table 18.10.501 lists more than one standard, the stricter standard shall apply. [Ord. 94-005, § 24, 1-3-94.]

Table 18.10.501**Minimum Zone District Development Standards**

Land Use Zone District	Lot Area (acres or sq. ft.)	Lot Width at Building Line (feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Building Height (feet)	Maximum Lot Coverage (percentage)	Minimum District Size (acres)
RR-1	1 acre	120	15	5	(CCC 18.10.535)	50	—
RR-2	2 acres	180	15	10	(CCC 18.10.535)	30	—
RR-5	5 acres	300	15	10	(CCC 18.10.535)	15	—
SR	15,000 sq. ft.	60	15	5	(CCC 18.10.535)	50	—
UR	6,000 sq. ft.	60	15	5	(CCC 18.10.535)	50	—
MF	Table 18.10.541	60	15	5	(CCC 18.10.535)	50	—
C-1	—	—	—	—	(CCC 18.10.535)	—	1
C-2	—	—	—	—	(CCC 18.10.535)	—	3
ML	—	—	—	—	(CCC 18.10.535)	—	—
MH	—	—	—	—	(CCC 18.10.535)	—	—
AG-I	38 acres (CCC 18.10.518)	(CCC 18.10.518)	15 (CCC 18.10.520)	10 (CCC 18.10.520)	(CCC 18.10.535)	—	—
AG	5 acres	—	15	10	(CCC 18.10.535)	—	5
AG-38	38 acres	—	15	10	(CCC 18.10.535)	—	76
FR	5 acres	—	15	10	(CCC 18.10.535)	—	20
U	—	—	15	10	(CCC 18.10.535)	—	—

18.10.502 Standards – AG-I zone.

The following performance standards apply to any commercial or light industrial use in the AG-I zone, and are in addition to other applicable standards.

A. Lighting. Lighting, including permitted illuminated signs, shall be designed and arranged to avoid:

1. Glare or reflection onto any residential use not on the same property;
2. Conflicts with the readability of traffic signs and control signals;
3. Interference with motor vehicle or bicycle traffic on roads.

B. Storm Drainage. Any light industrial or commercial development shall have effective storm drainage, as follows:

1. Stormwater runoff may not cause any measurable increase in peak runoff levels in the receiving drainage way.
2. All drainage plans shall be designed by an engineer, licensed in the State of Washington, to handle stormwater runoff for a 25-year storm event.
3. All stormwater drainage improvements shall be completed prior to issuance of an occu-

pancy permit for the use. Stormwater runoff shall be treated in oil-water separators, grass-lined bio-filtration swales, or by other best management practice methods prior to discharge from the site.

4. Any development site that disturbs five or more acres must have a general permit from the Washington State Department of Ecology prior to construction of the stormwater drainage system, unless the Department of Ecology provides otherwise.

C. Building and Yard Maintenance.

1. All buildings and grounds shall be maintained in a neat and orderly manner. Any required landscaping shall be maintained in healthy condition, and any dead or unhealthy landscape plants shall be removed and replaced with healthy specimen during the appropriate planting season.

2. Any structure, building, fence or wall shall be kept free of rust, corrosion, peeling paint and other surface deterioration.

3. Except as specifically permitted by other applicable laws, development may not emit or cause excessive smoke, dust, glare, odors, vibration, noise, hazards, or air pollution or water pollution that jeopardizes the general public's safety and

welfare, or injures any human, animal or plant life, or any property.

D. Noise. Every development shall comply with Chapter 173-60 WAC, Maximum Environmental Noise Levels. Procedures for measuring sound levels shall be as described in Chapter 173-58 WAC, Sound Level Measurement Procedures.

The following noise sources are exempt from this subsection:

1. Devices which are utilized solely for warning, safety or emergency purposes and whose use is temporary and infrequent;

2. Transient noises of moving sources such as automobiles, trucks, airplanes and railroads, except as provided in CCC 10.25.050(P);

3. Aircraft noise that is regulated under federal or state law;

4. Sources and activities not under the direct control of the site operator or owner.

E. Air Emissions. All emissions to the air shall comply with Chapter 70.94 RCW, the regulations thereunder, and the rules and standards of the Southwest Air Pollution Control Authority.

F. Explosive Materials. The storage or manufacture of explosive materials is prohibited.

G. Flammable Solids. The storage or manufacture of flammable solids is prohibited.

H. Glare. Lighting shall be directed, shielded or screened so that it will not be directly or indirectly cast into adjacent or nearby residential areas, or hinder motorists on public or private roads.

I. Monitoring Equipment. The Director or Planning Commission may require the owner or operator of a development to install and operate instruments to monitor or control noise, glare, heat, air pollution, smoke, hazardous substances or vibration. [Ord. 94-005, § 33, 1-3-94.]

18.10.505 Front yard setback.

The front yard setback in all zone districts, and in all unzoned areas, shall be a minimum of 25 feet from the front property line or 55 feet from the center of the right-of-way or easement of the fronting road, whichever is greater. [Ord. 94-005, § 27, 1-3-94.]

18.10.510 Rear yard setback – Alleys.

The rear yard setback for a lot that abuts an alley shall be five feet from the rear lot line or 15 feet from the centerline of the alley right-of-way, whichever is greater. [Ord. 94-005, § 28, 1-3-94.]

18.10.514 Rear yard setback exemptions – Accessory buildings.

The rear yard setback for any detached residential accessory structure shall be a minimum of five feet from the rear lot line. [Ord. 94-005, § 28, 1-3-94.]

18.10.516 Side and rear yard setback exceptions – AG-I zone.

Every light and heavy industrial development located within 200 feet of a residence on a separate lot must have a minimum 10-foot side yard setback and a minimum 15-foot rear yard setback. The rear and side yard setbacks shall each be increased by one foot for each vertical foot above 35 feet. If a greater setback is required by the building code or fire code, such greater setback is required. [Ord. 94-005, § 29, 1-3-94.]

18.10.518 Exception to standards – AG-I lot size and lot width.

A. The minimum lot size for lots in the AG-I zone may be reduced by special use permit, except that no lot may be less than one acre unless it is served by a sanitary sewer and municipal water.

B. The minimum lot width for light industrial land uses in the AG-I zone shall be 65 feet. [Ord. 94-005, § 26, 1-3-94.]

18.10.520 Corner lot side yard setback.

A corner lot must have a minimum 15-foot side yard setback between any building and a lot line abutting any road other than the fronting road. [Ord. 94-005, § 30, 1-3-94; Ord. 4107, § 6.03.01, 4-14-75.]

18.10.525 Exceptions – Fire wall.

A zero lot line shall be permitted between structures in all areas except AG, FR, RR, SR and UR land use districts upon certification from the Building Inspector that the sides in common of each structure are provided with a firewall in conformance to the County Building Code. [Ord. 4107, § 6.03.02, 4-14-75.]

18.10.530 Exceptions – Duplexes.

Lots occupied by duplex dwellings shall have a minimum area as specified for multiple-family dwellings located in the MF land use district. [Ord. 4107, § 6.03.03, 4-14-75.]

18.10.535 Exceptions – Setbacks related to building heights.

Buildings exceeding 35 feet in height shall be provided with a side and rear yard setback equal to the required yard plus three feet for each story above 35 feet. [Ord. 4107, § 6.03.04, 4-14-75.]

18.10.537 Setbacks – Prior development.

In an area which has been developed to 50 percent or more by prior standards and which has front yard setbacks less than currently required, a setback deviation may be granted equal to the average deviation from the present standards; however, in no case shall the setback be less than 15 feet from the property line or 45 feet from the roadway center line, whichever is greater. The word “area,” as used above, is defined as that area abutting the same side of the road and not exceeding 300 feet, in either direction, from the proposed structure. [Ord. 5901, § 1, 9-6-78; Ord. 4107, § 6.03.05, 4-14-75.]

18.10.538 Setbacks – Unincorporated unzoned area.

A. Purpose. The purpose of this section is to establish front yard setbacks for any new construction in areas of Cowlitz County not controlled by the Zoning Ordinance of Cowlitz County. This is necessary in order to avoid future creation of hazardous conditions when buildings are constructed or placed too close to existing or future rights-of-way.

B. Policy. A front yard depth of 25 feet from the property line, or 55 feet from roadway centerline, whichever is greater, shall be required for all construction in those areas of Cowlitz County not controlled by this chapter, the Cowlitz County Zoning Ordinance.

C. Variances. The Hearing Examiner shall have the power to grant variances from the provisions of this section. The procedure for processing and granting variances shall be as set forth in CCC 18.10.340, et seq., as amended. [Ord. 95-193, § 25, 12-4-95; Ord. 6142, §§ 1, 2, 3, 3-21-79.]

18.10.539 Commercial and industrial setbacks abutting residential areas.

No building occupied by a commercial or industrial use shall locate closer than 10 feet from a boundary between the district in which such building is located, and an RR-1, RR-2, RR-3, RR-4, RR-5, SR, UR or MF district. [Ord. 82-194, § 7, 7-19-82.]

18.10.540 Minimum lot width and minimum building line for lots fronting on cul-de-sac and road curves.

The minimum lot width for cul-de-sac lots or lots fronting on road curves shall be 40 feet. Said lots shall be provided a minimum building line width of not less than 60 feet and shall be located not less than 25 feet back from the front lot line as measured perpendicular to the front lot line or 55 feet from the centerline of the fronting street, whichever is greater. [Ord. 4107, § 6.04, 4-14-75.]

18.10.541 Multiple-family residential development – Minimum lot size.

Minimum lot size for multiple-family dwellings in MF zone shall be calculated as indicated in Table 18.10.541. However, larger lot sizes may be required by other regulations, including building codes, fire codes or regulations governing sewage disposal or water service.

Table 18.10.541

Number of Units	Minimum Lot Size
2	7,500 square feet.
3 – 6	7,500 square feet, plus 1,500 square feet per unit.
7 and above	10,500 square feet, plus 1,000 square feet per unit.

[Ord. 94-005, § 25, 1-3-94.]

18.10.542 Hazardous waste facilities located in unincorporated, unzoned areas.

A. This section applies only to unzoned areas of unincorporated Cowlitz County.

B. Subject to the requirements of subsection D of this section, an on-site hazardous waste treatment and storage facility is allowed on property designated under the Cowlitz County Comprehensive Plan as regional commercial, light industrial, heavy industrial, agriculture-industrial, agriculture-38, or forestry-open space.

C. Subject to the requirements of subsection D of this section, an off-site hazardous waste treatment and storage facility is allowed on property designated under the Cowlitz County Comprehensive Plan as heavy industrial.

D. The hazardous waste treatment and storage facility must: (1) receive special use approval under the procedures of CCC 18.10.280 through CCC 18.10.315; (2) comply with the state siting criteria; and (3) be developed and operate in compliance

with all applicable federal and state laws and regulations, including but not limited to Chapter 70.105 RCW and the regulations thereunder, as now or hereafter amended. [Ord. 88-102, § 11, 6-27-88.]

18.10.545 Commercial (C-1, C-2) and manufacturing (ML, MH) land use districts – Screening.

A. Where property occupied by a commercial or industrial use adjoins an RR-1, RR-2, RR-3, RR-4, RR-5, SR, UR or MF district, a strip of land five feet wide and parallel to the common property boundary shall be planted with a vegetative screen of hardy evergreen shrubs or trees. The screen shall be no less than four feet in height, but shall not be of such height as to interfere with solar access of other properties. The screen shall be maintained in a healthy condition by the owner and/or operator of the commercial or industrial use. The screen shall be designed, placed and maintained in such a manner that it does not impair vehicle visibility at intersections or along lines of ingress or egress.

B. Alternative forms of screening may be permitted, providing the owner or operator demonstrates that the proposed alternative effectively screens the commercial or industrial use from view of all adjoining residential properties. A fence proposed as an alternative shall not exceed eight feet in height. Landscaping in addition to the proposed alternative screen may be required. Requests for alternative screening shall be considered as requests for variances under CCC 18.10.340 through 18.10.365. [Ord. 94-005, § 35, 1-3-94; Ord. 82-194, § 8, 7-19-82.]

18.10.546 Screening – AG-I zone.

A. Where a property located in the AG-I zone and occupied by a commercial or industrial use is located within 200 feet of a residence on another lot, a strip of land five feet wide and parallel to the residential use shall be planted with a vegetative screen of hardy evergreen shrubs or trees. The screen shall be no less than four feet in height at the time of planting, but the mature vegetation shall not be of such height as to interfere with solar access of the residence. The vegetative screen shall be maintained in healthy condition by the owner or operator of the commercial or industrial use.

B. A fence or wall that is not more than eight feet high may be used as an alternative form of screening. The Director may require vegetation in addition to a fence or wall in order to reduce the impacts of noise, light or glare onto adjacent resi-

dential property. Any screening shall meet the following standards.

1. Fences and walls shall be uniform in color and material; except for scenic murals. A scenic mural shall not include advertising or business identification;

2. No fence or wall shall be used for outdoor advertising or merchandise display purposes;

3. Front yard landscaping shall not obscure doors and windows from view from the road;

4. Employee and customer parking are allowed in front yards so long as a minimum five-foot strip of land adjacent to the front lot line is landscaped with hardy vegetation that does not reduce sight distance or visibility requirements in violation of CCC 18.10.569. [Ord. 94-005, § 34, 1-3-94.]

18.10.547 Small lot provision – Agriculture-38 (AG-38) – Exception to 38-acre minimum lot size.

A. In the agriculture-38 district, lots smaller than the 38-acre minimum of CCC 18.10.510 may be created in the manner and subject to the conditions provided in this section.

B. For the purposes of this section the term “combined ownership” shall mean an owner’s total ownership, whether or not contiguous, in the agriculture-industrial and agriculture-38 districts.

C. For every 38 acres of combined ownership the owner thereof may make a division of land under the short subdivision provisions of Chapter 18.34 CCC to create one new lot. However, no such division of land shall be permitted except to provide a lot for a single-family residence for a person who (1) is a family member of the owner of the parcel to be divided, and (2) is actively engaged in agricultural activities on the parcel to be divided. For the purpose of this subsection, the term “family member” is limited to the spouse and children of the owner of the parcel to be divided; provided, that where the owner of the parcel is a corporation, the term “family member” shall mean the spouse and children of the person(s) holding a controlling interest in the corporation; provided further, that nothing in this section shall limit the right of a person who meets the two above criteria to have his or her family reside together with him or her on a lot created pursuant to this section.

D. During a five-year period beginning with the date the first lot is created as allowed under this section (such date being the date that a short plat under Chapter 18.34 CCC is filed), up to three such lots (counting the first lot) may be created. There-

after, one such lot may be created every five years. Such lots may be adjoining or nonadjoining.

E. Any new lot created under this section shall be subject to the following conditions:

1. Such lot shall be at least one-half acre and no greater than two acres in area; provided, that the two-acre maximum shall be increased to the extent (a) that the Cowlitz-Wahkiakum Health District determines that a larger area is required for the proper installation of approved water and/or sewer systems; or (b) of a variance granted by the Director to allow a division of land to follow topographic features (including but not limited to natural and manmade drainage ways, and ravines) that obstruct normal and necessary agricultural practices.

2. Such lot shall have a minimum width of 100 feet (measured from the required front setback).

3. The short plat creating such lot shall bear a notation, in a form prescribed by the Director, stating that the lot is situated in an agricultural area and is subject to noise, dust, smoke, odors, and the application of chemicals resulting from usual and normal practices associated with nearby agricultural uses. [Ord. 84-223, § 2, 10-8-84.]

18.10.548 Segregation of owner-occupied residence.

A. In the agriculture-38 district, lots smaller than the 38-acre minimum of CCC 18.10.510 may be created in the manner and subject to the conditions provided in this section. Divisions of land allowed under this section are in addition to those allowed under CCC 18.10.547.

B. That portion of a parcel that contains an owner-occupied residence may be divided from the remainder of the parcel under the short subdivision provisions in Chapter 18.34 CCC; provided, that no such division shall be allowed if the lot on which the owner-occupied residence is located was created after the effective date of this chapter; provided further, that when the parcel is owned by a corporation, a residence thereon shall be considered as "owner-occupied" when it is occupied by (1) the person(s) who own(s) a controlling interest in the corporation, or (2) the person(s) who within the past five years has/have owned a controlling interest in the corporation.

C. Any division of land under this section must meet the standards of CCC 18.10.547(E). [Ord. 84-223, § 3, 10-8-84.]

18.10.550 Sewer and water.

Sewer and water requirements for each land use shall be as specified by the Cowlitz-Wahkiakum Health District. The minimum lot size of lots not provided with community sewers shall be as specified by the County Sanitation Ordinance. However, where the application of the provisions of the County Sanitation Ordinance permit a less restrictive lot than is specified in CCC 18.10.510, the requirements in CCC 18.10.510 shall apply. [Ord. 4107, § 6.05, 4-14-75.]

Codifier's note: The County Sanitation Ordinance [Ord. 1122] has been superseded by state and Health District regulations. See Chapter 248-96 WAC.

18.10.552 Home occupations.

A. The following occupations, so long as conducted in compliance with the standards set forth in subsection B of this section, shall be permitted as home occupations in all land use districts and shall not be required to obtain special use permit approval:

1. Dressmaker and tailor;
2. Bookkeeper;
3. Licensed mini day care; as defined pursuant to WAC 388-73-014(4)(b);
4. Artist, sculptor, potter, weaver and other fine arts and craft practitioners, and including classes led by any of the foregoing;
5. In-home office for clergy, salesperson, lawyer, musician, engineer, surveyor, counselor or other professional services; and
6. Other similar uses as may be determined by the Director.

B. All home occupations shall comply with the following standards:

1. A home occupation shall be conducted entirely within the dwelling, or within an attached or detached accessory building on the same lot as the dwelling.

2. Only the occupant(s) of the dwelling on the lot on which the home occupation is conducted may engage in such home occupation; provided, that such occupant(s) may employ no more than one nonresident employee.

3. No more than 25 percent of the floor space of a dwelling may be used primarily for the home occupation.

4. There shall be no alterations to the outward appearance to the dwelling necessitated by the operation of the occupation.

5. No stock, storage or display of products sold and/or produced on-site, except products of

such kind and number as are customary to a residential use, shall be visible from a street or adjacent residences.

6. Adequate off-street parking shall be provided.

7. Signs connected with a home occupation shall be limited to one nonmoving, nonlighted identification sign, not exceeding one square foot in area, mounted flat against the exterior wall of the dwelling on the lot on which the home occupation is conducted; provided, that where the dwelling is located more than 50 feet from the nearest street surface, such an identification sign may be mounted on the dwelling's mailbox. [Ord. 84-097, § 1, 4-16-84.]

18.10.560 Off-street parking.

Off-street parking requirements in CCC 18.10.561 and 18.10.562 are minimum requirements and shall apply in all unincorporated areas of Cowlitz County. Such requirements must be met whenever:

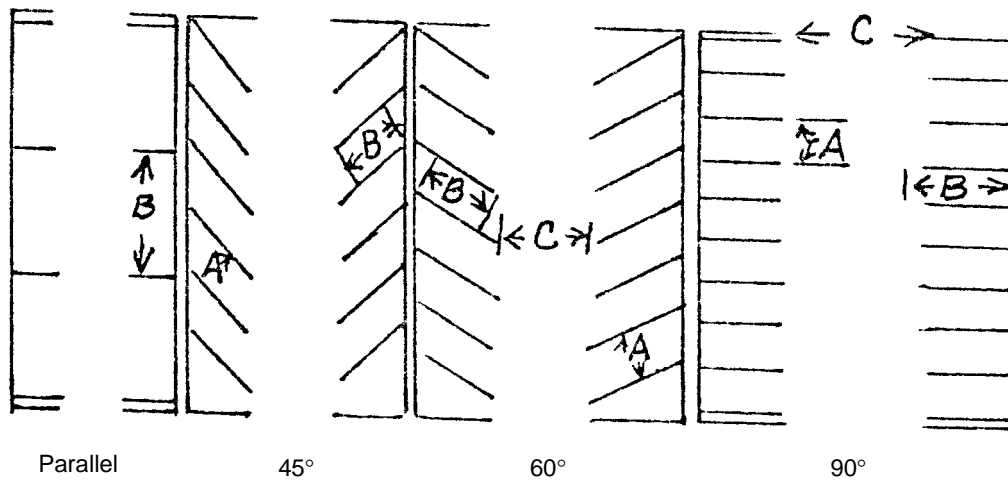
- A. A new building is erected;
- B. An existing building is altered such that the alteration costs exceed 50 percent of the county-assessed market value of the building, or the building's floor space is increased by more than 50 percent; or
- C. The use of an existing building is changed. [Ord. 81-796, § 1, 10-12-81; Ord. 81-678, § 1, 7-27-81.]

18.10.561 Off-street parking – General provisions.

The following general provisions shall apply.

All off-street parking areas shall meet the minimum standards for spaces, aisles, and access ways set forth in the Off-Street Parking Diagram and Dimensional Table below. Notwithstanding the foregoing, for any parking area of 12 or more spaces, 25 percent of the spaces may be reduced to minimal dimensions 15 feet in length, provided the spaces are marked for use by small automobiles.

OFF-STREET PARKING DIAGRAM



OFF-STREET PARKING DIMENSIONAL TABLE

	Less than 90°	90°	Parallel
A. Width of Parking Space	9'	9'	9'
B. Length of Parking Space	18'	18'	22'
C. Width of Driveway Aisle	18'	24'	12'

Access to off-street parking areas shall comply with county and state road approach standards.

A. Location. All required off-street parking spaces shall be located within 300 feet from the building or use they are intended to serve.

B. Joint Use Facilities. The Director may approve common parking for two or more uses. Owners or operators of the uses must show that their operations and parking needs do not overlap in time. If the uses are under separate ownerships, the right to joint use of the parking spaces must be evidenced by a deed, lease, contract or other appropriate written document satisfactory to the Director.

C. Development and Maintenance Standards for Off-Street Parking Areas. Every parcel of land used as a public or private parking area shall meet the following standards:

1. All one- and two-family dwellings shall be provided with safe access to and from public streets and roads;

2. For all other uses, safe access shall be provided to and from public streets and roads; no parking space shall be so situated as to create a reasonable likelihood that automobiles will proceed from the space to a public street or road while in reverse gear; and no off-street parking shall be permitted within street easements or rights-of-way;

3. All parking surfaces shall be constructed with all-weather materials and shall be well-drained. Fugitive dust emission shall be controlled as required by federal, state and local regulations. [Ord. 81-678, § 1, 7-27-81.]

18.10.562 Number of off-street parking spaces required.

The number of off-street parking spaces required for particular uses shall be as follows:

	Use	Number of Spaces
A. Residential		
	1. 1-, 2-, and 3-unit family dwellings	2 spaces/dwelling unit
	2. Multifamily dwelling containing 4 or more dwelling units	3 spaces/2 dwelling units
	3. Apartment, rooming or boarding house	3 spaces/2 units
B. Commercial Residential		
	1. Hotel	1 space/2 guest rooms plus 1 space/2 employees
	2. Motel	1 space/guest room or suite, plus 1 additional space for the owner or manager

	Use	Number of Spaces
C. Institutions		
	1. Welfare or correctional institution	1 space/3 beds for patients or inmates
	2. Hospital, nursing home, sanitarium, rest home, home for the aged	1 space/3 beds for patients or residents
D. Places of Public Assembly		
	1. Church	The greatest of: 1 space/5 seats; 1 space/10 ft. of bench length in the main auditorium; or 1 space/40 s.f. of assembly area
	2. Library, reading room, museum, art gallery	1 space/400 s.f. of floor area, plus 1 space/2 employees
	3. Preschool nursery; kindergarten, public, private or parochial	2 spaces/teacher or employee
	4. Elementary or junior high school, public, private, or parochial	The greatest of: 1 space/employee; or 1 space/5 seats in auditorium, gymnasium or assembly room, or 1 space/10 ft. of bench length in auditorium, gymnasium or assembly room
	5. High school, public, private or parochial	The greatest of: 1 space/employee, plus 1 space/6 students; 1 space/4 seats in the main auditorium; or 1 space/8 ft. of bench length in the main auditorium
	6. College, commercial school for adults	1 space/3 seats in classrooms
	7. Other auditoriums, meeting rooms, lodges, clubs, community halls	The greatest of: 1 space/5 seats; 1 space/10 ft. of bench length; or 1 space/40 s.f. of floor area
E. Commercial Amusements		
	1. Stadium, arena, theater, gymnasium	The greatest of: 1 space/5 seats; 1 space/10 ft. of bench length; or 1 space/ 40 s.f. of floor area
	2. Bowling alley	4 spaces/lane, plus 1 space/2 employees
	3. Dance hall, skating rink	1 space/150 s.f. of floor area, plus 1 space/2 employees
F. Commercial		
	1. Grocery store; super-market; retail store; except retail store selling bulky merchandise	1 space/200 s.f. of floor area

Use	Number of Spaces
2. Service or repair shop, retail store selling furniture, automobiles, or other bulky merchandise, where the merchandise display occupies the major area of the building	1 space/600 s.f. of floor area
3. Bank, office (except medical and dental)	1 space/400 s.f. of floor area, plus 1 space/2 employees
4. Medical or dental office or clinic	1 space/150 s.f. of floor area, plus 1 space/2 employees
5. Eating or drinking establishment	1 space/200 s.f. of floor area
6. Mortuary	1 space/4 seats, or 1 space/8 ft. of bench length in chapels, whichever is greater
7. Small animal clinic, veterinary hospital	1 space/1000 s.f. of floor area, plus 1 space/employee
8. Snack bar, souvenir or concession stand	4 space/employee
G. Industrial	
1. Manufacturing establishment	1 space/2 employees on the combined total of the 2 largest shifts
2. Storage warehouse, wholesale establishment, rail or trucking freight terminal	1 space/2000 s.f. of floor area

Uses not specifically listed above shall furnish parking as required by the Director. The Director shall use the above list as a guide for determining requirements for other uses. [Ord. 81-678, § 1, 7-27-81.]

18.10.564 Equipment storage – AG-I zone.

Equipment storage shall not be allowed in any front yard setback area. Equipment storage areas shall be screened if the area is located within 200 feet of a residence on a separate lot. [Ord. 94-005, § 31, 1-3-94.]

18.10.565 Loading and unloading – AG-I zone.

Loading and unloading areas shall have access to a public road. However, no vehicle proceeding to or from a loading or unloading area may block traffic on any road. [Ord. 94-005, § 32, 1-3-94.]

18.10.568 Signs – AG-I zone.

A. The following standards shall apply to any sign in the AG-I zone:

1. Number.

a. Each development shall have no more than one business identification sign. The sign may be single-faced or double-faced and may be a free-standing, window, wall, roof, fence or projecting type of sign. A business located on a corner lot may have one sign facing each intersecting road, or one sign with two faces at up to 90 degrees from one another, and installed in a manner that provides visibility from both roads. One industrial or business park sign is permitted per contiguous park,

b. All signs shall be on-premises and refer directly to the business, goods and services provided; off-premises signs advertising a commercial or industrial development shall not be permitted;

2. Area.

a. Business identification signs of the window, wall, roof, fence or projecting types shall be no larger than 10 percent of the front face of the primary business structure, provided that such signs may be a minimum of 35 square feet per face. Permitted directional signs shall be no larger than six square feet in area per sign,

b. An industrial or business park sign shall be no larger than 150 square feet in area per face;

3. Height. Wall, projecting or roof signs shall be no higher than 10 feet above the roof or parapet line of the building and in no case greater than 45 feet in height. Exception: Business identification signs may be greater in height if attached flush to auxiliary industrial structures such as water tanks, towers, exhaust stacks and storage elevators. Freestanding signs shall be a maximum of 25 feet in height for any light or heavy industrial use, or the height of the primary structure, whichever is greater. Signs for tourist commercial or regional commercial uses in the unzoned, unincorporated area shall not exceed 45 feet in height;

4. Freestanding signs and other signs not attached to a building shall be set back a minimum of 15 feet from all property lines, or 15 feet from the road right-of-way or easement line. In calculating the setback, the road right-of-way or easement shall be deemed to be 30 feet from the centerline of the road right-of-way or easement, or the actual half-width of the road right-of-way or easement, whichever is greater. No sign may violate the sight distance requirements of CCC 18.10.569;

5. Sign Illumination.

a. The light from any illuminated sign shall be shaded, hooded, shielded or directed so

that the light does not cast glare into residential areas, and does not endanger public safety by creating conflicts with traffic or traffic controls,

b. No sign shall have rotating, flashing or blinking lights, or other illuminating devices which change in light intensity, brightness or color. Beacon and search lights are not permitted, except at airports, or as provided in subsection D of this section;

6. Any existing, nonconforming sign shall become conforming at the time the sign is replaced; provided, any existing signs on trees or utility poles shall be removed by December 31, 1993.

B. The following signs are exempt from the standards listed in subsection A of this section:

1. Signs required or authorized by law;

2. Official public notices;

3. The U.S. flag and the flag of any government or noncommercial institution such as a school;

4. Plaques, tablets or inscriptions indicating the name of a building, its date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of the building, which are nonilluminated, and which do not exceed three square feet in surface area;

5. "No trespassing," "no dumping," "no parking," "private," and other information or warning signs, which shall not exceed four square feet in surface area;

6. One business or private establishment flag per business premises;

7. Public service directional signs for public buildings such as public schools, libraries, hospitals and similar public services facilities placed within public rights-of-way;

8. Temporary signs, not larger than 32 square feet, for the purpose of endorsing political candidates or ballot propositions, or for advertising fairs, rodeos or similar temporary activities, provided such signs are removed within 15 days following cessation of the activities for which the sign was posted;

9. A single sign for the purpose of advertising a particular lot, building or premises for sale or lease. The sign may not exceed six square feet in area. A corner lot may have two such signs;

10. A temporary agricultural sign that provides directional information to a business offering for sale seasonal agricultural products on the property where the sale is taking place, provided the sign is removed at the end of the agricultural product's season.

C. Signs – Construction – Content – Maintenance. The following requirements apply to all signs:

1. All signs shall meet the construction and operations standards of the Uniform Sign Code and the National Electrical Code, latest editions and amendments as appropriate. Where conflicting standards between this section and the codes exist, the more stringent shall apply;

2. All signs, including signs installed before the effective date of the ordinance codified in this section, shall be constantly maintained to ensure a state of security, safety and repair. If any sign is found not so maintained or is insecurely fastened or otherwise dangerous, it shall be the duty of the owner or occupant of the premises on which the sign is fastened to repair or remove the sign within five days after receiving notice from the Director or Building Official. The premises surrounding a freestanding sign shall be kept free of rubbish;

3. All freestanding signs shall be designed to prevent automobiles from hitting the sign-supporting structure. Landscaping, curbs or other means may be used to accomplish this.

D. Prohibited Signs. The following signs are not permitted, except as indicated. Prohibited signs are subject to removal at the owner's expense after appropriate notification by the Director, Building Official or other county official.

1. Signs which are animated, rotate, move, are audible, or illuminated by any intermittent, flashing or scintillating source of light or sound. Signs and displays utilizing banners, pennants, streamers, twirlers or propellers, strings of light, beacon or search lights, flares, balloons and similar devices are permitted only for a maximum of 15 days for grand openings or special sales. The movement of the hands of a clock or digital changes indicating time and temperature are permitted;

2. Signs affixed to or painted on trees, rocks, or other natural features or on utility poles, bridge abutments and other public structures, unless otherwise permitted as official signs;

3. Window signs containing material unrelated to the merchandise for sale or service performed by the person or business on whose property the sign is located; provided, however, on-premises signs may call the attention of the public to public holidays or community events, the time and temperature;

4. Unofficial signs that, for advertising purposes, imitate or resemble an official traffic sign or signal, or bear the words, "stop," "caution," "danger," "warning" or similar words;

5. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or radio equipment vehicle; or which obstruct the visibility of any traffic or road sign or signal device;

6. Signs that promote an illegal activity. [Ord. 94-005, § 36, 1-3-94.]

**18.10.569 Visibility and sight distance –
Number of driveways – AG-I zone.**

A. The following minimum sight distance requirements apply to roads abutting a commercial or industrial development in the AG-I zone:

1. If the abutting road has a speed limit of 35 miles per hour or less, the minimum sight distance is 240 feet.

2. If the abutting road has a speed limit of 40 miles per hour, the minimum sight distance is 275 feet.

3. If the abutting road has a speed limit of 45 miles per hour, the minimum sight distance is 315 feet.

4. If the abutting road has a speed limit of 50 miles per hour or more, the minimum sight distance is 350 feet.

The minimum sight distances apply to any intersection of a driveway that serves the development and a road that abuts the development. If the development occupies a corner formed by the intersection of two roads, the minimum sight distances also apply to both such roads; the road for which the minimum sight distance is computed is called the abutting road, and the other road is called the intersecting road. The minimum sight distance along the abutting road is determined from the point of view of a motorist who is on the driveway or intersecting road, who is facing the abutting road, and who is 20 feet from the center of the nearest lane of the abutting road. The minimum sight distance is measured from that point, in both directions along the abutting road. Within the minimum sight distance, clearance for motorists' vision must be maintained between two and one-half feet and 10 feet above the surface of the abutting road. No fence, wall, tree, vegetation or other object may be allowed to obstruct the minimum sight distance. The Director may vary the requirements of this section due to physical conditions of the property that are beyond the reasonable control of the owner or operator of the development.

B. Driveways. The Director may require driveway access onto county maintained principal arte-

rials, minor arterials, collectors, major collectors or minor collectors, or any road where the speed limit is 35 m.p.h. or greater, to be shared or combined to avoid the proliferation of multiple access points and turning movements. [Ord. 94-005, § 38, 1-3-94.]

18.10.570 Building height standards.

The maximum height of buildings exceeding 35 feet in height shall be no greater than the capability of the fire abatement equipment of the Fire District in which the building is located. Buildings not located in a Fire District shall not exceed a building height of 35 feet. [Ord. 4107, § 6.07, 4-14-75.]

18.10.580 Building height limitations related to airport approach slope clear zone.

The maximum height of buildings located in the airport approach clear zone north of the Kelso Airport runway as specified on the land use ordinance district map shall be limited in height pursuant to a 34:1 horizontal distance to height ratio beginning 200 feet north of the end of the Kelso Airport runway. The following building height limitations shall apply:

0 – 301 – 0'	812 – 18'
302 – 3'	914 – 21'
404 – 6'	1016 – 24'
506 – 9'	1118 – 27'
608 – 12'	1220 – 30'
710 – 15'	1322 – 33'

[Ord. 4107, § 6.08, 4-14-75.]

SUPPLEMENTARY PROVISIONS

18.10.590 Continuation of a nonconforming pre-existing use or structure.

A pre-existing use or structure which is nonconforming may be continued and maintained in reasonable repair but shall not be extended except in accordance with the special use section, CCC 18.10.280 through 18.10.315. The extension of a pre-existing use to a portion of a structure which was arranged or designed for the pre-existing use at the time of the passage of this chapter is not an extension of the nonconforming, pre-existing use. [Ord. 4107, § 7.01, 4-14-75.]

18.10.600 Pre-existing structure.

A pre-existing structure conforming with respect to use but not conforming with respect to height, yard requirement, coverage or density may be altered or extended providing the alteration or

extension does not result in further violation of this chapter. [Ord. 4107, § 7.02, 4-14-75.]

18.10.610 Discontinuance of a nonconforming pre-existing use.

If a pre-existing use is nonconforming and not active by use for a period of one year, it shall be deemed discontinued. A discontinued pre-existing use which is nonconforming cannot be revived and any further use of the property must conform to the provisions of this chapter, provided that continuance may be permitted pursuant to the special use section, CCC 18.10.280 through 18.10.315. [Ord. 4107, § 7.03, 4-14-75.]

18.10.620 Change of nonconforming pre-existing use.

If a pre-existing use which is nonconforming is changed, it shall be changed to a use conforming to this chapter. [Ord. 4107, § 7.04, 4-14-75.]

18.10.630 Destruction of a nonconforming pre-existing use or structure.

If a nonconforming pre-existing use or structure is destroyed by any natural or accidental cause, said use or structure may be rebuilt within one year following destruction and devoted only to that pre-existing nonconforming use existing prior to destruction. If court action rules at any time that the owner of the destroyed pre-existing nonconforming structure or building was responsible for said destruction, then any existing or future structure shall conform to the provisions of this chapter. [Ord. 4107, § 7.05, 4-14-75.]

18.10.640 Completion of structure.

Nothing contained in this chapter shall require any change in plans, construction, alteration, or designated use of a structure if a valid application for a development permit has been accepted by the Cowlitz County Public Works Department prior to the adoption of this chapter and subsequent amendments thereto. [Ord. 4107, § 7.06, 4-14-75.]

18.10.650 Eminent domain or public acquisition of land.

When a portion of a lot that conforms to the area requirements of this chapter is acquired for public purposes, the remaining portion shall continue to be treated as a conforming lot. [Ord. 94-005, § 37, 1-3-94.]

18.10.660 Agricultural uses in residential land use districts.

Farming, truck gardening, orchards and nurseries are permitted in residential land use districts provided that no retail or wholesale business sales office is maintained on the premises and provided no poultry or livestock other than normal household pets shall be housed within 100 feet of any residence other than the dwelling on the same lot. [Ord. 4107, § 7.08, 4-14-75.]

18.10.670 Exception of building height limitations.

The following types of structures or structural parts are not subject to the building height limitations of this chapter: chimneys, belfries, church spires, cupolas, domes, elevator shafts, fire and hose towers, monuments, observations towers, radio station towers, smoke stacks, transmission towers, water towers, windmills and other similar projections. [Ord. 4107, § 7.09, 4-14-75.]

18.10.680 Projections from buildings.

Cornices, eaves, gutters, sunshades, and other similar architectural features may not project more than two feet into a required yard. [Ord. 4107, § 7.10, 4-14-75.]

18.10.690 Access.

All lots or parcels of land less than five acres in area except lots within a private street subdivision as provided for in the county subdivision regulation shall abut upon a publicly developed and maintained street for a distance of at least 25 feet. [Ord. 4107, § 7.11, 4-14-75.]

18.10.700 Authorization of similar land uses.

The Hearing Examiner may rule that a use not specifically named in the allowed uses of the district shall be included among the allowed uses if it is of the same general type and is similar to the allowed uses. However, this section does not authorize the inclusion of a use in a district where it is not listed when the use is specifically listed in another district. [Ord. 95-193, § 26, 12-4-95; Ord. 4107, § 7.12, 4-14-75.]

18.10.710 Nonconforming lots of record.

A. For the purposes of this chapter, the term "conforming lot" means a lot of record that conforms to the minimum size and minimum widths of CCC 18.10.501. A "substandard lot" means a lot of record that on the effective date that CCC 18.10.500 through 18.10.729 became applicable to

the lot, did not conform to the minimum size and/or minimum width requirements. Whether a lot is of record shall be determined by the records of Cowlitz County Auditor.

B. A substandard lot may be developed for any use permitted by this chapter, if the owner of the substandard lot does not own any adjoining conforming lot.

C. If the owner of a conforming lot owns one or more adjoining substandard lots, the conforming lot and all adjoining substandard lots (including any series of adjoining substandard lots) owned by the same person shall be treated as one lot for the purposes of this chapter. This shall not prohibit the owner from combining two or more substandard lots to create one or more conforming lots.

D. If a person owns a series of two or more adjoining substandard lots, none of which adjoins a conforming lot owned by the same person, the entire series of adjoining substandard lots shall be treated as one lot, which may be developed for any use permitted by this chapter. This shall not prohibit the owner from combining two or more substandard lots to create one or more conforming lots.

E. Whether and to what extent a person owns adjoining lots for the purposes of this section shall be determined as of the time the person files a complete application for a development.

F. A substandard lot developed under this section need not conform to the requirements of this chapter for minimum size, minimum width, or maximum lot coverage. A combination of substandard lots developed under subsection D of this section likewise need not conform to such requirements, unless the size of the combined lots is at least equal to the minimum lot size requirements for the district in which the lots are located, in which case the combined lots shall conform to such requirements. Development under this section of a substandard lot, or combination of substandard lots, shall conform to all other requirements of this chapter except as otherwise permitted by variance.

G. No person shall have any rights under this section if the Director reasonably concludes that such person, or anyone acting for or in concert with such person, has employed any scheme, artifice, sham or has otherwise acted in bad faith in attempting to assert any rights under this section. The Director may require an applicant to provide records and other information to determine whether the applicant is entitled to the rights under this section. [Ord. 94-005, § 39, 1-3-94.]

18.10.720 Reclassification of nonconforming pre-existing uses or structures.

A. Any owner of a lot or parcel of land shall have the right to request that a determination be made as to the conformity or nonconformity of his/her pre-existing use and/or structure. Said request shall be directed to the Cowlitz County Building and Planning Director along with an appropriate fee. The Director shall make a determination as to the conformity of such use and/or structure within 30 days from the date of receipt of such request. The Director's findings, including the facts upon which said findings are based, shall be mailed to the applicant.

B. If the Director determines that said use and/or structure is nonconforming, the applicant may:

1. Appeal said determination to the Hearing Examiner by written request accompanied with appropriate fees for review pursuant to CCC 18.10.370, as amended;

2. Make application for a special use permit in accordance with CCC 18.10.280 through 18.10.315. Said application shall be processed as any other special use permit application;

3. Make application for a variance in accordance with CCC 18.10.340 through 18.10.365. Said application shall be processed as any other variance application. [Ord. 95-193, § 27, 12-4-95; Ord. 4107, § 7.13, 4-14-75.]

ADMINISTRATION AND ENFORCEMENT

18.10.730 Interpretation.

A. In interpreting and applying the provisions of this chapter, the provisions shall be held to be the minimum requirements for the promotion of the environmental quality, public health, safety and general welfare; therefore, when this chapter imposes a greater restriction upon the use of buildings or premises, or requires larger open spaces than are imposed or required by other laws, resolutions, rules or regulations, the provisions of this chapter shall control. This chapter shall supersede any conflicting section of any regulation adopted prior to April 14, 1975.

B. The provisions of this chapter shall be so interpreted as to carry out the land use district maps herein or hereinafter adopted and the general plans for physical development adopted by the Board of County Commissioners. [Ord. 4107, § 8.01, 4-14-75.]

18.10.740 Administration.

All applications under this chapter shall be made to the Cowlitz County Building and Planning Department. It shall be the duty of the Director or his designee to process any application pursuant to this chapter, and to administer the provisions of this chapter. The Director shall prepare any forms necessary to administer the provisions of this chapter. [Ord. 94-005, § 40, 1-3-94.]

18.10.750 Enforcement.

It shall be the duty of the Building and Planning Director to see that this title is enforced through the proper legal channels. The County Building Official shall issue no permits for the construction, alteration or repair of any building or part thereof, unless such plans and intended use of such building or land use conform in all respects with the provisions of this chapter. All applications for a building permit shall be accompanied by a plot plan showing the actual dimensions and structures of the plot to be built upon, the size, use and the location of all existing and proposed buildings. [Ord. 95-193, § 24, 12-4-95; Ord. 4107, § 8.03, 4-14-75.]

18.10.760 Fees and charges.

The fees and charges for processing applications for land use district map and/or text amendments, special use permits and variances, public hearing notices, appeals and other administrative actions under this chapter shall be as from time to time established by resolution by the Board of County Commissioners. [Ord. 87-015, § 1, 2-2-87.]

18.10.770 Violations – Penalties.

It is a civil infraction for any person to violate this chapter or assist in the violation of this chapter. Violations are subject to the provisions of Chapter 2.06 CCC. Any violation is a public nuisance. Each day a violation exists is a separate violation. Payment of any penalty imposed for a violation does not relieve a person from the duty to comply with this chapter. [Ord. 93-102, § 20, 7-6-93.]

18.10.900 Severability.

Should any section, clause or provision of this chapter be declared by the courts to be invalid, the same shall not affect the validity of the chapter as a whole or any part thereof other than the part so declared to be invalid. [Ord. 4107, § 8.06, 4-14-75.]

18.10.910 Conflicts with other regulations – Effective date.

Where other county regulations are in conflict with this chapter, the more restrictive regulation shall apply and such application shall extend to those specific provisions which are more restrictive.

This chapter is necessary for the immediate preservation of the public's peace, health and safety and shall take effect April 14, 1975. [Ord. 4107, § 8.07, 4-14-75.]

Chapter 18.16

WRECKING YARD ORDINANCE

Sections:

- 18.16.010 Purpose of provisions.
- 18.16.020 Definitions.
- 18.16.030 Permit requirement.
- 18.16.040 Standards.
- 18.16.050 Owner requirements.
- 18.16.060 Administration.
- 18.16.070 Report on proposal.
- 18.16.080 Permit application – Hearing and decision.
- 18.16.090 Enforcement and inspection.
- 18.16.100 Additional authority.
- 18.16.110 Appeals.
- 18.16.120 Violations – Penalties.

18.16.010 Purpose of provisions.

The purpose of this chapter is to promote the health, safety, and welfare of the general public by establishing standards for the location, development, and operation of wrecking yards. Such standards will help ensure that wrecking yards are sited in appropriate locations, are developed in a way that will minimize unsightliness, and are operated in a safe manner and in accordance with applicable laws and regulations. [Ord. 89-184, § 2, 10-30-89.]

18.16.020 Definitions.

For the purpose of this chapter certain terms and words shall be defined as follows:

A. “Board” means Board of County Commissioners of Cowlitz County.

B. “Department” means Cowlitz County Department of Building and Planning.

C. “Director” means the Director of the Department.

D. “Motor vehicle wrecker” means a person, firm, partnership, association, or corporation engaged in the business of buying, selling, and/or dealing in vehicles of a type required to be licensed under the laws of this state, for the purpose of wrecking, dismantling, disassembling or substantially changing the form of any motor vehicle, or who buys or sells integral secondhand parts of component material thereof, or who deals in secondhand motor vehicle parts.

E. “Permit” means a wrecking yard permit.

F. “Planning commission” means Cowlitz County Planning Commission.

G. “Pre-existing wrecking yard” means a wrecking yard existing in the unincorporated por-

tion of Cowlitz County on the effective date of the ordinance codified in this chapter.

H. “Public notice” means, at a minimum: (1) publishing notice of the hearing once, at least seven days before the hearing, in a newspaper of general circulation within Cowlitz County; (2) mailing at least seven days’ advance notice of the hearing to the applicant, the owner and operator of the wrecking yard, and the appellant (whichever apply); and (3) mailing at least seven days’ advance notice of the hearing to every person who has submitted a written request therefor.

I. “Wrecking yard” means an enclosure, building, structure, or area used by a motor vehicle wrecker in the conduct of his or her business. [Ord. 89-184, § 3, 10-30-89.]

18.16.030 Permit requirement.

No person shall construct, expand, or operate a wrecking yard in the unincorporated portion of Cowlitz County without first obtaining a permit under this chapter. No permit is required for a pre-existing wrecking yard, provided: (A) the wrecking yard has all approvals and licenses required by Ordinance 697, as amended; (B) a permit under this chapter shall be obtained before the area comprising the wrecking yard is expanded; and (C) the wrecking yard is operated in accordance with the standards contained in CCC 18.16.050. A permit required for the expansion of a pre-existing wrecking yard shall apply only to the area comprising the expansion. [Ord. 89-184, § 4, 10-30-89.]

18.16.040 Standards.

Every proposed wrecking yard must meet the following site standards:

A. Use of the property as a wrecking yard must be authorized under the Cowlitz County Zoning Code; if the proposed location is unzoned, such use must be authorized under the Cowlitz County Comprehensive Plan.

B. The proposed location must contain at least two acres.

C. The proposed location must be at least 200 feet from any river, stream, lake, or wetland, provided that the Planning Commission may authorize a lesser setback if it determines that such a setback will not adversely affect the river, stream, lake or wetland or the use or enjoyment thereof by any other person or the public.

D. The proposed location in its entirety must be at least 200 feet from any state highway or primary or secondary county arterial highway.

E. If any portion of the proposed location is within 1,000 feet of the nearest edge of the right-of-way of any interstate or federal-aid primary highway, the wrecking yard must be screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of such highway or to otherwise be removed from sight; provided, that the requirements of this subsection shall not apply where the wrecking yard in its entirety:

1. Is located in an area zoned MH under the Cowlitz County Zoning Code; or

2. Is located in an "unzoned industrial area" as defined in WAC 468-74-010, as now or hereafter amended.

F. Every wrecking yard must be completely enclosed by a wall or fence that is at least eight feet high and that obscures the wrecking yard from public view. Such wall or fence shall be painted or stained in a neutral shade to blend with surrounding premises. Any fence made of chain link must include slats or other construction that will prevent public view of the wrecking yard. A living hedge at least eight feet high and with sufficient density to prevent public view of the wrecking yard may be substituted for the wall or fence. All walls, fences, and other enclosures shall be kept in good repair. Dying portions of any hedge shall be replaced. [Ord. 89-184, § 5, 10-30-89.]

18.16.050 Owner requirements.

Every person owning or operating a wrecking yard shall comply with the following requirements:

A. Scrap, parts, and other materials stored outside shall not be piled to heights above the wall, fence, or hedge enclosing the wrecking yard.

B. Acids, gasoline or other flammable materials or toxic materials shall not be drained or deposited onto the ground.

C. Burning of any materials is forbidden.

D. All solid wastes and hazardous wastes shall be handled, treated, and disposed of in compliance with all applicable federal, state, and local laws and regulations.

E. Premises and records shall be maintained in a neat and orderly manner, and shall be open to inspection at all reasonable times by the Department, the Cowlitz-Wahkiakum Health District, the fire protection/abatement authority, and the Washington State Patrol.

F. The owner and operator of any wrecking yard shall maintain all permits, licenses, and approvals necessary for the operation of the wrecking yard. The development and operation of the

wrecking yard shall comply with all applicable federal, state, and local laws and regulations. [Ord. 89-184, § 6, 10-30-89.]

18.16.060 Administration.

A. The Director shall be responsible for administering this chapter.

B. Any person may meet with the Department staff before applying for a permit, in order to discuss wrecking yard requirements, location options, and the permit process.

C. Applications for permits shall be filed with the Department on forms the Department shall provide.

D. A completed application form must be signed by the owner(s) of the property upon which the wrecking yard is proposed to be located, and by the owner(s) and operator(s) of the proposed wrecking yard. The completed application must be accompanied by:

1. Two copies of plans for the wrecking yard, including a site development plan drawn at a scale of not less than one inch equals 200 feet, and a general vicinity sketch showing the proposed wrecking yard in relation to the surrounding area; and

2. The application fee, the amount of which shall be set from time to time by resolution of the Board.

E. The Department shall notify the following persons and agencies of the application:

1. County Engineer, Cowlitz-Wahkiakum Health District, Washington State Department of Ecology, Washington State Patrol;

2. Washington State Department of Transportation, when any portion of the proposed wrecking yard would be located within 1,000 feet of the right-of-way of any interstate or federal-aid primary highway, or any state highway;

3. Any city that adjoins or is within one mile of any portion of the proposed wrecking yard;

4. All persons owning property within 300 feet of any portion of the proposed wrecking yard;

5. Any other agency or persons deemed appropriate by the Director.

Failure to provide such notice shall not deprive the Department, the Planning Commission, or the Board of jurisdiction to process the application. [Ord. 89-184, § 7, 10-30-89.]

18.16.070 Report on proposal.

Once the applicant has provided all information required by this chapter, the Department shall investigate the proposal and prepare a report to the

Planning Commission. The report shall discuss how the proposal complies with this chapter and shall include the Department's recommendation. The Department shall schedule the proposal for a public hearing by the Planning Commission and give public notice thereof. [Ord. 89-184, § 8, 10-30-89.]

18.16.080 Permit application – Hearing and decision.

A. The Planning Commission shall conduct a public hearing on the application. The applicant and any other interested person may attend, testify, and submit written materials. If the Planning Commission finds that the proposal will comply with this chapter it shall approve the application, subject to such conditions as it deems appropriate to best carry out the purposes of this chapter. The provisions of the State Environmental Policy Act, Chapter 43.21C RCW, shall supplement the Planning Commission's authority to approve, condition, or deny an application. The Planning Commission shall issue its decision in writing within 15 days of the conclusion of the public hearing. The Department shall mail copies of the decision to the applicant and other interested persons. A written decision approving an application, with or without conditions, shall constitute the permit. The Planning Commission's decision may be appealed under CCC 18.16.110.

B. The applicant shall have one year from the date the permit is issued to complete any screening required by CCC 18.16.040(E), the enclosure required by CCC 18.16.040(F), and any other site requirements of this chapter or the permit. The one-year period shall begin on the date the Planning Commission issues its written decision; if such decision is appealed, the one-year period shall begin on the date the appeal is finally resolved. Upon written request of the applicant made prior to the expiration of the one-year period, the Director may grant one one-year extension if the Director finds that the applicant has made substantial progress towards completion and has not abandoned the work. The Director's decision granting or denying an extension shall be in writing, and may be appealed under CCC 18.16.110. If the requirements described in this subsection are not completed within the initial one year nor within any extension, the permit shall lapse automatically and shall thereafter be null and void.

C. No operations may be conducted at the wrecking yard until the Director or his or her designee has inspected the premises and certified in

writing that the wrecking yard complies with all requirements of this chapter and the permit. It is the permit holder's responsibility to request such inspection and certification.

D. A permit shall apply to the property on which the wrecking yard is located, and shall remain valid for such property notwithstanding changes in ownership of the property or of the wrecking yard, or changes in the identity of the operator. Any subsequent owner or operator shall be bound by the provisions of this chapter and the permit. No subsequent owner or operator shall be entitled to receive any written notice provided for by this chapter until such owner or operator advises the Department in writing of his or her name, address, and status with respect to the wrecking yard. [Ord. 89-184, § 9, 10-30-89.]

18.16.090 Enforcement and inspection.

The Director shall enforce the provisions of this chapter. The Director and any employee of the Department may enter any wrecking yard at any reasonable time to inspect for compliance with this chapter. The filing of an application for a permit or the operating of any wrecking yard constitutes consent to such entries and inspections. [Ord. 89-184, § 10, 10-30-89.]

18.16.100 Additional authority.

In addition to the authority to issue notices of infraction under CCC 18.16.120, the Director may suspend or revoke any permit for cause, including continued, repeated, or major violations of this chapter. Unless immediate action is necessary to respond to an imminent threat to public health or safety, the Director shall give the wrecking yard owner and operator prior written notice of the action contemplated and the reasons therefor. Such written notice shall inform the wrecking yard owner and operator that they may respond in person and/or in writing and shall give a deadline for their response. After considering any response the Director shall decide whether or not to revoke or suspend the permit. Any notice of revocation or suspension shall be in writing and shall be served on the owner and operator personally or by certified mail, return receipt requested. The owner and operator shall cease all wrecking yard operations immediately upon service of the notice; a notice sent by mail shall be deemed served on the third day after mailing. A notice of revocation or suspension may be appealed under CCC 18.16.110. The filing of an appeal shall stay the revocation or suspension until the appeal is finally resolved, except

that the Board and any reviewing court may order the revocation or suspension continued while the appeal is pending if necessary to protect against an imminent threat to public health or safety. [Ord. 89-184, § 11, 10-30-89.]

18.16.110 Appeals.

A. The following decisions may be appealed to the Board: (1) a decision of the Planning Commission approving, denying, or approving with conditions an application for a permit; (2) a decision by the Director granting or denying an extension of time under CCC 18.16.080(B); and (3) a decision by the Director revoking or suspending a permit. Any person aggrieved by one of the above decisions may file an appeal. Any appeal shall be in writing and filed with the Department within 15 days of the date stated on the document containing the decision being appealed. The appellant shall provide a brief written description of the basis for the appeal; this may be included in the notice of appeal itself, but if it is not the Department shall notify the appellant in writing of such requirement, and the appellant must file the description with the Department within 15 days of the date of the Department's notice. If the notice of appeal is timely filed and the appellant has timely provided a description of the grounds, the Department shall transmit the record to the Clerk of the Board, who shall schedule a public hearing on the appeal and give public notice thereof.

B. The Board shall hold the public hearing and conduct a de novo review of the decision being appealed. The Board may affirm, reverse, or modify the decision. The Board shall issue its decision in writing not later than 15 days after the conclusion of the public hearing. The Clerk of the Board shall mail copies of the decision to the appellant and other interested persons. [Ord. 89-184, § 12, 10-30-89.]

18.16.120 Violations – Penalties.

It is a civil infraction for any person to violate this chapter or assist in the violation of this chapter. Violations are subject to the provisions of Chapter 2.06 CCC. Any violation is a public nuisance. Each day a violation exists is a separate violation. Payment of any penalty imposed for a violation does not relieve a person from the duty to comply with this chapter. [Ord. 93-102, § 22, 7-6-93.]

Chapter 18.20

SURVEY RECORDING ACT IMPLEMENTATION

Sections:

- 18.20.010 Purpose.
- 18.20.020 Record of survey.
- 18.20.030 Survey copies.
- 18.20.040 Record of monument.
- 18.20.050 Monument copies.

Cross-reference:

Chapter 58.09 RCW: Survey recording act.

18.20.010 Purpose.

The purpose of this chapter is to implement the Survey Recording Act (Chapter 58.09 RCW) and to assist in preserving evidence of land surveys by establishing fees for recording a public record as prescribed by the act. [Ord. 3096, § 1, 6-5-73.]

18.20.020 Record of survey.

The size of the record of land surveys shall be 18 inches by 24 inches and the fee schedule for filing shall be as follows:

- A. Basic fee first page: \$25.00;
- B. DNR fees: \$26.00*;
- C. Centennial preservation fee: \$2.00*;
- D. Each additional page: \$5.00.

*Note: These fees are not set by the Board of County Commissioners. If the entities which establish these fees increase or decrease their fees, the total fee collected by the Auditor's office shall automatically, upon the effective date of such change, be adjusted.

[Res. 91-103, § A, 7-29-91; Ord. 3096, § 2, 6-5-73.]

18.20.030 Survey copies.

Copies of the record of survey shall be provided on request according to the following fee schedule:

- A. Basic fee first page: \$5.00;
- B. Each additional page: \$3.00. [Res. 91-103, § B, 7-29-91; Ord. 3096, § 3, 6-5-73.]

18.20.040 Record of monument.

The record of monument shall be filed without charge on the standard form prescribed by the Department of Natural Resources, Bureau of Surveys and Maps. [Res. 91-103, § C, 7-29-91; Ord. 3096, § 4, 6-5-73.]

18.20.050 Monument copies.

Copies of the record of monument shall be provided on request according to the following fee schedule:

A. Basic fee per sheet: \$2.00. [Res. 91-103, § D, 7-29-91; Ord. 3096, § 5, 6-5-73.]

Chapter 18.30**PLANNED UNIT DEVELOPMENT**

Sections:

GENERAL PROVISIONS

- 18.30.010 Title.
- 18.30.020 Purpose.
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 Chapter 18.34 CCC: Short subdivisions.
 CCC 16.15.020: Road, bridge, and drainage construction standards.

Codifier's note: The following ordinances and resolutions, now repealed, pertained to subdivisions and plats; Ord. 2301, 4-20-71; Ord. dated 6-13-67, 42 J 500; Ord. dated 9-12-61, 33 J 318, as amended by Ord. dated 9-18-64, 37 J 130, and amended by Ord. dated 5-14-65, 38 J 197; Res. dated 3-11-58, 29 J 745; Res. dated 5-7-54, 26 J 482.

GENERAL PROVISIONS

18.30.010 Title.

This chapter shall be known and may be cited as the "Planned Unit Development Ordinance". [Ord. 84-238, § 1, 11-5-84.]

18.30.020 Purpose.

The purposes of this chapter are as follows:

A. To allow greater flexibility and to encourage more innovative design for the development of residential areas than is generally possible under conventional zoning and subdivision regulations;

B. To encourage more economical and efficient use of land, streets, and public services;

C. To preserve and create usable open space and other amenities superior to conventional developments;

D. To preserve important natural features of the land, including topography, natural vegetation, and views;

E. To encourage development of a variety of housing types and densities. Townhouse development is particularly encouraged;

F. To encourage energy conservation, including the use of passive solar energy in project design and development to the extent possible;

G. To provide incentives to developers of increased density, lower costs, and permissive variations in zoning and subdivision standards in return for higher quality living environments;

H. To encourage infill development of problem areas or sites characterized by special features of geography, topography, size, shape, or historical legal nonconformity;

I. To permit flexibility of design that will create desirable public and private open space; to vary the type, design, and layout of buildings; and to utilize the potentials of individual sites and alternative energy sources to the extent possible;

J. To reduce public service costs and energy demands of development. [Ord. 84-238, § 3, 11-5-84.]

18.30.030 Applicability.

A. This chapter may be applied to those unincorporated areas of Cowlitz County that may be served by public and/or community water and/or sewerage or on-site sewage disposal system, where such on-site system conforms to State Health Regulations, and which are classified as rural residential-1, rural residential-2, rural residential-5, urban residential, or multiple-family under the Cowlitz County Zoning Code, or, in unzoned areas, classified as rural residential-1, rural residential-2, rural residential-5, low density urban residential, or high density urban residential under the Cowlitz County Comprehensive Plan.

B. This resolution may apply to the development of five or more lots for sale, lease or transfer in lieu of the Urban Subdivision Code, Chapter 18.32 CCC, or Rural Subdivision Code, Chapter 18.50 CCC.

C. Condominium/townhouse developments authorized pursuant to the Horizontal Property Regimes Act, Chapter 64.32 RCW, shall proceed under the provisions of this chapter unless located in an area designated multifamily.

D. Relationship to Other Ordinance Provisions. Developments approved pursuant to this chapter shall be superimposed upon the underlying zone and/or Comprehensive Plan classification; and the regulations of this chapter shall modify and supersede those regulations of the underlying zone and/or Comprehensive Plan classifications. [Ord. 89-171, § 1, 10-2-89; Ord. 84-238, § 4, 11-5-84.]

DEFINITIONS**18.30.040 Generally.**

For the purpose of this chapter, the words or phrases shall be defined as set out in CCC 18.30.050 through 18.30.275. [Ord. 84-238, § 5, 11-5-84.]

18.30.050 Access.

“Access” means the right to ingress and egress from a public road. [Ord. 84-238, § 5.01, 11-5-84.]

18.30.055 Administrator.

“Administrator” means Director of the Department of Building and Planning or his designee. [Ord. 84-238, § 5.02, 11-5-84.]

18.30.060 Applicant.

“Applicant” means the owner of the land proposed to be subdivided, or his representative. [Ord. 84-238, § 5.03, 11-5-84.]

18.30.065 Arterial.

“Arterial” means a road intended for high volumes of traffic and providing connections with major state and interstate roadways. An arterial is not intended to be a residential street, but has high potential for the location of significant community facilities as well as retail, commercial and industrial facilities. [Ord. 84-238, § 5.04, 11-5-84.]

18.30.070 Board.

“Board” means Board of County Commissioners. [Ord. 84-238, § 5.05, 11-5-84.]

18.30.075 Bond.

“Bond” means any form of security, including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Board, to cover the cost(s) including inflationary costs of constructing or installing any improvements required. [Ord. 84-238, § 5.06, 11-5-84.]

18.30.080 Building site.

“Building site” means a parcel of land occupied or intended to be occupied by one main building and its accessory buildings, together with all other required yards, open space and setbacks. [Ord. 84-238, § 5.07, 11-5-84.]

18.30.085 Commission.

“Commission” means Cowlitz County Planning Commission. [Ord. 84-238, § 5.09, 11-5-84.]

18.30.090 Common open space.

“Common open space” means an improved or unimproved area designated and maintained for: recreation; visual buffering; preservation in a natural state because of natural assets; provided, that open space does not include street right-of-way (except private street rights-of-way), parking lots, or yards in platted lots. [Ord. 89-171, § 2, 10-2-89; Ord. 84-238, § 5.10, 11-5-84.]

18.30.095 Comprehensive Plan.

“Comprehensive Plan” means the Cowlitz County Comprehensive Plan as adopted by the Board of County Commissioners. [Ord. 84-238, § 5.11, 11-5-84.]

18.30.100 Condominium subdivision.

“Condominium subdivision” means a subdivision with co-ownership or cooperative ownership of common property as defined in Chapter 64.32 RCW. [Ord. 84-238, § 5.12, 11-5-84.]

18.30.105 County.

“County” means Cowlitz County, Washington. [Ord. 84-238, § 5.13, 11-5-84.]

18.30.110 Day.

“Day” means day(s) that the office of the Administrator is open for business, unless otherwise specified. [Ord. 84-238, § 5.14, 11-5-84.]

18.30.115 Dedication.

“Dedication” means the deliberate appropriation of land by an owner for any general or public uses reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. [Ord. 84-238, § 5.15, 11-5-84.]

18.30.120 Department.

“Department” means the Department of Building and Planning. [Ord. 84-238, § 5.16, 11-5-84.]

18.30.125 Development.

“Development” means any human-made change to improved or unimproved real estate, including but not limited to clearing, grubbing, grading, construction, fill, excavation, placement of buildings, or other similar improvements. [Ord. 84-238, § 5.17, 11-5-84.]

18.30.130 Difficult development land.

“Difficult development land” means land which the Administrator has found to be environmentally sensitive or unsuitable for subdivision due to the flooding, poor drainage, steep slopes, slide areas or potential slide areas, rock and soil formations, or other features likely to be harmful to the safety and general health of the future residents and adjacent landowners. [Ord. 84-238, § 5.18, 11-5-84.]

18.30.135 Easement.

“Easement” means a written grant by property owner to specific individuals, corporations or to the public or its agencies to use his land for specific purposes. [Ord. 84-238, § 5.19, 11-5-84.]

18.30.140 Engineer.

“Engineer” means the Director of Public Works or his designee. [Ord. 84-238, § 5.20, 11-5-84.]

18.30.145 Frontage.

“Frontage” means property line on the fronting street or extent of property along a road or street. [Ord. 84-238, § 5.21, 11-5-84.]

18.30.150 Homeowners’ association.

“Homeowners’ association” means the grouping or uniting of persons residing within a defined area into an incorporated entity to provide for the operation, maintenance and protection of a common enterprise. [Ord. 84-238, § 5.22, 11-5-84.]

18.30.155 Land surveyor.

“Land surveyor” is as defined by the Engineers and Land Surveyors Act, Chapter 18.43 RCW. [Ord. 84-238, § 5.23, 11-5-84.]

18.30.160 Lot.

“Lot” means a fractional part of divided lands having fixed boundaries, and being of sufficient area and dimensions to meet current minimum zoning and Comprehensive Plan requirements for width and area. The term shall include tracts, parcels or sites. [Ord. 84-238, § 5.24, 11-5-84.]

18.30.165 Master plan.

“Master plan” means the map, sketch or other presentation showing the ultimate development pattern of a parcel of property that is to be developed in successive stages or subdivisions. [Ord. 84-238, § 5.25, 11-5-84.]

18.30.170 Open space.

See “common open space.” [Ord. 84-238, § 5.26, 11-5-84.]

18.30.175 Owner.

“Owner” means any person who is the fee owner, except that with respect to property being sold under a real estate contract it shall mean the contract purchaser, and with respect to property subject to a deed of trust it shall mean the grantor. [Ord. 84-238, § 5.27, 11-5-84.]

18.30.180 Person.

“Person” means an individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture. The word “person” shall also include a municipality, county or state agency. [Ord. 84-238, § 5.28, 11-5-84.]

18.30.185 Planned unit development (PUD).

“Planned unit development (PUD)” means a type of subdivision characterized by a unified site design, clustering of buildings, common open space, density increases, and a mix of land uses and building types. [Ord. 84-238, § 5.29, 11-5-84.]

18.30.190 Plat, final.

“Final plat” means an accurate map or representation of the subdivision showing lots, blocks, streets, alleys and other divisions and dedications prepared for filing for record with the County Auditor. [Ord. 84-238, § 5.30, 11-5-84.]

18.30.195 Plat, preliminary.

“Preliminary plat” means a neat and approximate drawing of the proposed layout of streets, blocks, lots and other elements of the plat or subdivision which shall furnish a basis for the Planning Commission’s approval or disapproval of the general layout of the plat or subdivision. [Ord. 84-238, § 5.31, 11-5-84.]

18.30.200 Protective covenants.

“Protective covenants” means an agreement which binds a landowner and his successors in interest to do or refrain from doing certain acts with relation to the property which is the subject of such agreement. [Ord. 84-238, § 5.32, 11-5-84.]

18.30.210 Purveyor.

“Purveyor” means the agency(ies) providing water, sewer, or other urban services. [Ord. 84-238, § 5.33, 11-5-84.]

18.30.215 Public water system.

“Public water system” means a publicly operated system or water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities, when water is furnished to any community, collection, or number of individuals, or is made available to the public for human consumption, or domestic use, excluding water systems serving one single-family residence. [Ord. 84-238, § 5.34, 11-5-84.]

18.30.220 Right-of-way.

“Right-of-way” is a general term denoting land, property or interest therein, usually reserved for transportation or utility purposes. [Ord. 84-238, § 5.35, 11-5-84.]

18.30.225 Road.

“Road” means the improved and maintained portion of a right-of-way which provides vehicular circulation or principal means of access to abutting properties. [Ord. 84-238, § 5.36, 11-5-84.]

18.30.230 Road, private.

“Private road” means a roadway intended for the use of one or more private individuals and developed and maintained by those private individuals who benefit from its construction. [Ord. 84-238, § 5.37, 11-5-84.]

18.30.235 Road, public.

“Public road” means a highway or roadway established and adopted by the proper authorities for the use of the general public. [Ord. 84-238, § 5.38, 11-5-84.]

18.30.240 Shadow pattern.

“Shadow pattern” means the composite shape of a shadow cast by an object from 10:00 a.m. to 2:00 p.m. Pacific Standard Time January 21st. [Ord. 84-238, § 5.39, 11-5-84.]

18.30.245 Solar access.

“Solar access” means the provision of direct sunlight to the south wall or roof of a dwelling from 10:00 a.m. to 2:00 p.m. Pacific Standard Time on January 21st for the purpose of successfully operating a solar energy system. [Ord. 84-238, § 5.40, 11-5-84.]

18.30.250 Solar easement.

“Solar easement” means a right expressed as an easement, restriction, covenant, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems (RCW 64.04.150(1)(b)). A solar easement allows a solar system owner to use the airspace above the southern neighbor’s property in order to receive uninterrupted sunlight. [Ord. 84-238, § 5.41, 11-5-84.]

18.30.255 Solar energy system.

“Solar energy system” means any solar collector or other solar energy device or any structural design of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, water heating, or electric generation. [Ord. 84-238, § 5.42, 11-5-84.]

18.30.260 State Environmental Policy Act (SEPA).

“State Environmental Policy Act (SEPA)” means Chapter 43.21C RCW or as hereafter amended. [Ord. 84-238, § 5.44, 11-5-84.]

18.30.265 Subdivider.

“Subdivider” means any person, firm or corporation undertaking the subdividing or resubdividing of any parcel of land. [Ord. 84-238, § 5.45, 11-5-84.]

18.30.270 Subdivision.

“Subdivision” means a division of land, into five or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease or transfer of ownership, and shall include all resubdivision of land. [Ord. 84-238, § 5.46, 11-5-84.]

18.30.275 Townhouse.

“Townhouse” means two or more single-family dwellings which are separated by common party walls extending from the ground to the roof and which have no doors, windows, or other provisions for passage or visibility through the common walls. [Ord. 84-238, § 5.47, 11-5-84.]

18.30.279 Zone.

“Zone” means the land use classification adopted pursuant to Chapter 18.10 CCC, or in unzoned areas of Cowlitz County, the land use designation assigned pursuant to the Cowlitz County Comprehensive Plan. The term shall include “zoned,” “zones,” “classified,” and “unclassified.”

APPLICATION**18.30.280 Preapplication conference.**

A. Prior to the submission of the preliminary plat, a preapplication conference is required. The subdivider or his representative shall submit 20 copies of a basic sketch plan and project concept for a preapplication conference with the Administrator, Engineer, and other agencies to discuss as many potential concerns as possible in order for the preliminary plat to be processed without delay.

B. Discussion topics at this time may include such things as: Comprehensive Plan, zoning, street plan, availability of sewer and water, development concepts, soils, topography, other county permits, the environmental impact of the project, and the future development of adjacent property. If, after the preapplication conference, the applicant desires to proceed with an application for preliminary PUD approval, the information gained from the conference will be useful in designing the preliminary plat and in preparing any accompanying documents.

C. Participation in a preapplication conference and conclusion reached at the conference will in no way guarantee preliminary approval, or prohibit

identification and discussion of additional concerns during the preliminary review process. [Ord. 89-171, § 4, 10-2-89; Ord. 84-238, § 6.01, 11-5-84.]

18.30.290 Preliminary application.

The preliminary application shall be on a form provided by the Administrator and shall contain the following information:

A. Name, address, and telephone number of applicant;

B. Legal description of the property including section, township, range, subdivision, parcel and tax lot numbers, and number of acres;

C. Name of proposed PUD, number of lots, number and types of dwellings and other structures;

D. Proposed methods of providing potable water and sewage disposal and the names of the purveyor(s);

E. Signatures of applicant(s) and/or owner(s). [Ord. 84-238, § 6.02, 11-5-84.]

18.30.300 Preliminary plat.

Twenty-five copies of the proposed preliminary plat shall accompany the application. The preliminary plat shall have dimensions of at least 18 by 24 inches and shall be drawn to a scale no smaller than 200 feet to one inch. The following information shall be included:

A. Name of proposed PUD;

B. Name and address of owner(s) and subdivider, if different from the owner;

C. Name and address of surveyor and/or engineer;

D. Date, scale and north arrow;

E. A vicinity map clearly identifying the location of the proposed PUD site;

F. Dimensions of the proposed PUD site and each lot contained therein, and the number assigned to each lot and block;

G. Circulation plans – vehicular and pedestrian – location, width and names of all public and private roads and pedestrian ways within or abutting the proposed PUD tract.

H. Physical features of the site:

1. Topographic contours at intervals of two feet for slopes up to five percent and five feet for slopes over five percent extended 100 feet beyond the boundaries of the proposed PUD. Datum is mean sea level as established by U.S.G.S.;

2. Hydrology: surface and wetlands;

3. Existing deciduous and evergreen trees.

I. Boundary lines of ownerships, subdivisions, and streets abutting the proposed PUD and extending at least 100 feet therefrom.

J. The proposed location, dimensions and heights of all buildings and structures proposed to be located on the site.

K. Location, dimensions and area of all proposed recreational and common open space, indicating proposed uses;

L. Number, location, and design of off-street parking areas showing points of ingress and egress. [Ord. 89-171, § 5, 10-2-89; Ord. 84-238, § 6.03, 11-5-84.]

18.30.310 Preliminary supporting documents.

The following supporting documents shall accompany the application for preliminary PUD approval. Twenty copies shall be submitted:

A. A SEPA checklist, assessing the anticipated impacts. An environmental impact statement may be required;

B. Soils and geology description;

C. A written statement explaining the intent and purposes of the proposed PUD, including:

1. An explanation and specification of any nonresidential uses proposed within the project,

2. The method proposed to insure the permanent retention and maintenance of common open space land,

3. Timing for the construction and installation of improvements, buildings, other structures, and landscaping,

4. Recreational facilities and equipment to be installed,

5. The reasons why a PUD would be in the public interest and would be consistent with the goals and policies of the Comprehensive Plan;

D. A landscaping plan showing trees and ground cover to be retained and planted;

E. Elevation and perspective drawings of proposed structures, and such other schematic sections, and sketches, drawn to scale, needed to convey the architectural character of the proposed PUD;

F. Copies of restrictions, easements covenants and agreements which are existing or proposed for the proposed PUD. If required by the county, such restrictions must be recorded prior to or simultaneously with the recording of the final plat;

G. Preliminary drainage plans;

H. Tentative grades of each street as required by the Engineer;

I. List of names and addresses of all owners whose property is located within 300 feet of the

proposed PUD site. If the owner of the proposed PUD site owns other real property contiguous to the project site, the list shall include the names and addresses of real property owners located within 300 feet of the contiguous ownership of the applicant;

J. A master plan of the site, if the proposed PUD is to be developed in phases. The master plan need not be fully engineered but shall be of sufficient detail to illustrate the property's physical features and probable development pattern. The master plan will be used as a guide in each successive stage of development until its completion;

K. A shadow pattern plan of the proposed PUD shall be required if the developer applies for a density bonus based on the solar energy conservation guidelines, Chapter 7.05 CCC. The shadow pattern plan shall illustrate the shadow effects of proposed structures and vegetation within and adjacent to the proposed PUD on January 21st between the hours of 10:00 a.m. to 2:00 p.m. [Ord. 84-238, § 6.04, 11-5-84.]

PUD DESIGN AND DEVELOPMENT STANDARDS

18.30.320 Minimum site area.

A PUD shall contain an area of at least three acres. [Ord. 84-238, § 7.01, 11-5-84.]

18.30.330 Permitted uses.

Permitted uses in a PUD are as follows:

A. Those uses permitted as a matter of right in the underlying zone, and/or Comprehensive Plan classification;

B. Townhouses;

C. Multifamily apartments; provided, that the project is over 10 acres in area;

D. Recreational facilities and common areas, including, but not limited to, swimming pools, playgrounds, tennis courts, trails, and structures accessory to such uses;

E. Community facilities, including, but not limited to, community halls, social clubs, churches, schools, and libraries may be authorized;

F. Incidental retail and other nonresidential uses, well integrated into the project design, may be specifically and selectively authorized. Permitted incidental retail uses shall be designed and scaled to serve only as a convenience to the project residents. [Ord. 84-238, § 7.02, 11-5-84.]

18.30.340 Number of dwelling units permitted.

A. Density Calculations.

1. The maximum permitted number of dwelling units shall be determined by dividing the net development area by the minimum lot size of the underlying zone; provided, in areas classified rural residential-1, rural residential-2, or rural residential-5, the maximum density shall be determined by dividing the gross development area by the minimum lot size of the underlying zone.

2. The net development area shall be determined by subtracting the area set aside for incidental retail and other nonresidential uses from the total site area, and thereafter subtracting 15 percent of the remainder for streets. Areas set aside for parks, recreation, and common open space may be used to meet the overall density requirements of the underlying zone.

B. Density Bonus. A density bonus up to a maximum of 30 percent may be authorized; provided water, sewage disposal, and other facilities can accommodate the increased density. The following criteria shall be used to evaluate whether a bonus density should be authorized.

	Maximum Allowable Bonus	Bonus Criteria
1.	10%	The PUD includes or makes provision for the construction of significant recreation areas such as tennis courts, basketball courts, golf courses, children’s play areas, trails, classified open space and open space forest lands, landscaped open areas, etc.
2.	10%	The PUD includes or makes provision for the construction of major recreation/leisure facilities such as a clubhouse, swimming pool, etc.
3.	15%	Provisions are made for the construction of active or passive solar systems and/or passive solar design in 50% of the dwelling units.

[Ord. 89-171, § 6, 10-2-89; Ord. 84-238, § 7.03, 11-5-84.]

18.30.350 Dimensional and bulk standards.

A. Site Coverage. Coverage of the gross area of the site by buildings, structures, streets, and parking areas shall not exceed 50 percent.

B. Front Yard Setback. The minimum front yard setback for all buildings and structures shall be at least 15 feet from the property line or 45 feet from the centerline of the street, whichever is greater.

C. Side Yard Setbacks. The side yard setback standards set forth in the Zoning Code, Chapter 18.10 CCC, may be waived in a PUD, except as set forth in CCC 18.10.520 relating to corner lots. Wherever buildings are separated, a minimum distance of 10 feet shall be maintained between such buildings. However, reasonable visual and acoustical privacy shall be provided for all dwellings and adjacent properties.

D. Building Height. Buildings shall not be more than three stories or 35 feet in height.

E. Setback Along the Perimeter of the Development. The perimeter of the PUD shall be aesthetically compatible with adjacent land uses. Structures located on the perimeter shall be set back at least the distance required in the underlying zone. [Ord. 84-238, § 7.04, 11-5-84.]

18.30.360 Energy conservation guidelines.

A. General. Design and layout of the PUDs and individual lots in PUDs shall provide for solar access and use of solar energy wherever feasible; however, these guidelines shall not reduce the overall density normally achievable in the underlying zone.

B. Wherever possible residential streets should be oriented within 30 degrees of east/west to allow maximum solar access.

C. The long axis of lots should be oriented within 30 degrees of true south to the extent possible.

D. Buildings should be oriented with the long axis, facing within 30 degrees of east/west regardless of lot orientation.

E. For purposes of solar access, residential buildings may be flexibly sited on lots, provided that the minimum front yard setback is maintained. Clustering and zero lot line techniques may also be used to achieve this purpose.

F. Covenants should be provided which protect solar access for the south walls and roofs of units between 10:00 a.m. to 2:00 p.m. Pacific Standard Time on January 21st.

G. Careful selection of landscaping, trees, and other vegetation should be utilized to maintain solar access to south walls and roofs of buildings. Deciduous trees should be located on the east and west sides of buildings. Evergreen trees should be located north of structures and in other locations to avoid shading the south wall and roof of dwellings.

H. Taller buildings should be located to the north of shorter buildings.

I. Most windows should be located on the south side of the building with minimal window area on the north side.

J. Shading devices should be designed to allow winter sun and provide summer shade.

K. Parking, streets, open space, and outdoor storage areas should be located in shaded areas. [Ord. 84-238, § 7.05, 11-5-84.]

18.30.370 Townhouse design standards.

Townhouse developments shall be subject to the following design standards in addition to other standards contained in this chapter:

A. Efficient and harmonious grouping of structures and space should encourage the individuality of separate town-house dwelling units within a unifying design concept. Building style, form, size, colors, and materials should be compatible with the site and the neighborhood, and should enhance the individuality of each dwelling unit.

B. Landscaping and buffering shall be provided to present a pleasing appearance from both on and off the site.

C. A minimum of 300 square feet of private, usable yard space shall be provided for each dwelling unit. This may include decks and patios. Private space shall be screened or fenced as appropriate.

D. Setback and spacing requirements in urban and suburban residential districts.

1. Groups of townhouses with three or more dwelling units attached to each other shall have at least a five-foot variation in the front yard on at least every third unit, or a five-foot "fin" extension of each common wall into the front yard. Alternative designs for varying the building mass and enhancing the individuality of dwelling units may also be approved.

2. Side yards on end units on the boundary of the project shall be no less than 20 feet for buildings with four or more dwelling units and 10 feet for three or less dwelling units, except as set forth in CCC 18.10.520 relating to corner lots. [Ord. 84-238, § 7.06, 11-5-84.]

18.30.380 Zero lot line development.

This is a development technique in which a single-family detached dwelling is sited on one side lot line without a side yard, and the dwelling on the adjacent lot is sited on the side lot line furthest from the zero lot line. This technique is designed to provide greater flexibility for smaller lots, to enable higher density, to allow increased usable side yard area on lots, and to increase the opportunity for protecting solar access.

A. Standards. To ensure adequate light, air, privacy, and maintenance, zero lot line development shall be subject to the following standards in addition to the other standards in this chapter:

1. The lot adjacent to the zero setback side yard shall be under the same ownership at the time of initial construction.

2. The exterior wall of the zero lot line dwelling may be constructed at the lot line, and the eaves of the dwelling shall overhang no more than two feet.

3. Storm runoff from the zero lot line dwelling shall not drain onto the adjacent lot.

4. The side yard setback on the lot adjoining the zero setback side yard shall be at least 15 feet.

5. The side yard setback on the lot adjoining the zero setback side yard shall be kept perpetually free of permanent obstructions such as a tool shed or a fence without a gate.

6. An easement of five feet in width shall be provided on the adjoining lot for maintenance of the exterior portion of the lot line wall. To ensure privacy and usability of the adjacent lot, windows, and mechanical ventilation systems vents shall not be permitted in the lot line wall of the building.

7. A lot developed with a zero setback side yard may be as small as 5,000 square feet in area and may be as little as 50 feet in width at the building line.

8. A lot developed with a zero setback side yard must have no less than 1,700 square feet of total yard area unobstructed by buildings. [Ord. 84-238, § 7.07, 11-5-84.]

18.30.390 Off-street parking.

Off-street parking in a PUD shall be provided in the same ratios for types of buildings and uses as required in the Zoning Code, CCC 18.10.560 through 18.10.562.

In addition, the following standards shall apply:

A. Parking areas shall be partially screened from adjacent buildings by landscaping, earth berms, changes in grade, fences, or walls.

B. No more than 15 parking spaces shall be permitted in a continuous row without interruption by landscaping.

C. No more than 60 spaces shall be accommodated in any single parking area.

D. Parking areas shall be adequately lighted.

E. Areas for storage of recreational vehicles, boats, and other equipment shall be screened and fenced. [Ord. 84-238, § 7.08, 11-5-84.]

18.30.400 Open space requirements.

A. Area Required. Each PUD shall provide a minimum of 30 percent of the gross land area as common open space.

B. Approval Standards. Common open space shall meet the following standards:

1. The location, shape, size, and character of the common open space must be suitable for the planned development.

2. Open space must be used for amenity or recreational purposes. The uses authorized or required for the common open space must be appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

3. Open space must be suitably improved for its intended use, but common open space containing natural features found worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized.

4. No more than 30 percent of the open space area requirement may be fulfilled with land having slopes exceeding 40 percent or with submerged, marshy or boggy land.

5. If the final development plan provides for building, landscaping, structures, or other improvements in the common open space, the developer must provide a bond or other adequate assurance that such improvements will be completed, prior to final approval of the first phase of the project. The Department shall release the bond or other assurances when the buildings, structures or improvements have been completed according to the development plan.

C. 1. Subject to the exceptions stated in subsections (C)(2) and (C)(3) of this section, lands shown in the final development plan as common open space (including any landscaping or other improvements thereon), shall be conveyed to and owned and maintained by a homeowners' association. The association shall be created under the laws of the State of Washington. The association may not be dissolved without the prior written consent of the Board, and the association's articles of incorporation or other organic document shall so provide. The association may not sell, lease, or convey all or any portion of the common open space without the prior written consent of the Board, and the association's articles of incorporation or other organic document shall so provide. No common open space may be changed in use without the prior written

consent of the Board. The association must execute and record a declaration of covenants and restrictions regarding the common open space. The declaration shall contain the provisions regarding the common open space required by this chapter and any conditions of final plat approval, and shall be in a form approved by the prosecuting attorney. The declaration shall be recorded contemporaneously with the recording of the final plat.

2. If any portion of the common open space of a PUD consists of improved recreational real property owned by the subdivider on the date the PUD application is filed, the subdivider may continue to own such property. In that case, however: (a) the subdivider shall not sell, lease, or convey all or any portion of such property without the prior written consent of the Board; (b) there may be no change in the use of such property without the prior written consent of the Board; (c) the subdivider shall execute and record a declaration of covenants and restrictions containing the provisions regarding the common open space required by this chapter and any conditions of final plat approval; the declaration shall be in a form approved by the prosecuting attorney, and shall be recorded contemporaneously with the recording of the final plat.

3. Subject to acceptance by the Board, some or all of the common open space may be dedicated to public use.

Common open space so dedicated and accepted shall not be subject to the requirements of subsections (C)(1) or (C)(2) of this section, but the fee to such property shall be owned by the subdivider or the homeowners' association. [Ord. 89-171, § 7, 10-2-89; Ord. 84-238, § 7.09, 11-5-84.]

PUBLIC IMPROVEMENTS STANDARDS**18.30.410 Difficult development land.**

Difficult development land shall not be subdivided unless the subdivider, within 90 calendar days following the original submission, or longer time as agreed by the subdivider, provides acceptable plans for overcoming any harmful features. Reasonable conditions may be applied to PUD approval to minimize harmful environmental conditions pertinent to the property. Protective improvements shall be constructed prior to final plat approval. [Ord. 84-238, § 8.01, 11-5-84.]

18.30.420 Surveys.

Surveys shall be required for all PUDs according to the following:

A. A survey shall be prepared by or under the supervision of a land surveyor registered pursuant to Chapter 58.09 RCW.

B. Monuments and Markets.

1. Lots. All lot corners, street centerlines, and controlling corners shall be located and described, and all corners shall be marked by a five-eighths-inch re-bar or approved equivalent driven into the ground a depth of 30 inches or more, and driven flush with the ground. All street centerlines and controlling corner monuments shall be marked with brass caps in monument cases, or as approved by the Engineer. All markers set shall be marked with the surveyor's registration number. The location of all monuments and markers shall be shown on the face of the final plat.

2. Condominiums. A survey map of the surface of the land and a set of plans of the building(s) showing apartments and other improvements, and any permanent markers, as required pursuant to RCW 64.32.100 shall be filed prior to final plat approval. [Ord. 89-171, § 8, 10-2-89; Ord. 84-238, § 8.02, 11-5-84.]

18.30.430 Erosion control plans.

Erosion control plans shall be required for all sites where the slope exceeds eight percent, prior to any clearing, grubbing, or any form of excavation or fill activity. [Ord. 84-238, § 8.03, 11-5-84.]

18.30.440 Drainage plans.

Engineered drainage plans and specifications shall be required subject to review and approval by the Engineer. [Ord. 84-238, § 8.04, 11-5-84.]

18.30.450 Water and sewerage.

All PUDs shall be served by public water and sewerage systems; provided, community water and/or community sewerage or individual on-site sewage disposal systems may be permitted in areas classified rural residential-1, rural residential-2, or rural residential-5, under the County Zoning Code or in unzoned areas as classified the same under the County Comprehensive Plan, pursuant to applicable State Health Regulations. All engineered plans and specifications shall be subject to review by and approval from the Engineer, the purveyor(s), and other appropriate agencies. [Ord. 89-171, § 9, 10-2-89; Ord. 84-238, § 8.05, 11-5-84.]

18.30.460 Streets.

A. Widths of rights-of-way and surface for interior streets may be varied from the Cowlitz County Road Standards where it can be demonstrated to

the satisfaction of the Engineer, using his professional standards, that lesser standard will be functionally effective.

B. The engineering plans and specifications shall be subject to review and approval by the Engineer prior to the commencement of construction.

C. Streets shall be constructed in conformance with the approved plans and specifications prior to final subdivision approval; provided, the Engineer may accept performance bonding in lieu of actual construction. However, the streets shall be constructed prior to the issuance of any residential development permits.

D. Road Rights-of-Way. All road right-of-way widths shall be approved by the Engineer and dedicated to the public; provided, that private drives to multifamily parking areas shall be maintained by the owner or a homeowners' association.

E. Future Use of Streets. The right-of-way of streets intended for future use as access to adjoining properties must be dedicated at the time of final subdivision approval.

F. Street Lights. Street lighting may be required by the Engineer. Lighting should be energy efficient.

G. Pedestrian/bicycle paths shall be required in all PUDs, and shall be designed and constructed within three years from the date of final PUD approval, or immediately following the construction of each residence on a lot, whichever comes first. Pedestrian/bicycle paths may be separated from the street, but should connect areas of activity. Design and construction must meet the approval of the Engineer. [Ord. 84-238, § 8.06, 11-5-84.]

18.30.470 Buffer strip.

Where PUDs are to be developed adjacent to developed commercial or industrial sites, or arterials, buffer strips, berms or other protective treatment shall be required. [Ord. 84-238, § 8.07, 11-5-84.]

18.30.480 Homeowners' association duty.

A homeowners' association shall be required to maintain all open spaces, private streets, pedestrian walkways, and other common areas, unless the areas are dedicated and accepted by the county. [Ord. 84-238, § 8.08, 11-5-84.]

**ADMINISTRATION PROCEDURES –
REVIEW OF APPLICATION**

18.30.490 Procedure.

Following the preapplication conference, as set forth in CCC 18.30.280, PUD applications shall be processed in accordance with the procedures set forth in the Urban Subdivision Ordinance, CCC 18.32.390 through 18.32.710, except as may otherwise be provided herein. [Ord. 84-238, § 9.01, 11-5-84.]

18.30.500 Fees.

The fees and charges for processing a PUD shall be as from time-to-time established by the Board. [Ord. 84-238, § 9.02, 11-5-84.]

18.30.505 Violations – Penalties.

It is a civil infraction for any person to violate this chapter or assist in the violation of this chapter. Violations are subject to the provisions of Chapter 2.06 CCC. Any violation is a public nuisance. Each day a violation exists is a separate violation. Payment of any penalty imposed for a violation does not relieve a person from the duty to comply with this chapter. [Ord. 93-102, § 23, 7-6-93; Ord. 84-238, 11-5-84.]

18.30.510 Severability.

If any section, subsection, or other portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, or portion thereof shall be deemed a separate provision of this chapter and such holding shall not affect the validity of the remaining portions of this chapter. [Ord. 84-238, § 10, 11-5-84.]

Chapter 18.32

URBAN SUBDIVISION

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18.32.010 Title.

This chapter shall be known and may be cited as the "Cowlitz County Urban Subdivision Code." [Ord. 81-499, § 1, 3-2-81.]

18.32.020 Purpose.

The purposes of this chapter are as follows:

- A. To promote the public health, safety and general welfare;
- B. To prevent the overcrowding of land;
- C. To lessen congestion in the streets and highways;
- D. To provide for adequate light and air;
- E. To facilitate adequate provision for water, sewerage, parks and recreation areas, sites or

schools and schoolgrounds and other public requirements;

F. To provide for proper ingress and egress;

G. To require uniform monumenting of land subdivisions and conveyance of land by accurate legal description;

H. To provide for the orderly growth of Cowlitz County in conformance with the Cowlitz County Comprehensive Plan and applicable codes;

I. To encourage the appropriate use of the land;

J. To encourage the conservation of lands for the production of food and fiber. [Ord. 81-499, § 2(2.01 – 2.10), 3-2-81.]

18.32.030 Applicability.

A. The regulations contained in this chapter shall apply to the division or redivision of land into five or more lots, tracts, parcels or sites, any one of which is less than five acres in area, for the purpose of sale, lease or transfer of ownership, except as provided in CCC 18.32.040.

B. These regulations apply to those areas identified as suburban residential or urban residential in the Cowlitz County Comprehensive Plan and/or Zoning Code. [Ord. 98-008, § 1, 1-20-98; Ord. 81-499, § 3(3.01, 3.02, 3.03), 3-2-81.]

18.32.040 Exemptions.

The provisions of this chapter shall not apply to:

A. Cemeteries and other burial plots, while used for that purpose;

B. Divisions made by testamentary provisions and/or the laws of descent;

C. Division of land for sale or lease to an agency or division of government vested with the power of eminent domain;

D. Divisions of land approved pursuant to the Cowlitz County Large Lot Subdivision Code or exempted pursuant to CCC 18.38.050(H);

E. Mobile home parks, as approved pursuant to Chapter 18.42 CCC;

F. Divisions of land approved pursuant to the Cowlitz County Short Subdivision Code or Rural Subdivision Code;

G. Boundary line adjustments between platted or unplatted lots or both, which do not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site. [Ord. 98-008, § 2, 1-20-98; Ord. 81-499, § 4(4.01 – 4.05), 3-2-81.]

18.32.050 Definitions.

For the purpose of this chapter, the following words or phrases shall be defined as follows:

1. "Access" means the right to ingress and egress from a public road vested in the owner or lessee of the land which adjoins a road or other highway.

2. "Administrator" means the Director of the Department of Building and Planning or his designee.

3. "Applicant" means the owner of the land proposed to be subdivided, or his representative.

4. "Arterial" means a road intended for high volumes of traffic and providing connections with major state and interstate roadways. An arterial is not intended to be a residential street, but has high potential for the location of significant community facilities as well as retail, commercial, and industrial facilities.

5. "Block" means a parcel of land bounded by streets, railroad right-of-way, waterways, parks, unsubdivided acreage or a combination thereof.

6. "Board" means the Board of County Commissioners.

7. "Bond" means any form of security, including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Board, to cover the cost(s) including inflationary costs of constructing or installing any improvements required.

8. "Building site" means a parcel of land occupied or intended to be occupied by one main building and its accessory buildings, together with all other required yards, open space and setbacks.

9. "Collector" means a road intended to move traffic from local roads to arterials.

10. "Commission" means the Cowlitz County Planning Commission.

11. "Comprehensive Plan" means a coordinated plan for the physical development of the county; designating, among other things, elements and programs to encourage the appropriate use of the land to lessen congestion throughout the county in the interest of public health, safety and welfare and promote efficiency and economy.

12. "County" means Cowlitz County, Washington.

13. "Day" means day(s) that the office of the Administrator is open for business, unless otherwise specified.

14. "Dedication" means the deliberate appropriation of land by an owner for any general or public uses reserving to himself no other rights than such as are compatible with the full exercise and

enjoyment of the public uses to which the property has been devoted.

15. "Department" means the Department of Building and Planning.

16. "Development" means any human-made change to improved or unimproved real estate, including but not limited to clearing, grubbing, grading, construction, fill, excavation, placement of buildings, or other similar improvements.

17. "Difficult development land" means land which the Administrator has found to be environmentally sensitive or unsuitable for subdivision due to the flooding, poor drainage, steep slopes, slide areas or potential slide areas, rock and soil formations, or other features likely to be harmful to the safety and general health of the future residents and adjacent landowners.

18. "Divisions of land" means any conveyance not otherwise exempt or provided for in this chapter which alters the legal description of any lot or parcel.

19. "Easement" means a written grant by property owner to specific individuals, corporations or to the public or its agencies to use his land for specific purposes.

20. "Engineer" means the Director of Public Works or his designee.

21. "Frontage" means the property line on the fronting street or extent of property along a road or street.

22. "Homeowners' association" means the grouping or uniting of persons residing within a defined area into an incorporated entity to provide for the operation, maintenance and protection of a common enterprise.

23. "Improvement" means any structure or works including, but not necessarily limited to: roads, storm drainage systems, ditches and dikes, sanitary sewerage facilities, storm drainage containment facilities and water systems.

24. "Land surveyor" shall be as defined by the Engineers and Land Surveyors Act.

25. "Lot" means a fractional part of subdivided lands having fixed boundaries, and being of sufficient area and dimensions to meet current minimum zoning and Comprehensive Plan requirements for width and area. The term shall include tracts, parcels or sites.

26. "Master plan" means the map, sketch or other presentation showing the ultimate development pattern of a parcel of property that is to be developed in successive stages or subdivisions.

26.1. "Open record hearing" means a hearing conducted by a single hearing body or officer

authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information.

27. "Owner" means any person who has property rights as a fee owner, contract purchaser or mortgagee, or, who controls a deed of trust as beneficiary or grantor if such interest controls disposition of property.

28. "Person" means an individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture. The word "persons" shall also include a municipality, county or state agency.

29. Plat, Final. "Final plat" means an accurate map or representation of the subdivision showing lots, blocks, streets, alleys and other divisions and dedications prepared for filing for record with the County Auditor.

30. Plat, Preliminary. "Preliminary plat" means a neat and approximate drawing of the proposed layout of streets, blocks, lots and other elements of the plat or subdivision which shall furnish a basis for the Planning Commission's approval or disapproval of the general layout of the plat or subdivision.

31. "Protective covenants" means an agreement which binds a landowner and his successors in interest to do or refrain from doing certain acts with relation to the property which is the subject of such agreement.

32. "Public water system" means any system or water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities, when water is furnished to any community, collection, or number of individuals, or is made available to the public for human consumption, or domestic use, excluding water systems serving one single-family residence.

33. "Resubdivision" means the amendment of the boundaries or size of, or the creation of additional lots, in any lot previously recorded in a plat in the office of the County Auditor.

34. "Right-of-way" is a general term denoting land, property or interest therein, usually reserved for transportation, or utility purposes.

35. "Road" means the improved and maintained portion of a right-of-way which provides vehicular circulation or principal means of access to abutting properties.

36. Road, Private. "Private road" means a roadway intended for the use of one or more private individuals and developed and maintained by those

private individuals who benefit from its construction.

37. Road, Public. "Public road" means a highway or roadway established and adopted by the proper authorities for the use of the general public and over which every person has a right to pass and use for all purposes of travel or transportation for which it is adopted and developed.

38. "Rural subdivision" means a subdivision that occurs within the county's rural areas as defined within the county's adopted Comprehensive Plan or Zoning Code as rural residential.

39. "Street" means a road of usually limited continuity which serves primarily to provide access to abutting property.

40. "State Environmental Policy Act (SEPA)" means Chapter 43.21C RCW or as hereafter amended.

41. "Subdivider" means any person, firm or corporation undertaking the subdividing or resubdividing or any parcel of land.

42. "Subdivision" means a division of land, into five or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease or transfer of ownership, and shall include all resubdivision of land.

43. "Urban subdivision" means any subdivision located in those areas designated in the Comprehensive Plan and Zoning Code as urban, suburban, multiple-family or commercial. [Ord. 96-064, § 1, 4-15-96; Ord. 81-499, § 5(5.01 – 5.43), 3-2-81.]

18.32.060 Application – Informal review.

Before making application for an urban subdivision, the applicant shall arrange to discuss the proposal by submitting five copies of a basic sketch plan to the Administrator pursuant to CCC 18.32.380. [Ord. 81-499, § 6.01, 3-2-81.]

18.32.070 Preliminary application.

The preliminary application shall be on a form provided by the Administrator and shall contain the following information:

A. Name, address and telephone number of the applicant;

B. Legal description of the property as it relates to section, township, range, subdivision and parcel and tax lot numbers, and number of acres;

C. Name of proposed subdivision, number of lots anticipated;

D. Proposed method of sewage disposal and the name of the purveyor of the service;

E. Proposed method of providing potable water and the name of purveyor of the service; and

F. Signatures of applicant(s) and/or owner(s). [Ord. 81-499, § 6.02, 3-2-81.]

18.32.080 Preliminary plat.

Twenty copies of the proposed plat shall accompany the application. Said copies shall have dimensions of at least 18 inches by 24 inches and contain the following information:

- A. Name of proposed subdivision;
- B. Name and address of the owner(s) and subdivider, if different from the owner;
- C. Name, address of surveyor, and/or engineer;
- D. Date, scale and north arrow; the scale shall range from between one inch equals 50 feet to one inch equals 200 feet, or metric equivalent, or other scale as may be approved;
- E. Dimensions of the boundary lines, to scale, of the tract to be subdivided and each lot contained therein;
- F. Number assigned to each lot and block;
- G. Location, width and names of all existing and proposed public and private roads within or abutting the subdivision tract;
- H. Location of all existing easements, water-courses, drainage ways and permanent buildings;
- I. Contour lines illustrating site topography as follows:

Slope	Contour Intervals
0-3%	2 feet
More than 3%	5.0 feet

Contour lines shall be extended to show at least 100 feet beyond the boundaries of the proposed subdivision.

Datum shall be sea level as established by the National Oceanographic and Atmospheric Administration or as approved by the Engineer;

J. Boundary lines of ownerships, subdivisions, and streets abutting the proposed subdivision. The boundary lines shall be extended at least 100 feet beyond the boundaries of the proposed subdivision;

K. A vicinity sketch clearly identifying the location of the property proposed for subdivision;

L. Area, dimensions, and location of any recreation, open space and common areas;

M. Number and location of any off-street parking spaces. [Ord. 81-499, § 6.03, 3-2-81.]

18.32.090 Preliminary supporting documents.

The following supporting documents shall accompany the application for preliminary subdivision approval:

A. A SEPA checklist, assessing the anticipated environmental impacts;

B. Copies of restrictions, covenants and agreements, if any, proposed and/or existing upon the land. Such restrictions, if required by the county, must be recorded either prior to or simultaneously with the recording or the final plat;

C. A master plan of the site if the subdivision is proposed to be developed in phases. The plan need not be completely engineered but shall be of sufficient detail to illustrate the property’s inherent features and probable development pattern. The master plan will be used as a guide in each successive stage of development until its completion;

D. Preliminary drainage plans, outlining the method of handling surface runoff;

E. Tentative grades of each road or as required by the Engineer;

F. List of names and addresses of all owners whose property abuts the boundaries of the proposed subdivision. [Ord. 81-499, § 6.04, 3-2-81.]

18.32.100 Standards – Generally.

The standards set out in CCC 18.32.110 through 18.32.360 shall be considered the minimum standards for development of an urban subdivision. [Ord. 81-499, § 7.01, 3-2-81.]

18.32.110 Lot size.

All urban subdivisions shall conform to the Comprehensive Plan, Zoning Code and other applicable regulations in effect at the time an application is submitted. [Ord. 81-499, § 7.01(A), 3-2-81.]

18.32.120 Difficult development land.

Difficult development land shall not be subdivided unless the subdivider within 90 calendar days following the original submission, or longer time as agreed by the subdivider, provides acceptable plans for overcoming any harmful features. Reasonable conditions may be applied to urban subdivision approval to minimize harmful environmental conditions pertinent to the property. Protective improvements shall be constructed prior to final plat approval. [Ord. 81-499, § 7.01(B), 3-2-81.]

18.32.130 Restricted access to arterials.

Lots abutting an arterial shall be designed so that no residential properties have direct access onto it. Where driveway access from a collector may be necessary for several adjoining lots, a combined access may be required to limit possible traffic hazards. [Ord. 81-499, § 7.01(C), 3-2-81.]

18.32.140 Drainage.

Lot drainage shall be designed to provide drainage away from all buildings, and drainage facilities shall be designed and constructed pursuant to county standards. [Ord. 81-499, § 7.01(D), 3-2-81.]

18.32.150 Pedestrian walkways.

Pedestrian walkways shall be required in all urban subdivisions, and shall be designed and constructed within three years from the date of final subdivision approval, or immediately following the construction of each residence on a lot, whichever comes first. Design and construction must meet the approval of the Engineer. [Ord. 81-499, § 7.01(E), 3-2-81.]

18.32.160 Surveys – Monuments and markers.

Surveys shall be required for all urban subdivisions according to the following:

A. A survey shall be prepared by or under the supervision of a land surveyor registered pursuant to Chapter 58.09 RCW.

B. Monuments and Markers. All lot corners, street centerlines, and controlling corners shall be located and described, and all corners shall be marked by a five-eighths-inch re-bar or approved equivalent driven into the ground a depth of 30 inches or more, and driven flush with the ground. All street centerlines and controlling corner monuments shall be marked with brass caps in monument cases, or as approved by the Engineer. All markers set shall be marked with the surveyor's registration number. All monuments and markers shall be shown on the face of the final plat. [Ord. 81-499, § 7.01(F), 3-2-81.]

18.32.170 Access to public street.

Each lot in an urban subdivision shall be provided direct access by means of a public right-of-way connecting to an existing and developed public street. [Ord. 81-499, § 7.01(G), 3-2-81.]

18.32.180 Lot width.

The minimum lot width shall be the same as those widths established pursuant to Chapter 18.10 CCC, or as hereafter amended. [Ord. 81-499, § 7.01(H), 3-2-81.]

18.32.190 Road frontage.

Each lot in an urban subdivision shall abut a public road for a distance no less than 40 feet on a cul-de-sac and no less than 60 feet in all other instances. [Ord. 81-499, § 7.01(I), 3-2-81.]

18.32.200 Setbacks.

The front, side and rear yard setback requirements for all urban subdivisions shall be the same as those established pursuant to Chapter 18.10 CCC, or as hereafter amended. [Ord. 81-499, § 7.01(J), 3-2-81.]

18.32.210 Street lights.

Street lighting may be required at all intersections, or as recommended by the Engineer. Lighting facilities should be energy efficient. [Ord. 81-499, § 7.01(K), 3-2-81.]

18.32.220 Compliance with fire protection requirements.

All urban subdivisions shall comply with the requirements of the Washington State Uniform Fire Code, or such fire protection requirements as adopted or amended by the Board. [Ord. 81-499, § 7.01(L), 3-2-81.]

18.32.230 Erosion control plan.

Erosion control plans shall be required for all sites where the slope exceeds eight percent, prior to any clearing, grubbing, or any form of excavation or fill activity. [Ord. 81-499, § 7.01(M), 3-2-81.]

18.32.240 Master plan.

A generalized plan for the entire ownership shall be required to show that the road pattern and general arrangement for the urban subdivision can be coordinated with the planned and existing circulation pattern of the area. [Ord. 81-499, § 7.01(N), 3-2-81.]

18.32.250 Sewerage.

A sanitary sewerage disposal system shall be required. All plans and specifications shall be subject to approval from the Engineer, the purveyor and other appropriate agencies. [Ord. 81-499, § 7.01(O), 3-2-81.]

18.32.260 Water.

A public water system shall be required. All plans and specifications shall be subject to approval from the Engineer, the purveyor and other appropriate agencies. [Ord. 81-499, § 7.01(P), 3-2-81.]

18.32.270 Roads – Plans, construction, dedication.

The engineering plans and specifications for all roads shall be reviewed by the Engineer; and said plans and specifications must meet public road standards and be approved by the Engineer prior to

the commencement of any road construction. The roads shall be constructed pursuant to the approved plans and specifications, prior to final subdivision approval; provided, the Engineer may accept performance bonding in lieu of actual construction, pursuant to CCC 18.32.650 through 18.32.680. However, the roads shall be constructed prior to the issuance of any residential development permits. [Ord. 81-499, § 7.01(Q), 3-2-81.]

18.32.280 Road rights-of-way.

All road right-of-way widths shall meet county standards as approved and adopted by the Board. Said rights-of-way shall be dedicated to the public. [Ord. 81-499, § 7.01(R), 3-2-81.]

18.32.290 Parks.

Open space and the construction of recreational facilities may be required. [Ord. 81-499, § 7.01(S), 3-2-81.]

18.32.300 Buffer strip.

Where residential subdivisions are to be developed adjacent to developed commercial or industrial sites, or arterials, buffer strips or other protective treatment (e.g., deeper lots) shall be required as may be practicable. [Ord. 81-499, § 7.01(T), 3-2-81.]

18.32.310 Subdivisions bordering cities or towns.

Subdivisions within a mile of cities or towns or which use municipal utilities may be required to meet the subdivision standards of the municipality as well as county standards. [Ord. 81-499, § 7.01(U), 3-2-81.]

18.32.320 Future use of streets.

The right-of-way of streets intended for future use as access to adjoining properties must be dedicated at the time of final subdivision approval. [Ord. 81-499, § 7.01(V), 3-2-81.]

18.32.330 Road improvements.

The developer may be required to contribute to a road improvement fund when existing county roads will be impacted by increased traffic. [Ord. 81-499, § 7.01(W), 3-2-81.]

18.32.340 Solar heat.

Whenever possible, subdivision should be oriented and designed to maximize solar heat gain in the winter. [Ord. 81-499, § 7.01(X), 3-2-81.]

18.32.350 Homeowners' association – When required.

A homeowners' association shall be required to maintain all open spaces and common areas, unless the areas are dedicated and accepted by the county. [Ord. 81-499, § 7.01(Y), 3-2-81.]

18.32.360 Block widths and lengths.

Except for reverse-frontage parcels, the width of blocks shall be sufficient to allow for two tiers of lots. Blocks shall be as long as is reasonable and consistent with topography and needs for convenient access, circulation, control, and safety of street traffic. The block length ordinarily shall not exceed 1,200 feet or be less than 500 feet. [Ord. 81-499, § 7.01(Z), 3-2-81.]

18.32.370 Administrator designated.

The Director of the Department of Building and Planning or his designee shall serve as the Administrator, with the responsibility of administering the provisions of this chapter.

The Administrator may require the use of such forms as deemed essential to the implementation of this chapter. [Ord. 81-499, § 8.01, 3-2-81.]

18.32.380 Preapplication conference.

A. Prior to the submission of the preliminary plat, the subdivider or his representative shall request a preapplication conference with the Administrator and the Engineer and other agencies to discuss the sketch plan. The purpose of this conference is to identify as many potential concerns as possible in order for the preliminary plat to be processed without unnecessary delay.

B. Discussion topics at this time may include such things as: Comprehensive Plan, zoning, street plan, availability of sewer and water, development concepts, soils, topography, other county permits, the environmental impact of the subdivision, and the future development of adjacent property. If, after the preapplication conference, the applicant desires to proceed with an application for preliminary subdivision approval, the information gained from the conference will be useful in designing the preliminary plat and in preparing any accompanying documents.

C. Participation in a preapplication conference and conclusions reached at the conference will in no way guarantee preliminary approval, or prohibit identification and discussion of additional concerns during the subdivision review process. [Ord. 81-499, § 8.02, 3-2-81.]

18.32.390 Preliminary application procedure.

The preliminary application shall be prepared pursuant to CCC 18.32.060 through 18.32.090, and shall be submitted to the administrator at least 60 days prior to the Planning Commission meeting at which consideration is desired.

When the Administrator determines that the proposed urban subdivision application contains the information and data as required in CCC 18.32.080 and 18.32.090, the Administrator shall assign a permanent file number. [Ord. 96-064, § 2, 4-15-96; Ord. 81-499, § 8.03, 3-2-81.]

18.32.400 Environmental assessment and impact statements.

Each preliminary subdivision proposal shall be accompanied by an environmental checklist. If it is determined that an environmental impact statement is required, the 60-day review period may be extended to provide the applicant with sufficient time to comply with SEPA. [Ord. 96-064, § 3, 4-15-96; Ord. 81-499, § 8.04, 3-2-81.]

18.32.410 Distribution of copies of plat.

When the Administrator determines that the proposed urban subdivision contains the required information and supplementary data, copies of the plat shall be distributed to the following:

- A. Health officer;
- B. Engineer;
- C. Rural Fire District and/or Fire/Life Safety Coordinator;
- D. Public Utility District No. 1;
- E. Any city within one mile of the proposed plat;
- F. Any city or special district that is to supply utilities;
- G. State Department of Transportation when state highway facilities are adjacent to or likely to be impacted by the proposed plat;
- H. School district;
- I. Any federal, state and local agency which may have an interest in the urban plat as determined by the Administrator. [Ord. 81-499, § 8.05, 3-2-81.]

18.32.420 Return of findings and recommendations.

The Administrator shall set a date for return of findings and recommendations from each agency. The date of return to be no less than 30 days from the date of the Planning Commission meeting at

which the proposal is scheduled for consideration. [Ord. 96-064, § 4, 4-15-96; Ord. 81-499, § 8.06, 3-2-81.]

18.32.430 Health Officer's review responsibilities.

The Health Officer or his designee shall notify the Administrator that:

A. The sanitary sewerage disposal methods contemplated for use do or do not conform with current standards;

B. The public water supply is or is not part of an existing water supply. [Ord. 81-499, § 9.01, 3-2-81.]

18.32.440 Engineer's review responsibilities.

The Engineer shall notify the Administrator:

A. That the proposed road and other improvements do or do not meet with the planned and existing circulation and service plans of the county;

B. What rights-of-way and road standards are required for final subdivision approval;

C. That access to the boundary of subdivision is or is not provided by an opened, constructed and maintained city or county road;

D. Of any engineered plans and/or special reports that may be required. [Ord. 81-499, § 9.02, 3-2-81.]

18.32.450 Fire District review responsibility.

The appropriate Fire District or the Fire/Life Safety Coordinator shall inform the Administrator of any standards necessary to provide fire protection and emergency vehicle access. [Ord. 81-499, § 9.03, 3-2-81.]

18.32.460 Review by other agencies.

Other agencies shall notify the Administrator of any concerns and make recommendations. [Ord. 81-499, § 9.04, 3-2-81.]

18.32.470 Administrator recommendations.

The Administrator shall review the reports and comments of the Health Officer, Engineer, Fire District, and other agencies, and shall make recommendations to the Commission to grant, condition or deny the subdivision, taking into consideration the following:

A. Whether it is in conformance with purposes, standards, and requirements of the Cowlitz County Comprehensive Plan, Zoning Code, environmental policy code, and any other applicable codes and policies;

B. The physical characteristics of the subdivision site. The proposal may be disapproved or conditioned because of difficult development land. Construction of protective improvements may be required as a condition of approval. [Ord. 96-064, § 5, 4-15-96; Ord. 81-499, § 10(10.01, 10.02, 10.03), 3-2-81.]

18.32.480 Planning Commission hearing.

Following public notice pursuant to CCC 18.32.500 through 18.32.530, the Commission shall consider all relevant evidence at an open record public hearing. Any hearing may be continued by the Commission, within the limits allowed by law. The Commission shall review the preliminary subdivision as follows:

A. To determine conformance of the proposed subdivision to the general purposes of this title, the Comprehensive Plan, zoning standards, specifications and policies of the county.

B. To inquire into the public use and interest proposed to be served by the subdivision and/or dedication. [Ord. 96-064, § 6, 4-15-96; Ord. 81-499, § 11.01, 3-2-81.]

18.32.490 Planning Commission recommendations.

The Commission may recommend conditions to assure that the subdivision complies with this title. [Ord. 81-499, § 11.02, 3-2-81.]

18.32.500 Notice of hearing – Generally.

All hearing notices shall include a legal description of the location of the proposed subdivision and a location description in nonlegal language. [Ord. 81-499, § 12.01, 3-2-81.]

18.32.510 Notice of hearing – Newspaper.

Upon receipt of a preliminary subdivision application and after completion of a final environmental impact statement (if necessary) or negative declaration, the Administrator shall set a date for public hearing before the Commission and shall give notice by publication of at least one notice, not less than 10 calendar days prior to the hearing, in a newspaper of general circulation. [Ord. 81-499, § 12.02, 3-2-81.]

18.32.520 Notice of hearing – Adjacent property owners.

The Administrator shall mail copies of the public hearing notice to adjacent property owners. Said notice shall be mailed not less than 10 days prior to the hearing. Adjacent landowners are the owners of

real property, as shown by the records of the County Assessor, located within 300 feet of any portion of the boundary of the proposed subdivision. [Ord. 96-064, § 7, 4-15-96; Ord. 81-499, § 12.03, 3-2-81.]

18.32.530 Notice of hearing – Posting.

The Administrator shall post on or near the property proposed for subdivision, three notices of public hearing not less than 10 days prior to the hearing. [Ord. 81-499, § 12.04, 3-2-81.]

18.32.540 Commission report to the Board.

Not later than 14 calendar days following the Commission approval or disapproval, the Commission shall submit its written report, findings of fact and recommendations to the Board. The Commission may recommend that the proposed plat be approved, conditionally approved, or disapproved. [Ord. 81-499, § 13, 3-2-81.]

18.32.550 Board procedures.

A. Upon receipt of the recommendations on any preliminary plat, the Board shall, at its next public meeting, set the date for the public meeting where it shall consider the recommendations of the Planning Commission and may adopt, modify or reject the Commission's recommendations based upon the record at the public hearing. If, after considering the matter at a public meeting, the Board deems a change in the Commission's recommendations approving or disapproving any preliminary plat is necessary, the Board shall adopt its own recommendations and approve or disapprove the preliminary plat.

B. The Board shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The Board shall determine if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds, and shall consider all other relevant facts and determine whether the public interest will be served by the subdivision and dedication. If the Board finds the proposed plat makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds and that the public use and interest will be served by the

platting of such subdivision, then it shall be approved.

C. If the Board finds that the proposed plat does not make such appropriate provisions or that the public use and interest will not be served, then the Board shall disapprove the proposed plat. In making a decision on the preliminary plat, the Board shall also consider items A and B in CCC 18.32.480. Dedication of land to any public body may be required as a condition of subdivision approval and the dedication shall be clearly shown on the final plat. [Ord. 96-064, § 8, 4-15-96; Ord. 81-499, § 14, 3-2-81.]

18.32.570 Time limit on action.

Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved or returned to the applicant for modification or correction within 90 days from the date of filing thereof unless the applicant consents to an extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement. [Ord. 81-499, § 16, 3-2-81.]

18.32.580 Notice of action.

Upon approval, disapproval or modification of the preliminary plat, the Administrator shall notify the applicant by mail within 10 days of the action. The notice shall include any conditions approved by the Board. [Ord. 81-499, § 17, 3-2-81.]

18.32.590 Length of preliminary approval.

A. Approval of the preliminary plat shall be effective for five years from the date of approval by the Board, during which time a final plat or plats shall be submitted. During this time the terms and conditions upon which the preliminary approval was given will not be changed, except as provided in CCC 18.32.610.

B. All requests for an extension of time must be submitted to the Administrator prior to expiration of the preliminary plat. Upon application by the subdivider, the Commission may extend the approval period for an additional year. If an extension of time is granted, the preliminary plat may be subject to all new and amended regulations, requirements, policies or standards which are adopted after the original date of approval, unless there has been substantial on-site work completed for the plat. Knowledge of expiration date and initiation of a request for extension of approval time is the respon-

sibility of the subdivider. [Ord. 96-064, § 9, 4-15-96; Ord. 82-067, § 1, 3-15-82; Ord. 81-499, § 18, 3-2-81.]

18.32.600 Submission of construction plans.

A. After preliminary subdivision approval and prior to beginning the construction and installation of improvements or performance bonding in lieu thereof, the subdivider shall submit to the Engineer detailed construction plans and specifications and road approach permits, when applicable, for all required improvements.

B. Such plans shall conform to the requirements of the Engineer. Upon the Engineer's approval of the construction plans and specifications, the subdivider may commence to construct and install the improvements to completion, unless performance bonding or other option as set forth in CCC 18.32.650 through 18.32.680 is accepted. [Ord. 81-499, § 19, 3-2-81.]

18.32.610 Alterations.

Once the preliminary plat has been approved by the Board, it shall not be altered unless approved by the applicant, Administrator and the Engineer. Any change in the design of the preliminary plat that will adversely affect the abutting ownerships shall be required to be resubmitted in compliance with this title. [Ord. 81-499, § 20, 3-2-81.]

18.32.630 Final plat – Specific requirements.

The final plat shall be drawn in India ink on a sheet of mylar having dimensions of 18 inches by 24 inches, or approved substitute, and on a Standard Recorders Plat sheet, having dimensions of 18 inches by 25 inches, with a three-inch hinged binding on the left border, and shall contain the information, certificates, and statements required by this chapter. The scale may range from 50 feet to the inch to 200 feet to the inch or metric equivalent or other scale as may be approved. If more than one sheet is required, the sheets shall be numbered and indexed. The final plat shall contain, but not be limited to the following:

- A. Name of the subdivision;
- B. Date, scale, north arrow and basis of bearing, legend, lot numbers;
- C. Block and lot boundary lines and street rights-of-way and centerlines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings. Lot boundaries and street bearings shall be shown to the nearest second with basis of bearing. All distances shall be shown to the nearest second with basis of bearing. All dis-

tances shall be shown to the nearest one-hundredth foot;

D. Section and donation land claim lines within and adjacent to the plat;

E. Whenever the county or a city has established the centerline of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset;

F. All other monuments found or established in making the survey of this subdivision or required to be installed by the provisions of this chapter;

G. Name, exact width, location and/or nature of all roads and easements, including road approach permit numbers;

H. The following certificates:

1. Certificate – County Public Works Director.

Examined and Approved this _____ day of _____, 20____.

Cowlitz County Public Works Director

2. Certificate – Health Officer.

Examined and Approved this _____ day of _____, 20____.

Health Officer

3. Certificate – Assessor.

Examined and Approved this _____ day of _____, 20____.

Cowlitz County Assessor

4. Certificate – Treasurer.

I hereby certify that all taxes on the land described hereon have been fully paid to and including the year _____

(seal) _____
Cowlitz County Treasurer

5. Certificate – Administrator.

Examined and Approved this _____ day of _____, 20____.

Cowlitz County Department of Building and Planning Director

6. Certificate – Board.

Examined and Approved this _____ day of _____, 20____.

BOARD OF COUNTY COMMISSIONERS OF COWLITZ COUNTY, WASHINGTON

(seal) _____
Chairman

Commissioner

Commissioner

ATTEST _____
Clerk of the Board

I. The certificate and signature of the Engineer or land surveyor who platted the property, in substantially the following form:

SURVEYOR'S CERTIFICATE: This map correctly represents an actual survey of a portion of Section _____, Township _____, Range _____, W.M., made by me or under my direction in conformance with the requirements of the Survey Recording Act, at the request of _____, in _____, 20____.

(SEAL) Surveyor

Certificate No.

J. Dedication, Acknowledgement, and Endorsement. A full and accurate description of the subdivided tract and the following information shall appear in the following sequences on the final plat, lettered in ink either by hand or mechanical device:

1. Owner's Certificate.

Know all men by these presents that _____, the undersigned being owner(s) in fee simple of the land hereby subdivided, hereby declares this subdivision

and dedicate(s) to the use of the public forever, all streets or easements or whatever public property there is shown on the plat and the use thereof for any and all public purposes; also, the right to make all necessary slopes for cuts or fills upon the lots, blocks, tracts, etc., shown on this plat in the reasonable original grading of all streets, shown hereon.

IN WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s) this ____ day of _____, 20____.

Signed and sealed _____
Owner(s)

2. Notary Public – Certificate and Stamp.

THIS IS TO CERTIFY THAT on this ____ day of _____, 20____, before me, the undersigned Notary Public, personally appeared _____ [owner(s)], to me known to be the person(s) who executed the foregoing dedication and acknowledged to me that _____ signed and sealed the same as _____ free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year last above written.

NOTARY PUBLIC in and for the State of WASHINGTON, residing at _____

3. Auditor’s Certificate.

Filed for record at the request of _____, this ____ day of _____, 20____, at _____ minutes past _____ o'clock __.M., and recorded in volume _____, of Plats, on page _____, Records of Cowlitz County, Washington.

Signed _____
Cowlitz County Auditor

Signed _____
Deputy Auditor

[Ord. 81-499, § 21.02, 3-2-81.]

18.32.640 Final plat – General requirements.

A. Dedications. All dedications of land shall be clearly and precisely indicated on the face of the final plat.

B. Completion of Improvements. All construction of street, drainage, and utility improvements shall be completed prior to final subdivision approval, except as provided in CCC 18.32.480 and 18.32.490.

C. Title Report. Every plat containing a dedication for record must be accompanied by a title report confirming that the title of the lands as described and shown on the final plat is in the name of the owner(s) signing the certificate.

D. Plats within Flood Zone. No final plat shall be approved covering any lands situated in a flood-control zone as provided in Chapter 86.16 RCW without the proper written approval of the Department of Ecology, State of Washington.

E. Final Plat Approval. When the Administrator finds that the conditions of preliminary subdivision and the requirements of this chapter have been met, (s)he shall present the plat to the Board for final subdivision approval. The Board shall indicate final approval by affixing their signatures to the final plat.

F. Filing for Record. The original of the final plat shall be filed for record with the County Auditor. One reproducible copy of a stable base material shall be furnished to the Public Works Department. Paper copies shall be provided to the Assessor and the Department.

G. Filing by Subdivider. Approval of the final plat shall be null and void if the plat is not recorded within 30 days after the date the last required signature has been obtained. [Ord. 81-499, § 21.03, 3-2-81.]

18.32.650 Agreement for improvements.

A. Before the Board’s approval is certified on the final plat, the subdivider shall either install required improvements and repair any existing roads and other public facilities damaged in the development of the subdivision, or execute and file with the Board, an agreement between himself and the county specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, including any approved extensions of time, the county may complete the work and recover the full cost and expense thereof from the subdivider. The agreement may provide for the construction of the improvements in

units and for extension of time under specified conditions.

B. In addition, the agreement must contain a provision whereby the subdivider will be responsible for the successful operation and repair of the improvements for a one-year period following the inspection and acceptance of this installation except, that all drainage improvements shall be for a two-year period. The agreement shall allow for the construction of pedestrian walkways to be completed within three years of the recording of the final plat, or immediately following the construction of each residence, whichever occurs first. [Ord. 81-499, § 22.01, 3-2-81.]

18.32.660 Agreement for improvements – Bond.

The subdivider shall file with the agreement set forth in CCC 18.32.650, to assure his performance thereof, one of the following:

A. A surety bond executed by surety company authorized to transact business in the State of Washington, in a form approved by the Prosecuting Attorney;

B. A personal bond approved by the Prosecuting Attorney, cosigned by at least one additional person, together with evidence of financial responsibility and resources of those signing the bond sufficient to provide assurance of ability to proceed in accordance with the agreement;

C. Cash; or

D. Letter of credit, approved by the Prosecuting Attorney, from a financial institution stating that the money is held for the purpose of development of the stated project. [Ord. 81-499, § 22.02, 3-2-81.]

18.32.670 Agreement for improvements – Determination of amount.

Such assurance of full performance shall be for a sum determined by the Engineer as sufficient to cover the cost of improvements and repairs, including related engineering and incidental expenses. [Ord. 81-499, § 22.03, 3-2-81.]

18.32.680 Agreement for improvements – Failure to carry out – Call on bond or cash deposit.

If the subdivider fails to carry out provisions of agreement and the county has unreimbursed costs or expenses resulting from such failure, the county shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expenses incurred, the

remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred by the county, the developer shall be liable to the county for the difference. [Ord. 81-499, § 22.04, 3-2-81.]

18.32.683 Special provisions for waivers.

It is recognized that in some cases pertaining to particular plats circumstances may justify the granting of waivers from the standards of this chapter. Petitioners for waivers shall describe fully the specific waiver sought and the grounds for the application, and shall bear the burden of proof that approval of such application conforms to the standards of CCC 18.32.685. The Planning Commission shall develop separate recommendations on waiver applications and forward them to the Board along with the recommendation on the preliminary plat. The Commission's recommendation and the Board's action may be for a lesser degree of variance from a standard then sought by the applicant, and may include conditions. [Ord. 96-064, § 10, 4-15-96.]

18.32.685 Waiver standards.

In order for a waiver to be recommended by the Commission and approved by the Board, it must be determined that:

A. There are special topographic or other physical conditions affecting the property that are not common to other properties in the area;

B. Hardship, as distinguished from mere inconvenience, would result from strict compliance with the standards of this chapter;

C. The waiver complies with the spirit and intent of this chapter and will not be detrimental to the public health, safety, welfare or environment, or injurious to other property in the vicinity; and

D. A waiver will not have the effect of nullifying the spirit and intent of the Comprehensive Plan and land use ordinance. [Ord. 96-064, § 11, 4-15-96.]

18.32.690 Fees and charges.

The fees and charges for processing preapplications, applications for preliminary and/or final plat approval, checking and approving plans and specifications, performing inspections, recording final plats, and other administrative actions under this chapter, shall be as from time to time established by resolution by the Board. [Ord. 87-015, § 2, 2-2-87.]

18.32.700 Enforcement.

No person shall sell or lease or transfer the ownership, or offer for sale, lease, or transfer of ownership any real property which is subject to this chapter without full compliance with this chapter. All development permits for the improvement of any parcel which is divided without conformance to this chapter shall be withheld until the provisions of this chapter are met. [Ord. 81-499, § 24, 3-2-81.]

18.32.710 Violations – Penalties.

It is a civil infraction for any person to violate this chapter or assist in the violation of this chapter. Violations are subject to the provisions of Chapter 2.06 CCC. Any violation is a public nuisance. Each day a violation exists is a separate violation. Payment of any penalty imposed for a violation does not relieve a person from the duty to comply with this chapter. [Ord. 93-102, § 24, 7-6-93.]

18.32.720 Severability.

If any section, subsection, or other portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, or portion thereof shall be deemed a separate provision of this chapter and such holding shall not affect the validity of the remaining portions of this chapter. [Ord. 81-499, § 26, 3-2-81.]

18.32.730 Effective date.

This chapter shall be in full force and effect from the date of adoption by the Board. [Ord. 81-499, § 27, 3-2-81.]

Chapter 18.34**SHORT SUBDIVISION**

Sections:

- 18.34.010 Title.
- 18.34.020 Purpose.
- 18.34.030 Applicability.
- 18.34.040 Definitions.
- 18.34.050 Exemptions.
- 18.34.055 Informal review.
- 18.34.060 Application.
- 18.34.070 General standards.
- 18.34.080 Administration.
- 18.34.090 Review by agencies.
- 18.34.100 Preliminary approval.
- 18.34.110 Appeal.
- 18.34.140 Duration of preliminary approval.
- 18.34.150 Final approval and recording.
- 18.34.155 Short plat revisions.
- 18.34.160 Variances.
- 18.34.170 Enforcement.
- 18.34.180 Relief for an innocent purchaser for value.
- 18.34.190 Unapproved short plat – Filing.
- 18.34.200 Resubdivision requirements.
- 18.34.210 Administrator’s review.
- 18.34.220 Violations – Penalties.
- 18.34.230 Validity.
- 18.34.240 Effective date.

Cross-references:

RCW 58.17.020(6), (7), 58.17.060, 58.17.065: Short subdivisions.
Chapter 18.30 CCC: Subdivision ordinance.

18.34.010 Title.

This chapter may be cited as the “Cowlitz County Short Subdivision Code.” [Ord. 80-146, § 1, 5-6-80.]

18.34.020 Purpose.

The Board of County Commissioners deems it necessary to establish standards and procedures set forth in this chapter for the following purposes:

A. To insure the orderly development of small subdivisions of land;

B. To assure the orderly development of the unincorporated area of Cowlitz County, consistent with the Comprehensive Plan, Zoning Ordinance, and the State Planning Enabling Act;

C. To establish procedure which promotes the timely review of short subdivision developments in the county;

D. To promote the public health, safety and general welfare;

E. To comply with the State Subdivision Law;

F. To enable the conveyance of land, by accurate land description, by reference to an approved short subdivision. [Ord. 80-146, § 2, 5-6-80.]

18.34.030 Applicability.

A. Any division of land which will result in the creation of four or less lots, tracts, parcels, sites or subdivisions, any one of which is less than five acres in area, for the purpose of sale, lease or transfer of ownership; provided, that land contained within a short subdivision shall not be further divided for a period of five years from the date of filing of a short plat without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this chapter shall prevent the filing of an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries. Contiguous common parcels shall be treated as contained in a short subdivision only for determining whether or not the division of land proposed is a subdivision, a short subdivision or a resubdivision.

B. Divisions of land creating five or more lots shall be considered under the provisions of the Cowlitz County Urban Subdivision Code, Rural Subdivision Code, or Large Lot Subdivision Code, as applicable. [Ord. 98-008, § 3, 1-20-98; Ord. 82-022, § 1, 1-25-82; Ord. 80-146, § 3, 5-6-80.]

18.34.040 Definitions.

For the purpose of this chapter, the following terms shall be defined as follows, and all other words used in this chapter shall carry the customary meanings:

1. "Administrator" means Director of the Department of Building and Planning or his designee.

2. "Binding site plan" means a drawing to scale which:

a. Identifies and shows the areas and locations of all streets, roads, improvements, utilities and open spaces; and

b. Contains provisions making any development be in conformity with the site plan.

3. "Board" means Board of County Commissioners.

4. "Boundary line adjustment" means a change in the location of lot lines which does not result in an increase in the number of lots.

5. "Building site" means a parcel of land occupied or intended to be occupied by one main build-

ing and its accessory buildings; together with all of the required yards, open space and setbacks.

6. "Commission" means Cowlitz County Planning Commission.

7. "Comprehensive Plan" means a coordinated plan for the physical development of the county, designating, among other things, elements and programs to encourage the most appropriate use of land and to lessen congestion throughout the county in the interest of public health, safety, and welfare and promote efficiency and economy. For purposes of this chapter, the Comprehensive Plan is the text and map as adopted by the Board, and thereafter amended.

8. "Contiguous common parcels" means parcels adjoining or touching other land at a common point and having a common owner, regardless of whether or not portions of the parcels have separate tax lot numbers, or were purchased in different sections, different government lots or are separated from each other by roads or rights-of-way, unless such roads and rights-of-way are owned or improved and maintained by a city, town, the county and/or the State of Washington.

9. "Day" means days that the office of the Administrator is open for business, unless otherwise specified.

10. "Dedications" means the deliberate appropriation of land by an owner for any general or public uses reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

11. "Department" means Department of Building and Planning.

12. "Difficult development land" means land which the Administrator has found to be "environmentally sensitive" or unsuitable for division due to flooding, bad drainage, steep slopes, slide areas and potential slide areas, rock formations, or other features likely to be harmful to the safety and general health of the future residents and adjacent land owners.

13. "Division of land" means any conveyance, not otherwise exempt or provided for in this chapter, which alters the legal description of any lot or parcel that was segregated and recorded prior to the effective date of the short subdivision ordinance of Cowlitz County.

14. "Easement" means a written grant by a property owner to specific individuals, corporations or to the public or its agencies to use land for specific purposes.

15. "Engineer" means the Director of Public Works or his designee.

16. "Final short plat" means the final drawing of the short subdivision, including dedication, prepared for filing for record with the Cowlitz County Auditor and containing all the elements and requirements that are set forth in this chapter and regulations adopted pursuant to this chapter.

17. "Improvement" means any structure or works constructed including but not necessarily limited to roads, storm drainage systems, ditches and dikes, sanitary sewerage facilities, storm drainage containment facilities and water systems.

18. "Land surveyor" shall be defined by the Engineers and Land Surveyors Act as it now exists or is hereafter amended.

19. "Lot" means a fractional part of divided lands, having fixed boundaries being of sufficient area and dimension to meet current minimum zoning or Comprehensive Plan standards for width and area. The term shall include tracts and parcels.

20. "Original tract" means a unit of land which the owner holds under single or unified ownership, or which the owner holds controlling interest on the effective date of the short plat ordinance of Cowlitz County, configuration of which may be determined by the fact that all land abutting a tract is separately owned by others, not related to or associated by business partnership with the owner.

21. "Owner" means the owner of record, as determined by the records of the County Auditor, provided that the owner under a real estate contract is the purchaser-vendee, the owner of mortgaged property is the mortgagor, and the owner of property subject to a deed of trust is the grantor.

22. "Person" means any individual, firm, partnership, association, social and fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

23. "Plat" means the map or representation of the subdivision showing therein the division of a tract or parcel of land into more than four lots if any one of the divisions is less than five acres in size with blocks, streets, alleys and other divisions and dedications.

24. "Private road" means a particular ingress and egress, in private ownership and used by the owner or those having express or implied permission from the owner, but not by other persons.

25. "Right-of-way" is a general term denoting land, property or interest therein, usually in a strip acquired to or devoted for transportation and/or utility purposes.

26. "Road" means the improved and maintained portion of a right-of-way which provides vehicular circulation, or principal means of access to abutting properties.

27. "Short plat" means the map of the short subdivision.

28. "Short subdivision" means the division or redivision of land into four or fewer lots, tracts, sites, parcels or divisions for the purpose of sale, lease or transfer of ownership, any of which is less than five acres in size.

29. "State Environmental Policy Act (SEPA)" means the State Environmental Policy Act as defined by Chapter 43.21C RCW as it now exists or is hereafter amended.

30. "Subdivision" means a division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership, any of which is less than five acres in size.

31. "Title" refers to Title 18 of the Cowlitz County Code. [Ord. 82-022, §§ 1-9, 1-25-82; Ord. 80-329, §§ 11-14, 9-29-80; Ord. 80-146, § 4, 5-6-80.]

18.34.050 Exemptions.

Provisions of this chapter shall not apply to:

A. Cemeteries and other burial plots all used for that purpose;

B. Divisions made by testamentary provisions, or the laws of descent;

C. Any division of land pursuant to Chapter 58.17 RCW, governing the divisions containing dedications and divisions of land into five or more lots, parcels or tracts, as applicable under the Cowlitz County Urban Subdivision Code or Rural Subdivision Code;

D. Boundary line adjustments;

E. Divisions of land for sale or lease to an agency or division of government vested with the power of eminent domain;

F. All divisions of land prior to February 6, 1976, as evidenced by public record, either through the payment of excise tax or recording of the deed or contract of sale in the Auditor's Office;

G. Divisions of land approved pursuant to the Cowlitz County Large Lot Subdivision Code or exempted pursuant to CCC 18.38.050(H);

H. Any conveyance of land by a partial fulfillment deed under the same name for financial segregation given to the original purchaser under a real estate contract, solely for the purpose of securing or releasing financial obligations that are con-

ducted in all respects in compliance with governing statutes and court orders;

I. Land divisions and transfers intended to be used for agricultural uses or timber production for which no development permits are necessary, are excepted from the standard specified in CCC 18.34.070;

J. Binding site plans approved pursuant to the Cowlitz County Commercial and Industrial Site Plan Code. [Ord. 98-008, § 4, 1-20-98; Ord. 82-022, § 10, 1-25-82; Ord. 80-329, § 15, 9-29-80; Ord. 80-146, § 5, 5-6-80.]

18.34.055 Informal review.

Before making an application for short subdivision approval, the applicant may arrange to have the proposal reviewed informally by submitting one copy of the proposal to the Administrator for a presubmission conference. The proposal should include the information required for submission of a preliminary short plat as prescribed in CCC 18.34.060(B)(8). [Ord. 80-329, § 10, 9-29-80; Ord. 80-146, § 6, 5-6-80.]

18.34.060 Application.

A. Procedure. Any person seeking to divide land in the unincorporated area of Cowlitz County pursuant to this chapter, shall submit an application for preliminary short subdivision approval to the Administrator together with all required fees. Fees and charges for processing applications, revisions, appeals, variances, plat approvals, checking plans and specifications, recording documents, and other administrative actions under this chapter, shall be as from time to time established by resolution by the Board.

B. Preliminary Application. The preliminary application shall be on a form provided by the Administrator and shall contain the following information:

1. The name, address and telephone number of the owner;
2. The name, address and telephone number of the developer if different from owner;
3. A certification by the owner showing the entire contiguous common ownership of land in which there is an interest by reason of ownership, contract of purchase, earnest money agreement or option by any person, firm or corporation in any manner connected with the development, and the names and addresses and telephone numbers of all such persons, firms or corporations;

4. The existing zoning classifications, or Comprehensive Plan classification if area is unzoned;

5. The proposed method of providing a potable water supply, and, if a public system is used, the name of the supplier;

6. The proposed method of sewage disposal, and if sanitary sewer is used, the name of the district or purveyor having management over the system;

7. Signature of owner(s) and developer(s);

8. A map shall accompany the application prepared on a sheet of paper having dimensions of eight and one-half inches by 14 inches and containing the following information:

a. The date, scale and north arrow; the scale to be one inch equals 100 feet or one inch equals 200 feet or other scale as approved,

b. The distances of the boundary lines, to scale, of the tract to be subdivided and each lot contained therein,

c. The number assigned to each lot,

d. The location, names, widths and Auditor's file number of any existing easements, existing and proposed roads, existing and proposed rights-of-way for public services or utilities within the area contained within the short subdivision, and within 100 feet thereof, and location of the nearest county road, if there is not a county road within 100 feet,

e. The boundaries of all lands reserved in the deeds for the common uses of the property owners of the short subdivision,

f. The location of permanent and topographic features which will have an impact upon the short subdivision, such as all existing or platted streets adjacent to the short subdivision, watercourses, railroad rights-of-way, all utility rights-of-way, township lines and section lines;

9. Preliminary Supporting Documents. The following documentation shall accompany each application for approval of a short plat:

a. Legal description of the parcel(s) being divided together with the legal description of private roads and easements therein,

b. A vicinity sketch clearly identifying the location of the property being short subdivided,

c. Map(s) showing the boundary line of the original tract and of contiguous common parcels (for example, an Assessor's map),

d. Copies of restrictions, if any, proposed to be imposed upon the use of the land. Such restrictions, if required by the county, must be

recorded either prior to or simultaneously with the moment the short plat becomes effective.

C. Final Short Plat. The final plat shall be in black on a sheet of mylar having dimensions of 18 inches by 24 inches. Forms for this shall be available through the Department. The plat shall contain, but not be limited to the following:

1. Date, scale, north arrow, point of beginning and basis of bearing;
2. The bearings and distances of the boundary lines drawn to scale, of the tract to be short subdivided, and of each lot contained therein;
3. Lot number and area of each lot;
4. Location, name, width, and nature of existing and proposed roads, rights-of-way, easements and the access to a public road; private roads shall be labeled as "private road and utility easements";
5. Signature block for the Administrator, Engineer, Treasurer, Health Officer, and Board;
6. The face of any short plat containing a private road shall bear the following language:

WARNING, Cowlitz County has no responsibility to build, improve, maintain, or otherwise service the private roads contained within or providing service to the property described in this short plat.

7. The face of all short plats shall bear the following statement:

(1) Land within this short subdivision shall not be further divided for a period of five years unless a final plat is filed pursuant to Cowlitz County Subdivision Code and RCW 58.17;

(2) The approval of this short subdivision does not guarantee the issuance of any other permits.

8. When surveyed and prepared by a surveyor, the short plat shall be signed and sealed by a registered land surveyor, and shall contain the following:

SURVEYOR'S CERTIFICATE: This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act 58.09 RCW at the request of _____ in _____, 20_____.

(Signed and sealed) _____

9. Auditor's certificate, as follows:

AUDITOR'S CERTIFICATE

Filed for record this ___ day of _____, 20___, at ___ M., in book _____, of _____, at page __, at the request of _____.

Signed _____
County Auditor

(Signed) _____
Deputy

10. Signatures, which are certified by a notary public, of all individuals having an interest in the property.

D. Final Supporting Documents. The following documents shall accompany each final short plat submitted:

1. Legal descriptions of the property being short subdivided, of each proposed lot, and of all common areas;
2. Legal descriptions of private roads and easements contained within or servicing the short subdivision;
3. A current title report prepared by a title company;
4. When contiguous common parcels and/or original tract parcels exist, a description(s) of such parcel(s).

E. Appendix A-1. Declaration of covenant requiring construction maintenance of short plat approved private road, and dedication to the county when required, as provided in CCC 18.34.070:

Declaration of Covenant

In consideration of the approval by Cowlitz County of short plat No._____, which said plat creates (a lot) (lots) described as follows:

(Insert legal description)

the undersigned covenants and agrees that:

Any owner or subsequent purchaser of this lot(s) shall bear the responsibility for (an

equal) (____) percentage of the financing, construction and maintenance of such private road contained within the above referenced short plat.

In the event such private road is improved to Cowlitz County standards for public streets and the County is willing to accept the dedication of such road, each lot owner shall execute any documents necessary to accomplish such dedication.

Owners of lots within the above referenced short plat, who are served by such private road, may sue and recover from any owner of any lot within the short plat which is similarly served who refuses to participate in the road construction, financing and maintenance. Such owners who refuse to share the costs under the percentage set forth above shall be liable for any damages resulting from such refusal, plus costs of suit and reasonable attorneys fees.

Owner

Owner

Notary

F. Appendix A-2. Notarized purchasers' acknowledgement of private road construction maintenance responsibilities set forth in subsection C of this section as provided by CCC 18.34.070:

Purchasers' acknowledgement of private road construction and maintenance responsibility.

(I) (We) have read the foregoing Declaration of Covenant which appears on the same or preceding page on which this statement appears. (I) (We) understand that this Declaration of Covenant requires me to provide percent of the financing, construction, and maintenance of any private road serving the lot which I am purchasing, and that owners of other lots in this short plat may sue and recover for those costs which this covenant requires me to pay, plus their damages resulting

from my refusal to contribute, plus reasonable attorneys fees.

Further, (I) (We) understand that by acknowledging this road construction and maintenance requirement that I may be denied innocent purchaser rights as provided in RCW 58.17.210 for the purpose of obtaining any building permit, septic tank permit or other development authorization for this property.

Purchaser

Purchaser

Notary
[Ord. 82-022, § 11, 1-25-82; Ord. 80-329, § 9, 9-29-80; Ord. 80-146, § 7, 5-6-80, Appendices A-1 and A-2.]

18.34.070 General standards.

A. The following standards shall be applicable to all short subdivisions:

1. Lot Size. The minimum size of any lot within a short subdivision located in an area that is districted pursuant to the Cowlitz County Zoning Code, shall conform to the minimum lot size specified in the Zoning Code, or such larger size as specified by state health regulations. In undistricted areas of the county where the Zoning Code does not apply, the minimum lot size within a short subdivision shall be either as designated by the County Comprehensive Plan for that area or of such size as is required to meet state water and sewage disposal standards, whichever is greater.

2. Easements. Easements shall be provided where necessary for road, utility installation and maintenance, public access, drainage, and buffer strip or protective easements.

3. Overall Plan. A generalized plan for the entire ownership shall be required to show that the road pattern and general arrangement for the short subdivisions can be coordinated with the entire tract when fully developed. Available topographic information may be required. A new topographic survey shall not be required.

4. Where property is short subdivided, the lots, tracts and/or roads shall be designed to permit later resubdivision in conformity with zoning, access, division, lot or tract standards.

5. Surveys.

a. Surveys shall be required for all short subdivisions, unless waived by the Administrator. The Administrator may grant a waiver of the survey requirement if he/she finds at least two of the following conditions exist:

i. The short plat contains no more than two lots and is not a further division of a previously recorded unsurveyed parcel.

ii. All lots located in the short plat are a minimum of one acre in size.

iii. The estimated cost to survey the property, including necessary ties, would exceed 10 percent of the valuation of the property as listed for sale, or as on file with the records of the Cowlitz County Assessor, whichever is greater. Estimates must be obtained from two firms. Each estimate must be in writing and be prepared by a land surveyor registered in the State of Washington.

b. Monuments and Markers. If the property has been surveyed, all permanent monuments within the short subdivision shall be located and described, and all controlling corners on the boundaries of the short subdivision shall be monumented. All markers set shall be marked with the land surveyor's registration number. All monuments and markers shall be shown on the face of the final short plat.

6. Difficult development land shall not be divided unless acceptable plans are provided by the subdivider for overcoming any harmful features within 90 calendar days following the original submission. Reasonable conditions may be applied to short subdivision approval to minimize harmful environmental conditions pertinent to the property.

7. Access. Each lot within a short subdivision shall be provided with satisfactory access by means of a public or private right-of-way connecting to an existing and developed public street, or by some other legally sufficient right-of-access, inseparable from the lot to be served; provided, that private roads shall not be allowed in areas that are classified as urban or suburban by the Cowlitz County Comprehensive Plan or the Zoning Code.

8. Lot Width. The minimum lot width shall be as set forth in the County Zoning Code for those zoned portions of the county. All short subdivisions locating in unzoned areas of the county shall be consistent with the lot widths recommended in the County Comprehensive Plan or required by health regulations, whichever is greater.

9. All short subdivisions shall comply with the minimum requirements of the Washington State

Uniform Fire Code, as adopted or amended by the Board.

B. Standards applicable to all short subdivision private roads are as follows:

1. Any right-of-way or road surface not open to general public use shall be retained as a privately owned and privately maintained road.

2. Privately owned roads shall be open for necessary public use.

3. Private road right-of-way widths and improvements shall meet county standards, as adopted or amended by the Board.

4. In any short subdivision where lots are served or to be served by a private road, the subdivider shall furnish copies of covenants, which shall run with the land, as set forth in CCC 18.34.060(E).

5. The seller of any property encumbered by the covenant set forth in CCC 18.34.060(E) shall obtain from the purchaser, and record with the Cowlitz County Auditor and with the Department, the purchaser's acknowledgement of private road construction and maintenance responsibility, as set forth in CCC 18.34.060(F).

C. Standards applicable to all short subdivisions along public roads are as follows:

1. Dedication or deeding or granting of an easement to the county of such right-of-way as may be consistent with adopted county standards, or as amended, for public roads, or a portion thereof, shall be required within or along the boundaries of the short plat of any lot(s) within, under the following circumstances:

a. Where the six-year capital improvement plan indicates the necessity of a new right-of-way or portion thereof for road purposes;

b. When there is less than the standard right-of-way from the centerline of the road to the property line;

c. Where necessary to extend or complete the existing road;

d. When necessary to develop better traffic circulation in the community or neighborhood.

2. Public road improvements, consistent with adopted county standards and specifications for public roads/streets, shall be required when new public right-of-way is deeded or dedicated.

3. Public roads right-of-way widths and improvements shall be consistent with adopted county road standards and specifications. [Ord. 96-012, § 1, 1-29-96; Ord. 82-022, §§ 12, 13, 14, 1-25-82; Ord. 80-329, § 8, 9-29-80; Ord. 80-146, § 8, 5-6-80.]

18.34.080 Administration.

A. Responsibility for Administration. The Director of the Building and Planning Department shall serve as the Administrator with the responsibility and duty of administering the provisions of this chapter and with authority to summarily approve or disapprove a proposed short plat under the guidelines set forth in this chapter; to approve/disapprove certificates of exceptions and to approve or disapprove final applications of short subdivisions. The Administrator shall prepare and require the use of such forms as deemed essential to the implementation of this chapter.

B. Preliminary Application. When the Administrator determines that the proposed short plat application contains the required information and data as a basis for its approval or disapproval, a file number and a date of receipt shall be affixed and copies of the short plat application shall be distributed to the following:

1. Health Officer or his designee;
2. Engineer;
3. Fire District or Fire/Life Safety Coordinator;
4. Public Utilities District (PUD) No. 1;
5. Applicable water and sewer purveyor;
6. Federal, state, or local agency which may have an interest in the short plat as determined by the administrator;
7. Geographic Information System Department.

C. The Administrator shall set a date for return of findings and recommendations from each agency, the date to be 10 working days from the date of receipt of application. If the findings and recommendations are not so returned, then the Administrator may make such findings as he deems just. [Ord. 96-012, § 2, 1-29-96; Ord. 80-329, § 7, 9-29-80; Ord. 80-146, § 9, 5-6-80.]

18.34.090 Review by agencies.

A. The Health Officer or his designee shall notify the Administrator that:

1. The sewage disposal methods contemplated for use in the proposed short subdivision do or do not conform with current standards; and
2. The feasibility of potable water supply has or has not been demonstrated.

B. The Engineer shall notify the Administrator that:

1. The proposed road, utilities and other improvements do or do not conform to adopted road standards;

2. Access to the boundary of all short subdivisions shall be provided by an opened, constructed and maintained city or county road, except that access to the boundary of a short subdivision by private road may be permitted where such private roads are otherwise permitted by this title;

3. That the legal description or survey does or does not conform to the standard practice and principles of land surveying.

C. The appropriate Fire District or Fire/Life Safety Coordinator shall respond to the Administrator of any concerns on fire protection and ingress and egress of emergency vehicles.

D. Other agencies shall notify the Administrator of their concerns and shall so list their concerns for consideration by the Administrator. [Ord. 80-329, § 6, 9-29-80; Ord. 80-146, § 10, 5-6-80.]

18.34.100 Preliminary approval.

A. Within 30 days of receipt of the complete preliminary short subdivision application or a longer period as agreed to by the applicant, the Director shall review the reports and comments of the reviewing agencies, pursuant to CCC 18.34.080, and shall make a determination to grant, condition or deny the preliminary short subdivision; such determination shall be based upon consideration of the following:

1. Whether it is in conformance with the general purposes, standards and requirements of the Cowlitz County Comprehensive Plan, Zoning Ordinance, Environmental Policy Ordinance and with other applicable laws and county policies;

2. The physical characteristics of the short subdivision site. If the site is difficult development land, the preliminary short subdivision may be denied or conditionally approved. In addition, if the site is an "environmentally sensitive area," as defined by WAC 197-10-177 as now or hereafter amended, the 30-day period may be extended to provide the applicant with sufficient time to comply with SEPA. The Director shall act on the application no later than eight days following completion of the impact review process;

3. Whether the land has been included within a short subdivision within five years preceding the date of filing;

4. All other relevant facts to determine whether the public use or interest will be served by the short subdivision.

B. After consideration of the aforementioned concerns, the applicant shall be notified of the Director's determination. Such determination shall be one of the following:

1. Approval of the preliminary short subdivision, including any conditions or corrections to be met prior to final approval;

2. Denial of the preliminary short subdivision with written findings.

C. If the Director fails to act within 30 days of receipt of the complete preliminary application, the applicant may request a review of the application by the Hearing Examiner as provided in CCC 18.34.110. [Ord. 95-193, § 28, 12-4-95; Ord. 80-329, § 5, 9-29-80; Ord. 80-146, § 11, 5-6-80.]

18.34.110 Appeal.

A. A person aggrieved by the decision of the Director may appeal said decision to the Hearing Examiner, appointed pursuant to CCC 18.10.340, as amended. Any such appeal shall be filed in writing with the Department along with the appropriate fee established from time to time by resolution of the Board of County Commissioners within 20 calendar days of the issuance of the decision. The appeal shall specify the reasons therefor. The Director shall provide the Hearing Examiner with findings and documentation relating to the decision being appealed. The Hearing Examiner, following a de novo hearing, shall affirm, modify or reverse the Director's decision. The appellant carries the burden of proof on appeal.

B. Upon the filing of an appeal with appropriate fee, the Director shall set the public hearing before the Hearing Examiner. If the appeal is filed 20 calendar days or more before the Hearing Examiner's regularly scheduled monthly meeting, he/she shall hear the appeal at that meeting as set by the Director. For appeals filed within 19 calendar days of the regularly scheduled monthly meeting, the Hearing Examiner shall hear the appeal in the subsequent month.

C. Notice of the time, date and place of the hearing shall be sent to the appellant and the permittee by first class mail prior to the public hearing. Legal notice of the hearing shall be published in a newspaper of general circulation and the subject property shall be posted with the notice not less than 10 calendar days prior to the public hearing.

D. Within 10 calendar days after the public hearing, the Hearing Examiner shall issue a written decision, including findings of fact on which his/her decision is based. Such written decision shall be available to the appellant and the public upon request. [Ord. 95-193, § 29, 12-4-95; Ord. 95-033, § 4, 3-13-95.]

18.34.140 Duration of preliminary approval.

Preliminary approval will be effective for one year. During this period a final short plat may be prepared. If the preliminary approval contains conditions, the applicant shall submit proof of meeting such conditions. Upon application within this period, for good cause having been shown, the Administrator may grant an additional six-month time extension to the applicant for meeting conditions of approval. [Ord. 04-189, § 1, 9-7-04; Ord. 80-329, § 2, 9-29-80; Ord. 80-146, § 14, 5-6-80.]

18.34.150 Final approval and recording.

When the short subdivision and the short plat meet all the requirements therefor, and will serve the public use and interest, and the subdivider has provided all the required documentation/certification, then the approval shall be inscribed upon the face of the short plat. The Administrator and the Engineer will demonstrate approval by signing the short plat.

The action of approving a short plat shall become effective when the final short plat and supporting documents are filed for record with the Auditor of Cowlitz County. The submission for filing shall include four paper copies of the short plat. The Auditor shall transmit copies of the approved short plat to the Administrator, the Engineer, the PUD, and the applicant.

No final short plat will be accepted for filing unless, for all property described herein, all taxes payable to the county and secured by a lien against such property or any portion thereof, including all real property taxes for the current year, have been paid in full to the County Treasurer. [Ord. 82-022, § 15, 1-25-82; Ord. 80-329, § 1, 9-29-80; Ord. 80-146, § 15, 5-6-80.]

18.34.155 Short plat revisions.

A recorded short plat may be revised if the following requirements are met:

A. A total of no more than four lots may be created within the boundaries of the short plat, either before or after revision.

B. All affected ownership interests within the originally recorded short plat shall indicate agreement to the proposed revision by signing the revised final short plat.

C. All short subdivision standards in effect at the time of revision shall be met. [Ord. 82-022, § 18, 1-25-82; Ord. 80-146, 5-6-80.]

18.34.160 Variances.

Where the Director finds that extraordinary hardship may result from the strict compliance with these regulations due to the size, shape, topography, location or surroundings as it relates to the property, he may vary these regulations so that substantial justice may be done and the public interest secured; provided, that such variance will not have the effect of nullifying the intent and purpose of the County Comprehensive Plan, and this chapter. The variance shall be subject to the approval of the Hearing Examiner, appointed pursuant to CCC 18.10.340, as amended, at a public meeting. A record shall be kept of all such grants of variances and shall be available for public inspections. [Ord. 95-193, § 30, 12-4-95; Ord. 80-146, § 16, 5-6-80.]

18.34.170 Enforcement.

A. No person shall sell, lease or transfer any real property which is less than five acres in area without full compliance with this title. All development permits for the improvement of any lot which is less than five acres in area, shall be withheld until the provisions of this title are met, pursuant to Washington State Subdivision Law. Also, the Administrator may revoke county development permits on parcels divided and transferred or leased which do not comply with this title.

B. The County Treasurer shall refuse to accept excise tax payment for any parcel of real property that has not been approved by the Administrator pursuant to this title.

C. Exception for Innocent Purchaser for Value. An application for building permit, septic tank permit, or other development permit for any land divided in violation of state law or this chapter, shall not be granted without prior approval of the Board, which approval shall only be given following a public meeting at which the applicant shall demonstrate to the satisfaction of the Board that:

1. The applicant purchased the lot, tract, or parcel for value;

2. The applicant did not know, and could not have known by the exercise of care, which a reasonable purchaser would have used in purchasing land, that the lot, tract or parcel had been part of a larger lot, tract or parcel divided in violation of the state law or this chapter; and

3. The public interest will not be adversely affected by the issuance of such permit. [Ord. 82-022, § 16, 1-25-82; Ord. 80-146, § 17, 5-6-80.]

18.34.180 Relief for an innocent purchaser for value.

A. Except as provided in CCC 18.34.170, all purchasers or transferees of property divided in violation of this chapter shall comply with provisions of this chapter. Each purchaser and transferee may recover his damages from any individual, firm, corporation, or agent selling or transferring land in violation of this chapter. This may include any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this chapter as well as the cost of investigations, suit, and reasonable attorneys' fees occasioned thereby.

B. Such purchaser or transferee may, as an alternative to conforming to these requirements, rescind the sale or transfer and recover the costs of investigation, suit, and reasonable attorneys' fees occasioned thereby. [Ord. 80-146, § 18, 5-6-80.]

18.34.190 Unapproved short plat – Filing.

The Auditor shall refuse to accept for filing any short plat which does not bear the Administrator's certificate of approval.

Should a short plat be filed without such a certificate, the Prosecuting Attorney shall apply for a writ of mandate on behalf of the Administrator, directing the Auditor to remove the unapproved plat from the Auditor's files. [Ord. 80-146, § 20, 5-6-80.]

18.34.200 Resubdivision requirements.

Land within a short subdivision, including all land in the original tract or contiguous common parcels, the short plat of which has been approved within the immediately preceding five years, may not be further divided until a final plat has been approved and filed for record pursuant to County Subdivision Code. [Ord. 80-146, § 21, 5-6-80.]

18.34.210 Administrator's review.

The Administrator shall review the provisions of this chapter in nine months and shall make recommendation for change as may be necessary at that time. The Board shall have the option of appointing a task force to be coordinated by the Administrator for the purpose of reviewing and recommending amendments to the Commission. [Ord. 80-146, § 24, 5-6-80.]

18.34.220 Violations – Penalties.

It is a civil infraction for any person to violate this chapter or assist in the violation of this chapter. Violations are subject to the provisions of Chapter

2.06 CCC. Any violation is a public nuisance. Each day a violation exists is a separate violation. Payment of any penalty imposed for a violation does not relieve a person from the duty to comply with this chapter. [Ord. 93-102, § 25, 7-6-93.]

18.34.230 Validity.

If any section, subsection, or other portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, or portion thereof shall be deemed a separate provision of this chapter and such holding shall not affect the validity of the remaining portions of this chapter. [Ord. 80-146, § 22, 5-6-80.]

18.34.240 Effective date.

This chapter shall be in full force and effect from the date of adoption by the Board of County Commissioners. [Ord. 80-146, § 25, 5-6-80.]

Chapter 18.38

LARGE LOT SUBDIVISION

Sections:

- 18.38.010 Title.
- 18.38.020 Purpose.
- 18.38.030 Definitions.
- 18.38.040 Applicability.
- 18.38.050 Exemptions.
- 18.38.060 Administration.
- 18.38.070 Preliminary consultation.
- 18.38.080 Application requirements for all large lot subdivisions.
- 18.38.090 Supplemental application requirements for subdivisions not qualifying for expedited review.
- 18.38.100 Preliminary approval.
- 18.38.110 Minimum performance standards and requirements for all large lot subdivisions.
- 18.38.120 Minimum performance standards and requirements for plats not qualifying for expedited review.
- 18.38.130 Final large lot subdivision approval.
- 18.38.140 Final supporting documents.
- 18.38.150 Enforcement.
- 18.38.160 Appeals.
- 18.38.170 Fees.
- 18.38.180 Violations – Penalties.
- 18.38.190 Severability.
- 18.38.200 Unapproved large lot plat – Filing.
- 18.38.210 Effective date.

18.38.010 Title.

This chapter shall be called the “Cowlitz County Large Lot Subdivision Code.” [Ord. 98-007, § 1, 1-20-98.]

18.38.020 Purpose.

The purposes of this chapter are as follows:

- A. To promote and protect the public health, safety and general welfare;
- B. To promote orderly growth patterns and development of large rural acreage tracts;
- C. To provide adequate firefighting equipment access to homes on large rural lots;
- D. To promote orderly development and establishment of roadways and easements to provide for adequate and safe traffic circulation and movement in large lot developments as well as plan for future development and roadway needs;

E. To ensure that on-site sewage disposal systems are adequate to support complete build out of all lots in the subdivision;

F. To provide for public utilities;

G. To maintain and perpetuate environmental quality;

H. To provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards, local plans and policies;

I. To require uniform placement of monuments demarcating land division and conveying by accurate legal description. [Ord. 98-007, § 2, 1-20-98.]

18.38.030 Definitions.

For purposes of this chapter the following definitions shall apply:

A. "Auditor" means the Auditor of Cowlitz County, Washington.

B. "Board" means the Board of Commissioners of Cowlitz County.

C. "Boundary line adjustment" means a change in the location of lot lines which does not result in an increase in the number of lots.

D. "County" means Cowlitz County, Washington.

E. "Comprehensive Plan" means a coordinated plan for the physical development of the county, designating among other things, elements and programs to encourage the appropriate use of the land to lessen congestion throughout the county in the interest of public health, safety and welfare and promote efficiency and economy. For the purposes of this chapter, the Comprehensive Plan is the text and map as adopted by the Board and thereafter amended.

F. "Day" means any day the County Administration Building is open for business, unless otherwise specified.

G. "Dedication" means the deliberate allocation of land by the owner for any general and public uses, reserving to himself no other rights than such as one compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing.

H. "Department" means the Department of Building and Planning, Cowlitz County.

I. "Director" means the Director of the Cowlitz County Department of Building and Planning or designee.

J. "Final plat" means the final drawing of the large lot subdivision and any applicable dedication prepared for filing for record with the County Auditor and containing all elements and requirements set forth in RCW 58.17.160 and 58.17.165 and in this chapter as adopted.

K. "Fire Marshal" means the Cowlitz County Fire/Life Safety Coordinator or his/her designee.

L. "Hearings Examiner" means the Hearings Examiner of Cowlitz County, Washington.

M. "Large lot subdivision" means every division or redivision of land into two or more lots, each of which is equal to or larger than five acres in size and any one is less than 10 acres in size.

N. "Master plan" means the map, sketch or other representation filed with the Department showing the ultimate development pattern of a parcel of property that is to be developed in successive stages or phases. The plan need not be fully engineered but shall be of sufficient detail to illustrate the property's inherent features and probable development pattern. The master plan will be used as a guide in each successive stage of development until its completion.

O. "Phased subdivision" means the method of subdividing property in stages. This method of subdividing enables the developer to gain approval for an entire project that will be built in stages or phases.

P. "Plat" means a map or representation of a subdivision showing the division of a tract or parcel of land into lots, blocks and streets or other divisions or dedications.

Q. "Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets, lots, blocks and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

R. Subdivision. For purposes of this chapter, "subdivision" means large lot subdivision.

S. "Subdivision qualifying for expedited review" means a large lot short subdivision, involving 24 acres or less of land, where each lot has frontage on a public county road and no additional access road or easement is required to serve any of the lots in the subdivision.

T. "Surveyor" means a person authorized to practice the profession of land surveying under the provisions of Chapter 18.43 RCW (Engineers and Land Surveyors Registration), as now or hereafter amended. [Ord. 98-007, § 3, 1-20-98.]

18.38.040 Applicability.

The regulations contained in this chapter shall apply to every division of land into two or more lots, tracts, parcels, sites or divisions for sale, lease or transfer of ownership, whether immediate or future, where each lot is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, and any lot is less than 10 acres in size, unless exempted by CCC 18.38.050. For the purpose of computing the area of any lot under this item which borders on a road, the lot size shall be expanded to include the area which is bounded by the centerline of the road and the side lines of the lot extended along the same bearing as the closest section of the applicable side lot line to the road right-of-way centerline. [Ord. 98-007, § 4, 1-20-98.]

18.38.050 Exemptions.

The provisions of this chapter shall not apply to the following:

- A. Cemeteries and other burial plots, while used for that purpose;
- B. Divisions made by testamentary provisions or the laws of descent;
- C. Divisions of land approved pursuant to Chapter 18.30 CCC (Planned Unit Development Ordinance), Chapter 18.32 CCC (Urban Subdivision Ordinance), Chapter 18.34 CCC (Short Subdivision Ordinance) or Chapter 18.50 CCC (Rural Subdivision Ordinance) as now enacted or hereafter amended;
- D. Boundary line adjustments;
- E. Divisions of land for sale or lease to an agency or division of government vested with the power of eminent domain;
- F. All divisions of land into lots, tracts or parcels prior to the effective date of this chapter, as evidenced by public record through the payment of excise tax, recording of the deed, contract of sale or a recorded survey in the Auditor's office or a tax segregation in the Assessor's office;
- G. Mobile home parks, as approved pursuant to Chapter 18.42 CCC;
- H. Divisions of land into lots or tracts each of which is one sixty-fourth of a section of land, or larger, or 10 acres or larger if the land is not capable of description as a fraction of a section of land; provided the division is in conformance with the minimum lot size designated by the Cowlitz County Land Use Ordinance (Chapter 18.10 CCC) or in the unzoned areas of Cowlitz County, the Cowlitz County Comprehensive Plan;

I. Land leased for bona fide timber or agricultural activities, provided a building or development permit is not required. [Ord. 98-007, § 5, 1-20-98.]

18.38.060 Administration.

All applications for large lot subdivision approval under this chapter shall be made to the Cowlitz County Department of Building and Planning. It shall be the duty of the Director to process any application pursuant to this chapter, and to administer the provisions of this chapter. The Director shall approve and require the use of any forms deemed desirable to implement the provisions of this chapter. The Director shall maintain records for all large lot subdivision decisions. Such records shall be made available for public review upon request. [Ord. 98-007, § 6, 1-20-98.]

18.38.070 Preliminary consultation.

Prior to the filing of a large lot subdivision application, the subdivider is encouraged to discuss the preliminary plat application process, large lot subdivision requirements and the proposal with the Department staff. At this time, all pertinent information that may be on file relating to the proposal shall be made available. The consultation should take place prior to a survey or detailed work by an engineer or surveyor. There is no fee for pre-application consultation and administrative assistance. However, this service shall not, and is not intended to, include field inspection or extensive correspondence. The subdivider is responsible for discussing a proposed subdivision with departments and agencies with jurisdiction (see CCC 18.38.100) on a preliminary basis to establish any special requirements or consideration affecting the proposal. [Ord. 98-007, § 7, 1-20-98.]

18.38.080 Application requirements for all large lot subdivisions.

Any person proposing to create a large lot subdivision shall submit an application to the Department on such forms as may be required by the Director together with all applicable fees. A complete application shall contain the following information:

- A. A master application containing the name, address and telephone number of the applicant and all persons with an ownership interest in the property;
- B. Notarized statement consenting to the proposed subdivision signed by all persons owning, or having an ownership interest in the land being subdivided;

C. A copy of the current deed, a legal description of the property including section, township and range, parcel and tax lot numbers, total acreage (if not contained in the current deed), and a current assessor's map, including the scale of the property and surrounding parcels within 500 feet;

D. A vicinity map;

E. A copy of the approved forest practices application, if the property has been logged within the past six years. [Ord. 98-007, § 8, 1-20-98.]

18.38.090 Supplemental application requirements for subdivisions not qualifying for expedited review.

For any proposed large lot subdivision not qualifying for expedited review as defined in this chapter, a complete application shall include, in addition to the requirements of CCC 18.38.080, the following supplemental information:

A. Fifteen copies of a preliminary plat map prepared at an appropriate scale and in detail sufficient to indicate the essential characteristics of the subdivision including the plat name, north arrow, date prepared, the dimensions, size and design of lots, the location, right-of-way and pavement or travel way widths of roads, ownership of roads, the location of any existing and proposed reservations and easements, the provision of improvements and utility services, existing well locations on or within 100 feet of the property, existing septic tank drain-field locations on or within 100 feet of the property, the existing or proposed drainage, the conformity of the subdivision to surrounding lands and streets and any other information necessary to enable the Director to review the proposed large lot subdivision;

B. Current land uses of all properties located within 500 feet of the boundaries of the subject property;

C. An indication of the history of previous subdivisions of the property;

D. A signed and completed environmental checklist;

E. Name of the surveyor who will be preparing the final large lot subdivision plat;

F. If the large lot subdivision is proposed to be developed in phases, a master plan for the entire parcel shall be required. The plan shall be sufficient to show the road pattern and general arrangement so that each phase will be coordinated with the entire tract when fully developed;

G. Large lot subdivisions containing four or fewer lots do not require topographic information. On all other preliminary plats, topographic con-

tours at no less than five-foot intervals shall be required for all areas involving public and private roads to ensure road gradients meet applicable road standards. The Director will consult available information, including United States Geological Survey (USGS) quadrangle maps and maps of soil types to determine the approximate slopes of the land proposed for subdivision. If available information indicates slopes of 30 percent or more exist on certain portions of the property to be subdivided, the Director shall require topographic contours be provided;

H. The ingress and egress from existing or proposed private or public roads;

I. The proposed name(s) of any private road(s);

J. A supplemental statement indicating that the applicant shall permit free access to the land being divided to all public agencies considering the large lot subdivision for a period of time extending from the time of application to the time of final action. The public agencies shall make a good faith effort to notify the applicants when a site inspection will be made.

The Director may waive one or more of the requirements for information required by this section, including topography, when in his/her opinion submittal of such information is unnecessary to furnish a basis for review of the application given the specific characteristics of the property proposed for subdivision. [Ord. 98-007, § 9, 1-20-98.]

18.38.100 Preliminary approval.

A. Subdivisions qualifying for expedited review, as defined by this chapter, shall be exempt from compliance with this section. For all other proposed subdivisions, when the Director determines that the application contains sufficient elements and data to furnish a basis for review, copies of the application shall, within 10 days, be distributed to the following:

1. County Engineer;
2. Health Officer;
3. County Fire Marshal;
4. Local Fire District;
5. Cowlitz Public Utility District;
6. School District;
7. County Sheriff;
8. Geographic Information Systems Department;

9. Any other federal, state or local agency which may have an interest in the proposal as determined by the Director.

B. 1. All findings and recommendations shall be returned to the Director within 15 days of

receipt. If the findings and recommendations are not so returned, then the Director may make such findings as he/she deems just.

2. The Director shall coordinate and assemble the reviews of the various departments and agencies and shall prepare a report summarizing the factors involved. The Director shall grant preliminary approval, preliminary approval with conditions, or deny the proposed large lot subdivision. Any denial of an application by the Director shall be based on a determination that the proposed application is inconsistent with the purposes of this chapter and/or the application fails to meet the standards and requirements of CCC 18.38.110. Any determination shall be rendered in writing and include findings in support of the decision and conditions for preliminary plat approval, if any. The Director's determination shall be issued within 30 days of closing of the agency review period unless the applicant consents to an extension of time; provided, the application has complied with the State Environmental Policy Act.

3. Preliminary plat approval shall be valid for a period of five years, during which time an application for final plat meeting all the requirements of approval and this chapter may be made. Large lot divisions for which preliminary approval has expired will require a new application to be filed, if reconsideration is desired.

4. Following preliminary large lot subdivision approval, the subdivider may commence site development in conformance with the conditions of approval and the provisions of CCC 18.38.110 and 18.38.120, as applicable. [Ord. 98-007, § 10, 1-20-98.]

18.38.110 Minimum performance standards and requirements for all large lot subdivisions.

All large lot subdivisions shall meet the following standards and requirements:

A. Road and driveway approaches from the lots on to a public road shall be provided in a manner approved by the Public Works Department.

B. The addresses of all new lots shall be shown on the final plat.

C. The applicant shall demonstrate each lot is suitable for a septic tank or approved alternate sanitary waste disposal system that meets state health regulations prior to submitting the final large lot subdivision plat for approval and recording.

D. Surveys shall be required for all large lot subdivisions. The final plat shall be signed and stamped by a licensed surveyor in accordance with

Chapter 58.09 RCW (Survey Recording Act) and Chapter 332-130 WAC (Minimum Standards for Land Boundary Surveys and Geodetic Control Surveys and Guidelines for the Preparation of Land Descriptions).

E. The dimensions of all new lots shall be adequate to accommodate a well and the required on-site wastewater disposal system. If any portion of the required drainfield area and/or reserve drainfield area is not located entirely upon such lot, protection easements shall be required for those portions located off-site.

F. The minimum size of any lot within the proposed large lot subdivision shall be in conformance with the Cowlitz County Land Use Ordinance. In the unzoned areas of Cowlitz County, the minimum lot size shall be as designated by the County Comprehensive Plan. [Ord. 98-007, § 11, 1-20-98.]

18.38.120 Minimum performance standards and requirements for plats not qualifying for expedited review.

All large lot subdivisions not qualifying for expedited review, as defined by this chapter, shall meet the following standards and requirements:

A. All private roads must be constructed prior to final large lot subdivision approval. If the subdivision is constructed in phases, all private roads necessary to serve that phase shall be constructed prior to final approval.

B. Plans and specifications for all private roads located within the large lot subdivision shall be submitted to the Cowlitz County Fire Marshal for review and approval. Such roads shall be in conformance with the fire apparatus access road standards (Part III, Article 9, of the 1994 Uniform Fire Code, or as otherwise adopted by Cowlitz County).

C. Final large lot subdivision approval shall not be granted for any plat served by a private road located within a large lot subdivision prior to final inspection and approval of the private road by the County Fire Marshal.

D. The applicant shall execute and record a road maintenance agreement to covenant all lots within the large lot subdivision served by private roads, prior to submitting a final large lot subdivision plat for approval and recording. The face of the final large lot subdivision plat shall reference the road maintenance agreement covenants. Each road maintenance agreement shall contain the following provisions:

1. Surveyed centerline description of the private road easement or access tract, including all bearings, distances and curve data;

2. The approved name(s) of the private road(s);

3. Any owner or subsequent purchaser of lots within the large lot subdivision shall equitably bear the financial cost and responsibility of maintenance of the private road(s) and signs contained therein.

E. The applicant shall provide for the installation of the primary electric backbone system as required to make electric service available to all lots within the large lot subdivision. Facility extensions required for individual service connections to the backbone system shall be the responsibility of the individual lot owners. [Ord. 98-007, § 12, 1-20-98.]

18.38.130 Final large lot subdivision approval.

Final approval is required for all large lot subdivisions. Applicants for final large lot subdivision approval shall submit two copies of the final large lot subdivision plat for approval on mylar sheets measuring 18 inches by 24 inches together with any supplementary documents and applicable fees required under this chapter. The face of the final large lot subdivision plat shall include the following:

A. Scale, north arrow, point of beginning and basis of bearing;

B. The bearings and distances of the boundary lines of the tract to be subdivided, and of each lot contained therein, drawn to scale;

C. Lot number, address and area of each lot;

D. Location, name, right-of-way width and pavement or access way width of all roads, including roads providing access to the subdivision, and the purpose and width of any easements; private roads shall be labeled as “nonexclusive private road and utility easements”;

E. Locations of all approved septic system drainfield areas and the following language:

RESTRICTION: No wells are permitted within 100 feet of septic drainfield and reserve areas. No construction, grading, filling, placement of buildings, driveways or parking areas shall be permitted within the drainfield and drainfield replacement areas, except as provided in Chapter 246-272 WAC (On-Site Sewage Systems). Locations of septic drainfield areas shown on this plat can be moved with proper authorization from the Cowlitz County Health Department.

F. If the subdivision is in a high or extreme fire hazard area, as identified by the Washington State

Department of Natural Resources, the following language shall be shown on the final plat:

Additional fire safety measures may be required for structures built within this plat. Contact the county fire marshal for additional information or requirements.

G. If the subdivision is not within a fire protection district, the following language shall be shown on the final plat:

This subdivision is located outside the response area of any fire protection district, therefore emergency response for fire or medical assistance may be delayed or not available.

H. Signature block for the Director as follows:

Examined and Approved this ____ day of _____, ____.

Cowlitz Co. Building and Planning Director

I. Signature block for the County Assessor as follow:

Examined and Approved this ____ day of _____, ____.

Cowlitz County Assessor

J. Signature block for the County Treasurer as follows:

I hereby certify that all taxes on the land described hereon have been fully paid to and including the year of _____.

Cowlitz County Treasurer

K. If required by the Director, the face of the final large lot subdivision plat shall contain the following language:

Cowlitz County has no responsibility to build, improve, maintain or otherwise service the private roads contained within this plat.

The developer of this property has not been required to demonstrate a potable water source for this subdivision. Pursuant to RCW 19.27.097, each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building.

The approval of this large lot subdivision does not guarantee the issuance of any other permits.

L. The final plat shall be signed and stamped by a registered land surveyor, and contain the following:

SURVEYOR'S CERTIFICATE: This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of _____ in _____, ____.

(Signed and sealed) _____

M. Auditor's Certificate, as follows:

AUDITOR'S CERTIFICATE: Filed for record this ___ day of _____, _____, at _____, in book _____, of _____, at page _____, at the request of _____.

Signed _____
County Auditor

Deputy County Auditor

N. Signatures, which are certified by a notary public, of all individuals having an interest in the property as identified on the title report. [Ord. 98-007, § 13, 1-20-98.]

18.38.140 Final supporting documents.

Each final plat shall be accompanied by a title report, issued within 30 days of recording, confirming that the title of the lands as described and shown on the final plat is in the name of the owners signing the consent statement. Large lot subdivisions not qualifying for expedited review, as defined by this chapter, shall be accompanied by the following:

A. Road maintenance agreement or declaration of covenants, conditions and restrictions which in-

clude road maintenance provisions to be recorded subsequent to or with the final plat;

B. Letter of acceptance from the Cowlitz County Public Utility District Number 1 for all required utility extensions.

The Director shall act on completed applications for final plat approval within not more than 30 days. [Ord. 98-007, § 14, 1-20-98.]

18.38.150 Enforcement.

A. No person shall sell, lease or transfer any parcel of real property subject to the requirements of this chapter without full compliance with its terms. All development permits for the improvement of any lot subject to the requirements of this chapter shall be withheld until the provisions of the chapter are met. The Director may revoke county development permits on parcels divided and transferred or leased in violation of this chapter.

B. Each purchaser and transferee may rescind the sale and recover their damages from any individual, firm, corporation or agent selling or transferring real property in violation of this chapter, as well as the cost of investigations, suit and reasonable attorneys' fees occasioned thereby.

C. Exception for Innocent Purchaser for Value. An application for building permit, septic tank permit, or other development permit for any land subdivided in violation of this chapter shall not be granted without prior approval of the Cowlitz County Hearings Examiner. Any such exception request shall be filed in writing with the Department along with the appropriate fee established from time to time by resolution of the Board of County Commissioners. The exception request shall specify the reasons therefor. The Director shall provide the Hearings Examiner with findings and documentation relating to the exception request. Any approval shall only be given following a public hearing at which the applicant shall demonstrate to the satisfaction of the Hearings Examiner that:

1. The applicant purchased the lot, tract or parcel for value;

2. The applicant did not know, and could not have known by the exercise of care, which a reasonable purchaser would have used in purchasing land, that the lot, tract or parcel had been part of a larger lot, tract or parcel divided in violation of this chapter; and

3. The public interest will not be adversely affected by the issuance of such permit. [Ord. 98-007, § 15, 1-20-98.]

18.38.160 Appeals.

A. The Hearings Examiner or the Board of County Commissioners, at the discretion of the appellant, may review any interpretation of the provisions of this chapter made by the Director and any related order, requirement, decision or determination thereto made by him/her in the administration of the specific provisions in this chapter.

B. Any such appeal shall be filed in writing with the Department along with the appropriate fee established from time to time by resolution of the Board of County Commissioners, within 20 calendar days of the issuance of the decision. The appeal shall specify the reasons therefor. The Director shall provide the Hearings Examiner or the Board of County Commissioners, as the case may be, with findings and documentation relating to the decision being appealed. The Hearings Examiner or the Board of County Commissioners, as the case may be, following a de novo hearing, may affirm, modify or reverse the interpretation of the provisions of this chapter and any related order, requirement, decision or determination made by the Director.

C. Notice of the time, date and place of the hearing shall be sent to the appellant and the permittee by first class mail prior to the public hearing. Legal notice of the hearing shall be published in a newspaper of general circulation and the subject property shall be posted with such notice not less than 10 calendar days prior to the public hearing.

D. Appeals of the Hearings Examiner decision or the Board of County Commissioners decision, as the case may be, shall be to a court of competent jurisdiction pursuant to the Land Use Petition Act, Chapter 347, Washington Laws, 1995. [Ord. 98-007, § 16, 1-20-98.]

18.38.170 Fees.

The fees for processing applications, appeals and for other administrative actions under this chapter shall be from time to time established by resolution by the Board. [Ord. 98-007, § 17, 1-20-98.]

18.38.180 Violations – Penalties.

It is a civil infraction for any person to violate this chapter or assist in the violation of this chapter. Violations are subject to the provision of Chapter 2.06 CCC. Any violation is a public nuisance. Each day a violation exists is a separate violation. Payment of any penalty imposed for the violation does not relieve a person from the duty to comply with this chapter. [Ord. 98-007, § 18, 1-20-98.]

18.38.190 Severability.

If any section, subsection, sentence, clause, phrase or any portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The Board declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional. [Ord. 98-007, § 19, 1-20-98.]

18.38.200 Unapproved large lot plat – Filing.

A. The Auditor shall refuse to accept for filing any large lot final plat prepared pursuant to this chapter which does not bear the Director's certificate of approval.

B. Should a large lot plat be filed without such a certificate, the prosecuting attorney shall be authorized to apply for a writ-of-mandate on behalf of the Director, directing the Auditor to remove the unapproved plat from the Auditor's files. Any unapproved final plat that is filed shall be void and of no legal force nor effect. [Ord. 98-007, § 20, 1-20-98.]

18.38.210 Effective date.

This chapter shall become effective on April 20, 1998. [Ord. 98-007, § 21, 1-20-98.]

Chapter 18.42**MOBILE HOME PARKS**

Sections:

- 18.42.010 Title.
- 18.42.020 Purpose.
- 18.42.030 Definitions.
- 18.42.040 Approval required – Mobile home placement permit required.
- 18.42.050 Commencement of development.
- 18.42.060 Application – Procedure.
- 18.42.070 Application – Review by Director.
- 18.42.080 Application – Review by County Planning Commission.
- 18.42.090 Application – Appeal to Board of County Commissioners.
- 18.42.100 Effectiveness of preliminary site plan approval.
- 18.42.110 Final site plan approval – Granting.
- 18.42.120 Final site plan approval – Rescission.
- 18.42.130 Development standards.
- 18.42.140 Final site plan approval – Certification and recording.
- 18.42.150 Mobile home placement permit.
- 18.42.160 Applications, fees and conditions.
- 18.42.170 Variances.
- 18.42.180 Enforcement.
- 18.42.185 Violations – Penalties.
- 18.42.190 Conflict with other county regulations.
- 18.42.200 Severability.

18.42.010 Title.

This chapter may be cited as the “Cowlitz County Mobile Home Park Code.” [Ord. 5942, § 1, 10-4-78.]

18.42.020 Purpose.

The Board of County Commissioners deems it necessary to establish standards and procedures set forth in this chapter for the following purposes:

- A. To assure the development of planned mobile home parks compatible with existing land uses;
- B. To assure the orderly development of Cowlitz county consistent with the Comprehensive Plan;
- C. To establish a procedure which promotes the timely review of mobile home park developments in Cowlitz County;
- D. To promote public health, safety, and general welfare;
- E. To comply with the Washington State Subdivision Law. [Ord. 5942, § 2, 10-4-78.]

18.42.030 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

- A. “Board” means the Board of County Commissioners of Cowlitz County.
- B. “Board of Adjustment” means the Cowlitz County Board of Adjustment created pursuant to CCC 18.10.340.
- C. “Commission” means the Cowlitz County Planning Commission.
- D. “Cowlitz County Comprehensive Plan” means a coordinated plan for the physical development of the county, designating, among other things, elements and programs to encourage the most appropriate use of land and to lessen congestion throughout the county in the interest of public health, safety, and welfare and promote efficiency and economy. For purposes of this chapter, the Comprehensive Plan is the text and map as adopted by the Board, and thereafter amended.
- E. Days/Working Days. “Days” means days of the year in which the County Administration Building is open to conduct public business.
- F. “Department” means the Cowlitz County Department of Building and Planning.
- G. “Director” means the Director of the Department of Building and Planning.
- H. “Mobile home” means a structure transportable in one or more sections each built on a permanent chassis, which is designed to be used for permanent occupancy as a dwelling.
- I. “Mobile home accessory structure” means any awning, or cabana, storage structure, carport, garage, fence, wind-break, porch, or other ancillary structures located on a mobile home lot.
- J. “Mobile home lot” means a portion of a mobile home park designated as the location of one mobile home, and its accessory structures, intended for the exclusive use of the occupants of that mobile home.
- K. “Mobile home park” means a parcel of land, divided into two or more lots or sites for the placement of mobile homes which are to be used for dwelling purposes.
- L. “Mobile home placement permit” means a permit required by Cowlitz County for the placement of a mobile home in the unincorporated area of the county.
- M. “Open space” means that portion of a mobile home park reserved for the common use of residents of the park and is easily accessible to all residents.
- N. “Person” includes any individual, firm, partnership, association or corporation, but does not

include any officer, agent or employee of a political subdivision of the state when acting in an official capacity.

O. "Recreation vehicle" means a vacation trailer, motor home, travel trailer, truck-camper, camping trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle and which is intended for human occupancy for recreation or emergency purposes but not for long-term residential use. No recreational vehicle qualifies as a mobile home under this chapter.

P. "Substantial progress" shall have been achieved if 25 percent or more of the individual lots have been completed according to approval plans within two years after approval pursuant to this chapter or a contract has been let for the development of 25 percent or more of the mobile home lots.

Q. "Zoning Code" means Chapter 18.10 CCC which includes text and detailed maps designating specific official controls for the administration and enforcement of the use, density, and location of classified land use districts. For purposes of this chapter, the Zoning Code shall be that document and maps as adopted by the Board, and thereafter amended. [Ord. 5942, § 3, 10-4-78.]

18.42.040 Approval required – Mobile home placement permit required.

No person shall develop, establish or expand a mobile home park within the unincorporated area of Cowlitz County, without first obtaining approval pursuant to this chapter. Conformance of this regulation does not relieve the developer of the responsibility of complying with all other applicable local and state regulations. No mobile home may be placed in an approved mobile home park without first obtaining a mobile home placement permit. [Ord. 5942, § 4, 10-4-78.]

18.42.050 Commencement of development.

Development of a mobile home park may begin immediately following final site plan approval by the Board, unless conditions attached to preliminary approval provide otherwise. The Department shall be responsible for the inspection of the site, in order to assure that said development is consistent with the approved final site plan. [Ord. 5942, § 5, 10-4-78.]

18.42.060 Application – Procedure.

A. A person desiring to develop a mobile home park shall make application in the Department, on such forms as are made available by the Depart-

ment. The applicant shall submit 20 copies of the site plan map.

B. The following information shall be shown on a site plan map drawn to scale of not less than one inch equals 100 feet:

1. The name and address of the applicant (and the owner, if different from the applicant);
2. The name and address of the mobile home park;
3. The area, dimensions and general legal description (quarter section, section, township, range) of the tract of land;
4. The number, area and dimensions, and location of all mobile home lots. Lots shall be numbered in an orderly sequence;
5. The number and location of all off-street parking spaces;
6. The location and width of park streets and walkways;
7. Location and dimension of all structures to be constructed or altered within the park;
8. The area dimensions and location of any recreation or open space if provided;
9. A vicinity map drawn to scale showing the relationship of the proposed site plan to existing streets in the general area;
10. The density calculation of the park;
11. The location and type of park perimeter screening;
12. Site drainage plan outlining the method of handling surface runoff;
13. The method and plan of water supply, sewage disposal, garbage disposal, and electrical service, including outside lighting;
14. The true north direction arrow;
15. Location of all easements of record pertaining to property.

C. The following information shall be submitted as separate material:

1. Two contour maps of the site showing the topography of the site before and after development;
2. Such additional information as may be deemed necessary by the Director, to enable the Commission or Board to determine whether the park complies with this regulation;
3. Such other information as the applicant deems important in the evaluation of the proposed park plan. [Ord. 5942, § 6, 10-4-78.]

18.42.070 Application – Review by Director.

Upon determination that the application is complete, the Director shall review the application for inconsistencies with the County Zoning Code, this

regulation and the stated policies and goals of the County Comprehensive Plan, and shall develop a report of findings and recommendations to be submitted to the Commission with this application. In reviewing a mobile home park site plan application, the Director shall coordinate with all agencies of jurisdiction. The Cowlitz-Wahkiakum Health District shall review and approve the preliminary site plan prior to Planning Commission review pursuant to State Health Board regulations. [Ord. 5942, § 7, 10-4-78.]

18.42.080 Application – Review by County Planning Commission.

A. The Commission shall consider the application at a public hearing to be held not fewer than 15 days or more than 45 days following submission of the completed application. This time limit may be extended in order to satisfy the requirements of the County Environmental Policy Code. The Commission shall provide notice of the public hearing to be published in a newspaper of general circulation in the county at least once, not fewer than 10 days prior to the date set for the hearing. Notice shall be sent by mail at least 10 days prior to the date of said hearing to the owners of the property proposed for the location of the mobile home park and to all owners of property within 300 feet of the boundary of the area proposed for the park. Failure to send notice by mail to any such property owner where the address of said owner is not a matter of public record or because his ownership is not a public record shall not invalidate any proceedings in connection with a mobile home park site plan application. Notice of said public hearing shall be posted in at least two conspicuous places in the affected area at least 10 days prior to the public hearing. The Planning Commission may issue additional notification as it deems appropriate.

B. Said public notices shall set forth the date, time, place and purpose of the public hearing and in general terms describe the nature of the proposed mobile home park site. Documents of record shall be controlling as to the status of legal ownership.

C. Any person may appear at said hearing and present remarks about the application. The Commission shall grant preliminary site plan approval if it finds that the proposed park satisfies the following:

1. The proposed park complies with this chapter;
2. The proposed park complies with the County Zoning Code;

3. The proposed park is consistent with the recommendations and policies set forth in the County Comprehensive Plan for unzoned areas of the county;

4. The proposed park is designed in a manner that protects the public health, safety and welfare of the citizens of the county.

D. To assure conformance to the criteria in subsection C of this section, the Commission may approve the park subject to such reasonable conditions as may be necessary. Such conditions may include, but are not limited to the following: density, construction sequence and timing, dedication of lands necessary for public purposes, special engineering, compliance with approved engineering specification, off-street parking, setbacks, special screening, street lighting, and storage of recreation vehicles.

E. Where the Commission determines that additional information may be necessary to make a well-reasoned decision, action on said application shall be continued.

F. The Commission shall make available to the applicant and the public within 10 days of its final action on the application, those findings of fact upon which the final action is based. The Commission's action on the preliminary site plan is final unless appealed pursuant to CCC 18.42.090. [Ord. 5942, § 8, 10-4-78.]

18.42.090 Application – Appeal to Board of County Commissioners.

A. The action of the Commission may be appealed to the Board by filing a written notice of appeal setting forth the basis for said appeal, with the Clerk of the Board, not later than 10 days after the action of the Planning Commission. If the Board finds that the basis for the appeal is valid, it shall set a public hearing date upon such appeal at its next regularly scheduled meeting after said notice of appeal is filed and said hearing shall be held within 20 days. The Board shall give notice of all public hearings required to be held under the provisions of this chapter by publishing said notice at least once in a newspaper of general circulation within the county, not fewer than 10 days prior to the date fixed for such hearing. Such notice shall set forth the date, time, place and purpose of the public hearing and shall state in general terms the nature of the proposed mobile home park site plan. In addition, written notice shall be given to the owners of the property proposed for the location of the mobile home park. Notice shall be posted in at least two conspicuous places in the affected area at least 10

days prior to the public hearing. The Board may provide additional notice as it deems appropriate.

B. Upon any appeal to the Board, allowed by this regulation, the correctness of the decision of the Commission shall be presumed, and the appellant shall have the burden of demonstrating that such decision was clearly erroneous. The Board may reverse the decision if it finds that such decision was clearly erroneous. The Board shall make available to the applicant and the public within 10 days after its final action, its decision and findings of fact upon which its action is based. [Ord. 5942, § 9, 10-4-78.]

18.42.100 Effectiveness of preliminary site plan approval.

Preliminary site plan approval is effective for one year. The Director may grant a one-year extension if it is found that the applicant is making reasonable progress towards conformance with the requirements of this chapter and conditions of preliminary site plan approval. The Director's findings shall be made in writing and the Director's decision may be appealed to the Hearing Examiner, appointed pursuant to CCC 18.10.340, as amended. [Ord. 95-193, § 31, 12-4-95; Ord. 5942, § 10, 10-4-78.]

18.42.110 Final site plan approval – Granting.

A. The Board of County Commissioners shall grant final site plan approval within 15 days after receiving said plan if it finds that the proposed park satisfies the following:

1. The requirements of this chapter relating to final site plans;
2. The approved preliminary site plan;
3. Conditions of preliminary site plan approval.

B. The Board shall make available to the applicant and to the public its decision and findings of fact upon which its decision is based within 10 days of its final action. [Ord. 5942, § 11, 10-4-78.]

18.42.120 Final site plan approval – Rescission.

The Director shall rescind final site plan approval, in writing, if he/she finds that substantial progress has not been made on the construction of the park within two years and all development shall immediately cease. The Director's decision may be appealed to the Hearing Examiner, appointed pursuant to CCC 18.10.340, as amended, by filing a written notice of appeal, along with filing fee setting forth the basis for said appeal with the Depart-

ment not later than 20 days after the Director's decision. Upon any appeal to the Hearing Examiner, the appellant shall have the burden of demonstrating that the Director's action was clearly erroneous. The Hearing Examiner may reverse the decision of the Director if he/she finds that the Director's decision was clearly erroneous. [Ord. 95-193, § 32, 12-4-95; Ord. 5942, § 12, 10-4-78.]

18.42.130 Development standards.

Mobile home parks approved pursuant to this chapter shall comply with the following development standards:

A. Area. A mobile home park site shall include minimum area of five acres, unless a variance is granted pursuant to CCC 18.42.180.

B. Density. For the purposes of this chapter, "density" shall mean the number of mobile homes per acre of mobile home park area. Those areas of the park reserved for common recreation and open space having less than 20 percent slope, and under the same ownership as the area devoted to the mobile home park may be included in the calculation of the park density. The density shall not exceed by 50 percent the maximum density allowed in the zone in which the site is located, pursuant to the County Zoning Code, provided that in no case may density exceed nine units per acre. If the area is unzoned, the density shall not exceed by 50 percent the density recommended in the County Comprehensive Plan, provided that in no case may density exceed nine units per acre. However, in no instance, shall the maximum density of parks not served by community sewers, exceed that as specified by State Board of Health on-site sewage disposal regulations.

C. Sewage Disposal. A mobile home park not served by community sewer system shall comply with the State Board of Health On-Site Sewage Disposal Regulations. Prior to final site plan approval, the suitability of the soil for on-site sewage disposal shall be demonstrated for each lot. A person proposing a mobile home park served by a community sewer system shall provide engineering plans and specifications as approved by the Department of Ecology and the purveyor. Said approved plans and specifications shall be submitted to the Department prior to final approval.

D. Water Supply. Water supply shall be provided pursuant to State Requirements, WAC 248-76-270 and Chapter 248-54 WAC. Prior to final site plan approval, the water systems engineering plans and specifications as approved by the Department of Social and Health Services (and the pur-

veyor if hooking up to an existing system) shall be submitted to the Department. The water supply system shall be maintained and operated in full compliance with Chapter 248-54 WAC.

E. Fire Protection. The County Fire Marshal shall review the park's water system specifications, to assure that the system is designated for adequate water pressure to provide fire flow in conformance with the Uniform Fire Code. The Fire Marshal may require the applicant to submit engineering specifications to determine fire flow needs. All structures constructed or placed in the park shall comply with the Fire Code.

F. Difficult Development Land. If the Commission finds that the mobile home site is located in an area having detrimental natural features such as, but not limited to, flooding, severe slopes and potential soil slippage, it shall require the applicant to provide engineering plans which are adequate to overcome the problem(s). The Commission and/or Board shall condition the recommendations of said engineering report to the approval of the site plan.

G. Conventional Homes. Construction or placement of conventional homes shall not be permitted to a mobile home park. However, this requirement shall not prohibit the construction, enlargement, or alteration of one single-family conventional dwelling structure within the mobile home park for the exclusive use of the park owner or his agent.

H. Placement on Lots. No more than one mobile home shall be placed on any lot within a mobile home park.

I. Drainage. If site drainage plan does not adequately address the proper and safe drainage on or off the site, the Planning Commission shall require an engineering drainage report from the applicant as a condition of preliminary approval. The report shall address the requirements of Chapter 16.20 CCC. Said report shall be approved by the County Engineer if the County Engineer finds that the report provides for safe and proper drainage on and off the site. The Board of County Commissioners shall apply the recommendations of said report as a condition of final site plan approval.

J. Off-Street Parking. There shall be provided for the exclusive use of the occupants of each mobile home, two off-street parking spaces on each mobile home lot. Guest parking areas shall be provided at a ratio of one parking space for each four mobile home lots. This requirement is waived if the owner provides three off-street parking spaces per lot, or if the street width is sufficient to allow on-street parking on both sides. All off-street

parking spaces shall have a minimum dimension of 10 feet by 20 feet.

K. Park Streets. Mobile home park streets shall be surfaced with asphaltic concrete pavement (Class B) or Portland cement concrete pavement.

1. Street surface width minimums shall be as follows:

a. Forty feet for two-way streets with parking on both sides of the street;

b. Thirty-two feet for two-way streets with parking on one side of the street;

c. Twenty-six feet for two-way streets without on-street parking;

2. Dead-end streets shall not exceed a length of 500 feet and shall be terminated by a cul-de-sac having a minimum diameter of 70 feet;

3. Park entrances shall be located not less than 150 feet from public street intersections, as measured from the centerline of the public street to the center line of the park entrance street;

4. A public road shall be the primary means of access to the mobile home park site.

L. Nonresidential Uses Prohibited. Nonresidential uses are prohibited in a mobile home park, except the following:

1. Common recreation areas and facilities;

2. Community services serving only the occupants of the park;

3. Home occupations by special use permit pursuant to Chapter 18.10 CCC.

M. Maintenance. The park owner shall be responsible for maintenance of all common facilities and grounds such as, but not limited to, streets, sidewalks, perimeter screening, buildings and utilities.

N. Setbacks. All mobile homes, together with their additions and accessory structures, shall comply with the following minimum setback requirements:

1. Exterior park boundaries: If a lot is common with an exterior park boundary, the minimum setback shall be 15 feet; however, if the exterior park boundary is the right-of-way of a public road, the minimum setback shall be 25 feet from the property line or 55 feet from the centerline of the roadway, whichever is greater;

2. Interior park streets: 10 feet from the street boundary for any structure;

3. Side and rear yards: Five feet from side and rear lot lines for mobile homes; three feet for detached accessory structures on the same lot;

4. Between mobile homes: 10 feet;

5. Between mobile homes and detached accessory structures on adjacent lots: Eight feet;

6. Ten feet from common parking areas.

O. Screening and Landscaping. Screening and landscaping shall be required to make the mobile home park compatible with adjacent land uses. Landscaping plan shall show the following:

1. A five-foot minimum height screen consisting of evergreen trees and/or shrubs, site-obscuring fence, or wall along the perimeter of the park;

2. Proposed planting of trees and shrubs in the interior of the park;

3. All required planting shall be maintained in a healthy condition;

4. All required screening shall be set back from public road intersections a minimum of 15 feet.

P. Walkways. Adequate walkways shall be provided to and from all community service and recreational facilities. The walkway shall be designed to accommodate persons who are unable to walk due to a physical handicap.

Q. Lighting. Park entrances, streets, walkways, community service buildings and common parking areas shall be lighted.

R. Enclosed Storage Structures. One enclosed storage structure shall be required on each mobile home lot and one additional enclosed structure may be provided; however, no mobile home lot shall have more than two storage structures.

S. Mobile Home Skirting. Complete skirting shall be provided not later than 60 days following placement of the mobile home on the lot. Materials shall be fire resistant and of a permanent type.

T. Signs. Sign standards shall be as follows:

1. Two signs not exceeding an aggregate area of 16 square feet will be allowed in the mobile home park to designate the name of the mobile home park. The sign shall be a nonflashing, stationary type.

2. Advertising signs shall not be permitted except a temporary sale or lease sign, on behalf of tenants or on behalf of a park owner, making incidental sales or leases.

3. Incidental signs for the information and convenience of tenants and the public pertaining to vehicular and pedestrian rules of conduct.

U. Open Space. Areas designated as open space shall be developed and maintained as prescribed by the county when the mobile home park site plan is approved.

V. Recreational Vehicle. A plan for the placement and use of recreation vehicles within a mobile home park shall be included in the preliminary site plan. Common areas for the storage of recreation

vehicles shall be allowed within the mobile home park; however, the occupation of any recreational vehicles stored in the common area shall not be allowed. The county may alter the recreation vehicle plan in order to assure that the health, safety and welfare of the occupants of the park are maintained. [Ord. 5942, § 13, 10-4-78.]

18.42.140 Final site plan approval – Certification and recording.

The Board shall certify the approved final site plan by placing its signature on the final copy of said plan, and specifying the date of the Board's approval. All conditions of approval shall be placed on the site plan or made an attachment thereto. One copy shall be recorded in the County Auditor's office and a copy shall be retained in the Department. The applicant shall pay the recording fee. [Ord. 5942, § 14, 10-4-78.]

18.42.150 Mobile home placement permit.

A mobile home placement permit may be issued for a park lot if the Director finds as follows:

A. The mobile home park final site plan has been approved;

B. The lot and park improvements are consistent with the approved mobile home park site plans, and conditions attached thereto;

C. All required utilities and road access are available to the lot; provided that the community sewer and water system serving said lot shall be inspected by the purveyor during installation and certified as acceptable and compatible with approved engineering specifications;

D. The mobile home placement fee as required by Cowlitz County has been paid. [Ord. 5942, § 15, 10-4-78.]

18.42.160 Applications, fees and conditions.

A. Fees and charges for processing preliminary and final mobile home park site plans, checking and approving plans and specifications, performing inspections, recording final site plans, holding hearings, and other administrative actions under this chapter, shall be as from time to time established by resolution of the Board.

B. The approval shall be transferable from one person to another person at the same location.

C. The final site plan shall be drawn in black ink on mylar polyester film or approved substitute, in sheets 25 inches long by 18 inches wide. The applicant shall submit the mylar and two copies. [Ord. 87-015, § 5, 2-2-87; Ord. 5942, § 16, 10-4-78.]

18.42.170 Variances.

A. A variance from the standards in CCC 18.42.130, excepting density, may be granted by the Commission and the Board, at the time the site plan application is considered by both agencies.

B. The Board shall approve of the variance request if it finds that all of the following circumstances apply:

1. Because of special circumstances applicable to subject property including size, shape, topography and location, the strict application of this regulation would be to deprive subject property of rights and privileges enjoyed by other property in the vicinity;

2. The granting of the variances will not be materially detrimental to the public health or injurious to property or improvements thereon;

3. The granting of the variance will not materially compromise the goals and policies of the Comprehensive Plan or the spirit of the County Zoning Code.

C. Upon approval by the board of any variance, the Board may attach the following conditions to its approval as will assure that the development will conform to this regulation and the policies and goals of the Comprehensive Plan: specific location, construction sequence and timing, operation and maintenance, duration of use, removal of development upon termination of use, dedication of lands, compliance with approved engineering plans and specifications, off-street parking, setback, special screening, and other reasonable conditions deemed appropriate.

D. Required public notices shall indicate that a variance from the standards in CCC 18.42.130 is requested.

E. All variance requests after final site plan approval shall be made to the Hearing Examiner, appointed pursuant to CCC 18.10.340, and follow procedures pursuant to CCC 18.10.350 and 18.10.365, as amended. Upon the filing of an application for a variance, the Hearing Examiner shall set the time and place for a public hearing on such matter. Written notice thereof shall be mailed to all landowners of record within 300 feet of subject property. Said notice shall be addressed as shown on the current tax rolls and transmitted through the U.S. mail not less than 12 days prior to the hearing date. [Ord. 95-193, § 33, 12-4-95; Ord. 5942, § 17, 10-4-78.]

18.42.180 Enforcement.

A. The Director shall issue no permits for the construction, alteration, repair, placement of any

mobile home or other structure, or part thereof, unless a final site plan has been filed, and until such plans as are required under this chapter have been approved.

B. The Director, or his/her designee, shall make periodic inspections of the park to insure that the park is in conformance with this chapter and conditions of final site plan approval. [Ord. 93-102, § 26, 7-6-93.]

18.42.185 Violations – Penalties.

It is a civil infraction for any person to violate this chapter or assist in the violation of this chapter. Violations are subject to the provisions of Chapter 2.06 CCC. Any violation is a public nuisance. Each day a violation exists is a separate violation. Payment of any penalty imposed for a violation does not relieve a person from the duty to comply with this chapter. [Ord. 93-102, § 27, 7-6-93; Ord. 5942, 10-4-78.]

18.42.190 Conflict with other county regulations.

Where other county regulations are in conflict with this chapter, the more restrictive regulation shall apply and such application shall extend to those specific provisions which are more restrictive. [Ord. 5942, § 21, 10-4-78.]

18.42.200 Severability.

Should any section, clause or provision of this regulation be declared by the courts to be invalid, the same shall not affect the validity of the regulation as a whole or any part thereof other than the part so declared to be invalid. [Ord. 5942, § 20, 10-4-78.]

Chapter 18.44

TEMPORARY DWELLING PERMIT CODE

Sections:

- 18.44.010 Title.
- 18.44.020 Purpose.
- 18.44.030 Temporary dwellings authorized.
- 18.44.040 Temporary dwellings – Conditions.
- 18.44.050 Temporary dwellings – Permits.
- 18.44.060 Permit termination and renewal.
- 18.44.070 Appeals.
- 18.44.075 Violations – Penalties.
- 18.44.080 Severability.
- 18.44.090 Effective date.

18.44.010 Title.

This chapter may be cited as the “Cowlitz County Temporary Dwelling Permit Code.” [Ord. 6473, 1-7-80.]

18.44.020 Purpose.

The Board of County Commissioners deems it necessary to provide for the approval of temporary dwellings on lots already occupied by principal dwellings in order to satisfy certain personal hardships or needs of the rural and agricultural community without necessitating platting or short platting. Because such hardships or needs are personal and generally transitory, the approval of temporary dwellings shall not constitute a long-term land use commitment which may conflict with the Comprehensive Plan and implementing regulations.

This chapter identifies appropriate cases of hardship or need, provides criteria and a process for evaluating applications, and imposes minimum conditions on the establishment and maintenance of temporary dwellings. [Ord. 6473, 1-7-80.]

18.44.030 Temporary dwellings authorized.

Subject to the conditions and upon issuance of the permit provided for in this chapter, one or more temporary dwellings may be established and maintained on a lot, tract or parcel already occupied by a principal dwelling for use only by one of the following:

A. A person who is to receive from or administer to a resident of the principal dwelling continuous care and assistance necessitated by advanced age or infirmity; or

B. A caretaker, hired hand or other similar employee working on the lot, tract or parcel in connection with an agricultural or related use of the premises. [Ord. 6473, 1-7-80.]

18.44.040 Temporary dwellings – Conditions.

Temporary dwellings authorized in this chapter, shall be subject to the following minimum conditions:

A. A temporary dwelling permit as provided for by this chapter shall be obtained for all temporary dwellings to be placed on a lot, tract or parcel for more than 30 days;

B. The lot, tract or parcel shall be of such size and configuration, and the temporary dwelling shall be located thereon in such manner, as to enable compliance with applicable Comprehensive Plan, zoning, health, building code, and fire code regulations except density requirements;

C. The temporary dwelling shall be designed, constructed and maintained in a manner which will facilitate its removal on the termination of the permit. Temporary dwelling includes but is not limited to a mobile home, motor home, travel trailer or camper not attached to a motor vehicle;

D. A current vehicular license if applicable, shall be maintained on the temporary dwelling;

E. No more than one temporary dwelling per lot, tract or parcel shall be authorized under this chapter if the primary dwelling is a mobile home, unless approved by the Board of Adjustment;

F. No rent or other remuneration is paid for the occupancy of the temporary dwelling;

G. There are no anticipated adverse impacts on the neighborhood;

H. The public health, safety, and general welfare will not be adversely affected;

I. There are no reasonable alternatives to the establishment of a temporary dwelling. [Ord. 6473, 1-7-80.]

18.44.050 Temporary dwellings – Permits.

A. Applications for temporary dwelling permits shall be submitted to the Department of Building and Planning on forms provided by the county and shall be accompanied by a processing fee established for a mobile home placement permit, and shall include:

1. A site plan showing the size and boundaries of the lot, tract or parcel, the location of all existing buildings, and the proposed location of the temporary dwelling;

2. A description of the proposed temporary dwelling;

3. Documentation of approval of water supply and sewage disposal system by the appropriate governmental agency;

4. A notarized statement signed by the applicant setting forth the facts which specify the need

for the temporary dwelling; provided, that if the applicant is relying upon CCC 18.44.030(A), a letter from a medical doctor establishing the need for continuous care and assistance shall also be submitted. The statement must also indicate facts showing that there are no reasonable alternatives to the establishment of a temporary dwelling.

B. A permit for a single temporary dwelling may be issued by the Department of Building and Planning upon a finding that all the conditions of this chapter have been met. The issuance of a permit for an additional temporary dwelling on a site already occupied by one or more temporary dwellings shall be reviewed and approved by the Board of Adjustment. [Ord. 6473, 1-7-80.]

18.44.060 Permit termination and renewal.

A. A temporary dwelling permit issued pursuant to this chapter shall be valid for one year or until the termination of the conditions authorizing the temporary dwelling, whichever shall occur first.

B. A temporary dwelling permit may be renewed within 60 days from the date of expiration by filing a notarized statement showing the conditions authorizing the temporary dwelling still exist and setting forth any changes to the information previously furnished. Said permit shall be renewed unless the Department of Building and Planning finds that the conditions authorizing the permit have changed or that the temporary dwelling no longer meets the requirements set forth in this chapter.

C. A temporary dwelling permit issued pursuant to this chapter may be canceled or revoked at any time by the Hearing Examiner, if appointed pursuant to CCC 18.10.340, as amended, if it is found by the Hearing Examiner at a public hearing called for the purpose of considering such cancellation or revocation that:

1. Any of the conditions upon issuance of the permit as set forth in this chapter have not been complied with; or

2. The conditions authorizing the permit have changed.

D. Upon termination of the temporary dwelling permit, occupancy shall cease immediately and the temporary dwelling shall be removed. [Ord. 95-193, § 34, 12-4-95; Ord. 6473, 1-7-80.]

18.44.070 Appeals.

A. A person aggrieved by the granting or denial of a temporary dwelling permit may appeal the Department's decision to the Hearing Examiner, appointed pursuant to CCC 18.10.340, as amended,

within 20 calendar days. Any such appeal shall be filed in writing, along with the appropriate fee, with the Department of Building and Planning within 20 calendar days of the issuance of the decision. The appeal shall specify the reasons therefor. The Director shall provide the Hearing Examiner with findings and documentation relating to the decision being appealed. The Hearing Examiner, following a de novo hearing, shall affirm, modify or reverse the decision. The appellant carries the burden of proof on appeal.

Upon the filing of an appeal with appropriate fee, the Director shall set the public hearing before the Hearing Examiner. If the appeal is filed 20 calendar days or more before the Hearing Examiner's regularly scheduled monthly meeting, he/she shall hear the appeal at that meeting as set by the Director. For appeals filed within 19 calendar days of the regularly scheduled monthly meeting, the Hearing Examiner shall hear the appeal in the subsequent month.

Notice of the time, date and place of the hearing shall be sent to the appellant and the permittee by first class mail prior to the public hearing. Legal notice of the hearing shall be published in a newspaper of general circulation and the subject property shall be posted with said notice not less than 10 calendar days prior to the public hearing.

Within 10 calendar days after the public hearing, the Hearing Examiner shall issue a written decision, including findings of fact on which its decision is based. Such written decision shall be available to the appellant and the public upon request.

B. Fees for appeals of the Department's decision shall be from time to time established by resolution by the Board of County Commissioners.

C. Appeals of the Hearing Examiner decision shall be to a court of competent jurisdiction, pursuant to the Land Use Petition Act, Chapter 347, Washington Laws, 1995. [Ord. 95-193, § 35, 12-4-95; Ord. 95-033, § 1, 3-13-95; Ord. 6473, 1-7-80.]

18.44.075 Violations – Penalties.

It is a civil infraction for any person to violate this chapter or assist in the violation of this chapter. Violations are subject to the provisions of Chapter 2.06 CCC. Any violation is a public nuisance. Each day a violation exists is a separate violation. Payment of any penalty imposed for a violation does not relieve a person from the duty to comply with this chapter. [Ord. 93-102, § 29, 7-6-93.]

18.44.080 Severability.

Should any section, clause or provision of this chapter be declared by the courts to be invalid, the same shall not affect the validity of this chapter as a whole or any part thereof other than that so declared to be invalid. [Ord. 6473, 1-7-80.]

18.44.090 Effective date.

This ordinance shall become effective immediately upon adoption. [Ord. 6473, 1-7-80.]

Chapter 18.50**RURAL SUBDIVISION**

Sections:

- 18.50.010 Title.
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18.50.010 Title.

This chapter shall be known and may be cited as the "Cowlitz County Rural Subdivision Ordinance." [Ord. 80-154, § 1, 5-19-80.]

18.50.020 Purpose.

The purposes of this chapter are as follows:

- A. To provide for the timely public review, and procedures for residential development in the rural areas of the county;
- B. To insure the protection and preservation of the public health, safety and welfare;
- C. To encourage an appropriate use of the land;
- D. To provide for those services as outlined in Chapter 58.17 RCW including, but not limited to, safety from fire; adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote the coordinated development of unbuilt areas; to conserve, pre-

serve, and restore natural resources; insure that adequate provisions are made for parks, recreation and open space, schools, drainage, water, sewage disposal, garbage, transportation and other public services required for the public well-being;

E. To provide for the development of land in accordance with the Cowlitz County Comprehensive Plan, specifically those areas defined as rural residential;

F. To insure orderly development. [Ord. 80-154, § 2, 5-19-80.]

18.50.030 Applicability.

A. These regulations apply specifically to those areas classified as rural residential in the Cowlitz County Comprehensive Plan and/or the Zoning Code.

B. The regulations contained in this chapter shall apply to the division or redivision of land into five or more lots, tracts, parcels or sites, any one of which is less than five acres in area, for the purpose of sale, lease or transfer of ownership, except as provided in CCC 18.50.050. [Ord. 98-008, § 5, 1-20-98; Ord. 80-154, § 3, 5-19-80.]

18.50.040 Definitions.

For the purpose of this chapter, the following terms shall be defined as follows: All other words shall retain customary meanings.

1. "Access" means the right to ingress and egress from a public road vested in the owner or lessee of the land which adjoins a road or other highway.

2. "Administrator" means Director of the Department of Building and Planning.

3. "Block" means a parcel of land bounded by streets, railroad right-of-way, waterways, parks, unsubdivided acreage or a combination thereof.

4. "Board" means Board of County Commissioners.

5. "Boundary line adjustment" means a change in the location of lot lines within existing subdivisions or short subdivisions which does not result in an increase in the number of lots contained therein.

6. "Building site" means a parcel of land occupied or intended to be occupied by one main building and its accessory buildings, together with all other required yards, open space and setbacks.

7. "Commission" means Cowlitz County Planning Commission.

8. "Comprehensive Plan" means a coordinated plan for the physical development of the county, designating among other things, elements and programs to encourage the appropriate use of the land

to lessen congestion throughout the county in the interest of public health, safety and welfare and promote efficiency and economy. For the purposes of this chapter, the Comprehensive Plan is the text and map as adopted by the Board and thereafter amended.

9. "County" means Cowlitz County, Washington.

10. "Day" means day(s) that the office of the Administrator is open for business, unless otherwise specified.

11. "Dedication" means the deliberate appropriation of land by an owner for any general or public uses reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

12. "Department" means the Department of Building and Planning.

13. "Difficult development land" means land which the Administrator has found to be environmentally sensitive or unsuitable for subdivision due to the flooding, poor drainage, steep slopes, slide areas or potential slide areas, rock and soil foundations, or other features likely to be harmful to the safety and general health of the future residents and adjacent landowners.

14. "Divisions of land" means any conveyance not otherwise exempt or provided for in this chapter which alters the legal description of any lot or parcel that was segregated and recorded prior to the effective date of the ordinance codified in this chapter.

15. "Easement" means a written grant by property owner to specific individuals, corporations or to the public or its agencies to use his land for specific purposes.

16. "Engineer" means the Director of Public Works or his designee.

17. "Final plat" means an accurate map or representation of the subdivision showing lots, blocks, streets, alleys and other divisions and dedications prepared for filing for record with the County Auditor.

18. "Frontage" means property on the fronting street or extent of property along a road or street.

19. "Homeowners' association" means the grouping or uniting of persons residing within a defined area into an incorporated entity with a charter for the protection of a common enterprise.

20. "Improvement" means any structure or works constructed including, but not necessarily limited to, roads, storm drainage systems, ditches

and dikes, sanitary sewerage facilities, storm drainage containment facilities and water systems.

21. "Land surveyor" shall be defined by the Engineers and Land Surveyors Act as it now exists or is hereafter amended.

22. "Lot" means a fractional part of subdivided lands having fixed boundaries, and being of sufficient area and dimensions to meet current minimum zoning and Comprehensive Plan requirements for width and area. The term shall include tracts, parcels or sites.

23. "Master plan" means the map, sketch or other presentation filed with the Planning Commission showing the ultimate development pattern of a parcel of property that is to be developed in successive stages or subdivisions. The plan need not be completely engineered but shall be of sufficient detail to illustrate the property's inherent features and probable development pattern. The master plan will therefore be used as a guide in each successive stage of development until its completion.

23.1. "Open record hearing" means a hearing conducted by a single hearing body or officer authorized by the local government to conduct such hearings that creates the local government's record through testimony and submission of evidence and information.

24. "Owner" means any person who has property rights as a fee owner, contract purchaser or mortgagee, or, who controls a deed of trust as a beneficiary or grantor if such interest controls disposition of property.

25. "Person" means an individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture. The word "persons" shall also include a municipality, county or state agency.

26. "Preliminary plat" means a neat and approximate drawing of the proposed layout of streets, blocks, lots and other elements of the plat or subdivision which shall furnish a basis for the Planning Commission's approval or disapproval of the general layout of the plat or subdivision.

27. "Private road" means a roadway intended for the use of one or more private individuals and developed and maintained by those private individuals who benefit from its establishment.

28. "Protective covenants" means an agreement which binds a landowner and his successors in interest to do or refrain from doing certain acts with relation to the property which is the subject of such agreement.

29. "Public road" means a highway or roadway established and adopted by the proper authorities

for the use of the general public and over which every person has a right to pass and use for all purposes of travel or transportation for which it is adopted and developed.

30. "Right-of-way" is a general term denoting land, property or interest therein, usually reserved for transportation, or utility purposes.

31. "Road" means the improved and maintained portion of a right-of-way which provides vehicular circulation or principal means of access to abutting properties.

32. "Rural subdivision" means a subdivision that occurs within the county's rural areas as defined within the county's adopted Comprehensive Plan or Zoning Code, and described as rural residential.

33. "Street" means a road of usually limited continuity which serves primarily to provide access to abutting property.

34. "State Environmental Policy Act (SEPA)" is as defined in Chapter 43.21C RCW as it now exists or as hereafter amended.

35. "Subdivider" means any person, firm or corporation undertaking the subdividing or resubdividing of any parcel of land.

36. "Subdivision" means a division of land, for the purpose of sale, lease or transfer of ownership, into five or more lots, tracts, parcels, sites or divisions where any one of such lots, tracts, parcels, sites or divisions is less than five acres in size and shall include all resubdivision of land. [Ord. 96-064, § 1, 4-15-96; Ord. 80-154, § 4, 5-19-80.]

18.50.050 Exemptions.

The provision of this chapter shall not apply to the following:

A. Cemeteries and other burial plots, while used for that purpose;

B. Divisions made by testamentary provisions or the laws of descent;

C. Division of land approved pursuant to the Cowlitz County Short Subdivision Code or Urban Subdivision Code;

D. Boundary line adjustments;

E. Acquisition of land by purchase or lease to an agency or division of government vested with the power of eminent domain;

F. Divisions of land approved pursuant to the Cowlitz County Large Lot Subdivision Code or exempted pursuant to CCC 18.38.050(H);

G. Mobile home parks, as approved pursuant to Chapter 18.42 CCC. [Ord. 98-008, § 6, 1-20-98; Ord. 80-154, § 5, 5-19-80.]

18.50.060 Application.

A. Informal Review. Before making application for a rural subdivision, the applicant may arrange to have the proposal reviewed informally by submitting one copy of the proposal to the administrator for presubmission conference.

B. Preliminary Application. The preliminary application shall be on a form provided by the Administrator and shall contain the following information:

1. Proposed name of subdivision;
2. The name, address and telephone number of the owner;
3. The name, address and telephone number of the developer, if different from owner;
4. The existing zoning classifications, or Comprehensive Plan classification if area is unzoned;
5. The proposed method of sewage disposal, and, if public sewer is used, the name of the district or purveyor having management over the system;
6. The proposed method of water supply, and, if a public system is used, the name of the purveyor;
7. Signature(s) of owner(s) and developer(s).

C. Preliminary Plat. A map shall accompany the application prepared on a sheet of paper having dimensions of eight and one-half inches by 24 inches and containing the following information:

1. The date, scale and north arrow; the scale to be one inch equals 100 feet or one inch equals 200 feet, or other scale as may be approved;
2. The distances of the boundary lines, to scale, of the tract to be subdivided and each lot contained therein;
3. The number assigned to each lot;
4. The location, names, widths and auditor's file number of any existing easements, existing and proposed roads, existing and proposed rights-of-way for public services or utilities within the rural subdivision, and within 100 feet thereof, and location of the nearest public road, if there is not a public road within 100 feet;
5. The boundaries of all lands reserved in the deeds for the common uses of the property owners of the rural subdivision;
6. The location of permanent and topographic features which will have an impact upon the rural subdivision, such as all existing or platted streets adjacent to the rural subdivision, water-courses, railroad rights-of-way, all utility rights-of-way, township lines and section lines. Contour information may also be required;

7. A vicinity sketch clearly identifying the location of the property being subdivided, the sketch having a scale of not less than three inches to the mile.

D. Preliminary Supporting Documents.

1. An environmental checklist;
2. Copies of restrictions, covenants and agreements, if any, proposed and/or existing upon the use of the land. Such restrictions, if required by the county, must be recorded either prior to or simultaneously with the recording of the final plat;
3. An Assessor's or similar map showing:
 - a. All the adjacent property in which the subdivider has an interest,
 - b. All properties abutting those listed in C-1,
 - c. A master plan of the site,
 - d. A logical extension of roads and utilities that will bring services to the proposed subdivision and/or deliver services to the adjacent properties. [Ord. 80-154, § 6, 5-19-80.]

18.50.065 Fees and charges.

Fees and charges for processing preliminary and final plats, checking and approving plans and specifications, performing inspections, holding hearings, recording final plats, and other administrative actions under this chapter shall be as from time to time established by resolution of the Board. [Ord. 87-015, § 6, 2-2-87; Ord. 80-154, 5-19-80.]

18.50.070 General standards.

A. The following standards shall be applicable to all rural subdivisions.

1. Lot Size. The minimum size of any lot within a rural subdivision, located in an area zoned pursuant to the Cowlitz County Zoning Code, shall conform to the minimum lot size specified in the Zoning Code, or such larger size as specified by state health regulations.

In unzoned areas of the county, the minimum lot size within a rural subdivision shall be either as designated by the County Comprehensive Plan for that area or of such size as is required to meet state water and sewage disposal standards, whichever is greater.

2. Easements. Easements shall be provided where necessary for road, utility installation and maintenance, public access, drainage, and buffer strip or protective easements.

3. Master Plan. A generalized plan for the entire ownership shall be required to show that the road pattern and general arrangement for the rural subdivision can be coordinated with the entire tract

when fully developed. Topographic information may be required.

4. Surveys.

a. Surveys shall be required for all rural subdivisions; provided, that the Engineer may waive this requirement if there is sufficient survey data and monumentation, which means that all of the exterior boundaries are included in a previous survey unless a boundary is controlled by a physical barrier such as a river, and that at least two corners are monumented.

b. Monuments and Markers. If all the property has been surveyed, all permanent markers within the rural subdivision shall be located and described, and all controlling corners of the boundaries of the rural subdivision shall be marked by a three-fourths-inch galvanized iron pipe or approved equivalent driven flush with the ground. All markers set shall be marked with the land surveyor's registration number. All monuments and markers shall be shown on the face of the final plat.

5. Access. Each lot within a rural subdivision shall be provided with satisfactory access by means of a public or private right-of-way connecting to an existing and developed public street, or by some other legally sufficient right-of-access, inseparable from the lot to be served.

6. Lot Width. The minimum lot width shall be as set forth in the County Zoning Code for those zoned portions of the county. All rural subdivisions locating in unzoned areas of the county shall be consistent with the lot widths recommended by the County Comprehensive Plan or required by health regulations, whichever is greater.

7. All rural subdivisions shall comply with the minimum requirements of the Washington State Uniform Fire Code or such fire protection as adopted by the Board.

8. Difficult Development Land. Difficult development land shall not be subdivided unless the subdivider, within 90 calendar days following the original submission, provides acceptable plans for overcoming any harmful features. Reasonable conditions may be applied to rural subdivision approval to minimize harmful environmental conditions pertinent to the property.

9. Sewage Disposal. Where sanitary sewers are not available, each lot shall contain adequate area and proper soil and topographical drainage conditions to be served by an on-site sewage disposal system or shall be suitable for an alternative sanitary waste disposal system that meets state health regulations.

B. Standards applicable to all rural subdivision private roads are as follows:

1. Any right-of-way or road surface not open to general public use shall be retained as a privately owned and privately maintained road.

2. The face of any rural plat containing a private road shall bear the following language:

WARNING, Cowlitz County has no responsibility to build, improve, or maintain the private roads contained within or providing services to the property described in this plat nor to otherwise service such private roads.

3. Privately owned roads shall be open for necessary public use.

4. Private road right-of-way widths and improvements shall meet county standards as approved and adopted by the Department of Public Works.

5. Building line minimum setbacks shall be 25 feet from the nearest right-of-way line or 55 feet from the centerline of the right-of-way, whichever is greater.

6. A private maintenance agreement shall be required. The agreement shall list all of the private streets, easements, community utilities, and common properties to be maintained by the owners and shall provide for their maintenance. The agreement shall also provide for a minimum maintenance standard that insures that all items on the list can at all times be used for the function for which they were intended. In order to insure the continued good repair, it must be demonstrated to the Commission prior to the recording of the subdivision that:

a. There is a workable organization such as a homeowners' association, to guarantee maintenance with a committee or group to administer the organizational functions;

b. There is a means for assessing maintenance costs equitable to property owners served by the private streets, easements, community utilities and properties;

c. If at some future date it becomes feasible for the roads to become county roads, assurance shall be given that the roads will be brought up to county standards prior to the county's acceptance for maintenance and operation.

C. Standards applicable to all rural subdivisions along public roads are as follows:

1. Dedication or deeding or granting of an easement to the county of such right-of-way as may be consistent with adopted county standards

for public roads, or a portion thereof, shall be required within or along the boundaries of any lot(s) within the plat, under one or more of the following circumstances:

a. Where the Department of Public Works' six-year road improvement plan indicates the necessity of a new right-of-way or portion thereof for road purposes;

b. Where there is less than one-half of the standard right-of-way from the centerline of the right-of-way to the property line;

c. Where necessary to extend or complete the existing road;

d. When necessary to develop better traffic circulation in the community or neighborhood.

2. Public road improvements, consistent with adopted county or state standards and specifications for public streets, shall be required when new public right-of-way is deeded or dedicated.

3. Public roads right-of-way widths and improvements shall be consistent with adopted county or state road standards and specifications. [Ord. 80-154, § 7, 5-19-80.]

18.50.080 Administration.

A. The Director of the Department of Building and Planning shall serve as the Administrator with the responsibility and duty of administering the provisions of this chapter. The Administrator shall prepare and require the use of such forms as deemed essential to the implementation of this chapter.

B. Procedure – Application. Any person desiring to divide land situated in an unincorporated area of Cowlitz County, under the provisions of this chapter shall submit a preliminary application for rural subdivision review to the Administrator together with an application fee.

C. Procedure of Rural Subdivision Application. When the Administrator determines that the proposed rural subdivision application contains the required information and data as a basis for its approval or disapproval, a file number and a date of receipt shall be affixed to copies of the rural subdivision application and shall be distributed to the following:

1. Health Officer;
2. Engineer;
3. Cowlitz County Communication Center;
4. Fire District and/or Fire Marshal;
5. Public Utility District;
6. Any city within one mile of the proposed plat;
7. Any purveyor that is to supply utilities;

8. State Department of Transportation when state right-of-way is adjacent to the proposed plat;

9. School District;

10. Any federal, state and local agency which may have an interest in the rural plat as determined by the Administrator.

D. The Administrator shall set a date for return of findings and recommendations from each agency, the date to be 10 working days from the date of the application.

E. The Administrator shall set a date for public hearing and give legal notice pursuant to CCC 18.50.120. [Ord. 80-154, § 8, 5-19-80.]

18.50.090 Review by agencies.

A. The Health Officer or his designee shall notify the Administrator that:

1. The sanitary sewerage disposal methods contemplated for use in the proposed rural subdivision do or do not conform with current standards;

2. The feasibility of a potable water supply has or has not been demonstrated; or, if a public water supply is available, the name and approval of the supplier has been provided.

B. The Engineer shall notify the Administrator that:

1. The proposed road, utilities and other improvements do or do not conform to adopted standards;

2. Access to the boundary of all rural subdivisions will or will not be provided by an opened, constructed and maintained public road, except that access to the boundary of a rural subdivision by a private road may be permitted where such private roads are otherwise permitted by this title;

3. That the legal description or survey does or does not conform to the standard practice and principles of land surveying.

C. All agencies listed in CCC 18.50.080(C) shall notify the Administrator of their concerns and make recommendations. This includes the identification of difficult development land.

D. The appropriate fire district or fire marshal shall inform the Administrator of any concerns on fire flows and egress and ingress of emergency vehicles. [Ord. 80-154, § 9, 5-19-80.]

18.50.100 Administrator recommendations.

The Administrator shall review the reports and comments of the Health Department, Engineer, Fire District, and other affected agencies pursuant to CCC 18.50.080, and shall make recommendations to the Planning Commission to grant, condi-

tion or deny the rural subdivision, taking into consideration the following:

A. Whether it is in conformance with the general purposes, standards and requirements of the Cowlitz County Comprehensive Plan, Zoning Code, Environmental Policy Code, and any other applicable laws and county policies;

B. Whether appropriate provisions have been met as required by the reviewing agencies;

C. The physical characteristics of the rural subdivision site. The plat may be disapproved or conditioned because of difficult development land. Construction of protective improvements may be required as a condition of approval;

D. All other relevant facts to determine whether the public use or interest will be served by the rural subdivision;

E. Whether all standards for improvements as required by this chapter or as conditions for approval of the rural subdivision have been met;

F. If the subdivision is located in a critical area, as defined by state law or local regulations, the 60-day period may be extended to provide the applicant with sufficient time to comply with SEPA. [Ord. 96-064, § 12, 4-15-96; Ord. 80-154, § 10, 5-19-80.]

18.50.110 Administrator's report to the Planning Commission.

A. The Administrator shall report to the Planning Commission all findings and make recommendations for approval, conditional approval or denial of the preliminary application.

B. The findings shall include a summary of the reports from the agencies described in CCC 18.50.090 and any other facts relevant to the public use and interest to be served.

C. Such report shall be distributed to the applicant five calendar days prior to the scheduled Planning Commission meeting. [Ord. 80-154, § 11, 5-19-80.]

18.50.120 Planning Commission review.

Following public notice pursuant to CCC 18.32.500 through 18.32.530, the Commission shall consider all relevant evidence at an open record public hearing. Any hearing may be continued by the Commission, within the limits allowed by law. The Commission shall review the preliminary subdivision as follows:

A. To determine conformance of the proposed subdivision to the general purposes of this title, and Comprehensive Plan, zoning standards, specifications and policies of the county;

B. To inquire into the public use and interest proposed to be served by the subdivision and/or dedication. [Ord. 96-064, § 13, 4-15-96.]

18.50.130 Board of County Commissioner's approval/disapproval.

A. The Planning Commission's recommendation for approval or conditional approval or denial of the preliminary plat shall be forwarded to the Board of County Commissioners within 14 calendar days following the Planning Commission action.

B. Upon receipt of the recommendations on any preliminary plat, the Board shall, at its next public meeting, set the date for the public meeting where it shall consider the recommendations of the Planning Commission and may adopt, modify or reject the Commission's recommendations. If, after considering the matter at a public meeting, the Board deems a change in the Commission's recommendations approving or disapproving any preliminary plat is necessary, the Board shall adopt its own recommendations and approve or disapprove the preliminary plat.

C. The Board of County Commissioners may continue the meeting if more information is needed.

D. The Board shall approve, conditionally approve or deny the rural subdivision based on RCW 58.17.110 as follows: The Board shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine if appropriate provisions are made for, but not limited to: the public health, safety and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds. It shall consider zoning, the Comprehensive Plan and all other relevant facts and determine whether the public interest will be served by the subdivision and dedication. If it finds that the proposed plat makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets, alleys, or other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds and that the public use and interest will be served by the platting of such subdivision, and that it conforms with zoning and/or the Comprehensive Plan, then it shall be approved.

E. If it finds that the proposed plat does not make such appropriate provisions or that the public interest will not be served, then the Board may disapprove the proposed plat.

F. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat.

G. The board shall make findings of fact related to subsection F of this section and inform the applicant of these findings.

H. Approval of the preliminary subdivision will be effective for five years from the date of approval by the Board, during which time a final subdivision may be prepared. The Administrator may extend the approval period for not more than one additional year. Request for extension of approval time shall be submitted in writing, 30 days prior to the approval period lapsing. The Board may also require that the subdivision be resubmitted or remanded to the Planning Commission at any time after the five-year time period. [Ord. 96-064, § 14, 4-15-96; Ord. 80-154, § 13, 5-19-80.]

18.50.140 Final platting requirements.

A. Final Plat. The final plat shall be drawn in India ink on a sheet of mylar 18 inches by 24 inches, or approved substitute, and on a Standard Recorders Plat sheet, 18 inches by 25 inches, with a three-inch hinged binding on the left border, and shall contain the information, certificates, and statements required by this chapter. The plat scale may range from 50 feet to the inch to 200 feet to the inch. If more than one sheet is required, the sheets shall be numbered and indexed. The plat shall contain, but not be limited to the following:

1. Name of the subdivision;
2. Date, scale, north arrow and basis of bearing;
3. The bearings and distances of the boundary lines of the tract to be subdivided and of each lot contained therein drawn to scale;
4. Lot number and area of each lot;
5. Location, name, width, and nature of existing and proposed roads, rights-of-way, easements and the access to any public roads, private roads and utility easements shall be labelled as such;
6. Signature block or approval by Administrator, Engineer, Treasurer, Health Officer, and Board;
7. A plat containing a private road shall bear the following language:

WARNING, Cowlitz County has no responsibility to build, improve, or maintain the private roads contained within or providing services to the property described in

this plat nor to otherwise service such private roads.

8. All final plats shall bear the following statement:

Land within a rural subdivision shall not be further divided unless a replat is filed pursuant to Cowlitz County Subdivision Code and RCW 58.17.

9. When surveyed, the final plat shall be signed and sealed by a registered land surveyor, and shall contain the following:

SURVEYOR'S CERTIFICATE: This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of _____ (Signed and sealed) in _____, 20__.

Surveyor
Certificate No. _____:

10. Auditor's certificate as follows:

Filed for record this ___ day of _____, 20__, at ___ M., in book _____, of _____, at page _____, at the request of _____.

Signed _____
County Auditor

Signed _____
Deputy

11. Dedication, Acknowledgement, and Endorsement. A full and correct legal description of the subdivided tract and the following information shall appear in the following sequences on the final plat, lettered in ink either by hand or mechanical device:

Know all men by these presents that _____, the undersigned _____ owner(s) in fee simple _____ of the land hereby subdivided, hereby declare this subdivision and dedicate(s) to the use of the public forever, all streets and easements or whatever public property there is shown on the plat and the use thereof for

any and all public purposes; also, the right to make all necessary slopes for cuts or fills upon the lots, blocks, tracts, etc., shown on this plat in the reasonable original grading of all streets, shown hereon.

In WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s) this ____ day of _____, 20_____.

Signed and sealed _____

STATE OF WASHINGTON)
) ss.
COUNTY OF COWLITZ)

12. Notary Public – Certificate and Stamp.

THIS IS TO CERTIFY THAT on this ____ day of _____, 20____, before me, the undersigned, Notary Public, personally appeared _____, to me known to be the person(s) who executed the foregoing dedication and acknowledged to me that _____ signed and sealed the same as _____ free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year last above written.

NOTARY PUBLIC in and for the State of WASHINGTON, residing at _____

B. Engineer. The following shall meet the approval of the Engineer:

1. The layout of streets, alleys and other rights-of-way;
2. Design of bridges, sewage and water systems, and other structures;
3. The location of control survey monuments, ensuring that there is a controlled monument at each and every controlling corner of the boundaries of the parcel being subdivided.

C. Treasurer’s Office. The Treasurer’s Office shall provide a certificate that all taxes and delinquent assessment for which the property may be liable as of the date of the certification have been duly paid, satisfied, or discharged.

D. The Administrator shall certify that the conditions of preliminary approval have been accomplished.

E. Survey Requirements.

1. The plat shall be prepared under the supervision of a registered land surveyor.

2. A complete survey of the section or sections in which the plat or replat is located, or as much thereof, as may be necessary to properly orient the plat within such section(s).

3. The plat and section survey shall be submitted with complete field and computation notes showing the original or reestablished corners with descriptions of the same, and the actual traverse showing error or closure and method of balancing. A sketch showing all distances, angles and calculations required to determine corners and distances of the plat shall accompany this data. The allowable error of closure shall not exceed one foot in 5,000 feet.

F. Title Report. Any plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the land as described and shown on said plat is in the name of the owner signing the dedication certificate. [Ord. 80-154, § 14, 5-19-80.]

18.50.150 Final approval and recording.

A. All documents, maps, and survey books shall contain the name of the subdivision, the subdivider and the name and number of the registered land surveyor. All signatures placed on the final plat shall be original signatures.

B. The mylar of the final plat shall be filed in the Engineer’s office and be the property of Cowlitz County, and the recorders’ plat map sheet shall be filed with the Auditor.

C. If the subdivision contains facilities that are to be improved, constructed or installed prior to the approval of the final plat, the Board may accept a bond in an amount and with surety and conditions satisfactory to it. Such bond will secure to the county the actual construction and installation of such improvements and contain a specified time for their completion.

D. The Board may also require security for the operation of dedicated improvements for up to two years after final approval. [Ord. 80-154, § 15, 5-19-80.]

18.50.160 Enforcement.

A. No person shall divide real property subject to the provisions of this rural subdivision ordinance for the purpose of sale, lease, transfer of ownership

without full compliance with the provisions of this chapter. All development permits for the improvement of any parcel which is subject to provisions of this chapter shall be withheld until the provisions of this chapter are met.

B. The Administrator may revoke county development permits on parcels subject to this chapter which have been divided without full compliance with the provisions of this chapter.

C. The County Treasurer shall refuse to accept excise tax payment for any parcel of real property that has not been approved by the Administrator pursuant to this title.

D. Exception of Innocent Purchaser for Value. An application for building permit, septic tank permit, or other development permit for any land divided in violation of state law or this chapter shall not be granted without prior approval of the Board. Such approval shall only be given following a public meeting at which the applicant shall demonstrate to the satisfaction of the Board that:

1. The applicant purchased the lot, tract, or parcel for value; and

2. The applicant did not know, and could not have known by the exercise of care, which a reasonable purchaser would have used in purchasing land, that the lot, tract or parcel had been part of a larger lot, tract or parcel divided in violation of the state law or this chapter; and

3. The public interest will not be adversely affected by the issuance of such permit. [Ord. 80-154, § 16, 5-19-80.]

18.50.170 Relief for an innocent purchaser for value.

A. Except as provided in CCC 18.50.160, all purchasers or transferees of property divided in violation of this chapter shall comply with provisions of this chapter. Each purchaser and transferee may recover his damages from any person, firm, corporation, or agent selling or transferring land in violation of this chapter. This may include any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this chapter, as well as the cost of investigations, suit, and reasonable attorneys' fees occasioned thereby.

B. Such purchaser or transferee may, as an alternative to conforming to these requirements, rescind the sale or transfer and recover the costs of investigation, suit, and reasonable attorneys' fees occasioned thereby. [Ord. 80-154, § 17, 5-19-80.]

18.50.180 Unapproved rural subdivision – Filing.

The Auditor shall refuse to accept for filing any plat which does not bear the Administrator's certificate of approval. Should a rural plat be filed without such a certificate, the Prosecuting Attorney shall apply for a writ of mandamus on behalf of the Administrator, directing the Auditor to remove the unapproved plat from the Auditor's files. [Ord. 80-154, § 19, 5-19-80.]

18.50.190 Resubdivision requirements.

Land within a subdivision shall not be divided further until a final plat has been approved and filed for record pursuant to County Subdivision Code. [Ord. 80-154, § 20, 5-19-80.]

18.50.193 Special provisions for waivers.

It is recognized that in some cases pertaining to particular plats, circumstances may justify the granting of waivers from the standards of this chapter. Petitioners for waivers shall describe fully the specific waiver sought and the grounds for the application, and shall bear the burden of proof that approval of such application conforms to the standards of CCC 18.50.195. The Planning Commission shall develop separate recommendations on waiver applications and forward them to the Board along with the recommendation on the preliminary plat. The Commission's recommendation and the Board's action may be for a lesser degree of variance from a standard then sought by the applicant, and may include conditions. [Ord. 96-064, § 15, 4-15-96.]

18.50.195 Waiver standards.

In order for a waiver to be recommended by the Commission and approved by the Board, it must be determined that:

A. There are special topographic or other physical conditions affecting the property that are not common to other properties in the area;

B. Hardship, as distinguished from mere inconvenience, would result from strict compliance with the standards of this chapter;

C. The waiver complies with the spirit and intent of this chapter and will not be detrimental to the public health, safety, welfare or environment, or injurious to other property in the vicinity; and

D. A waiver will not have the effect of nullifying the spirit and intent of the Comprehensive Plan and land use ordinance. [Ord. 96-064, § 16, 4-15-96.]

18.50.200 Violations – Penalties.

It is a civil infraction for any person to violate this chapter to assist in the violation of this chapter. Violations are subject to the provisions of Chapter 2.06 CCC. Any violation is a public nuisance. Each day a violation exists is a separate violation. Payment of any penalty imposed for a violation does not relieve a person from the duty to comply with this chapter. [Ord. 93-102, § 29, 7-6-93.]

18.50.210 Severability.

If any section, subsection, or other portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, or portion thereof shall be deemed a separate provision of this chapter and such holding shall not affect the validity of the remaining portions of this chapter. [Ord. 80-154, § 21, 5-19-80.]

18.50.220 Effective date.

This chapter shall be in full force and effect from the date of adoption of the Board of County Commissioners. [Ord. 80-154, § 22, 5-19-80.]

Chapter 18.52**OPEN SPACE RATING ORDINANCE**

Sections:

- 18.52.010 Title.
- 18.52.020 Purpose.
- 18.52.030 Definitions.
- 18.52.040 Applicability.
- 18.52.050 Application.
- 18.52.060 Administration.
- 18.52.070 Basic criteria.
- 18.52.080 Assessed benefit rating and valuation schedule.
- 18.52.090 Removal from open space classification.
- 18.52.100 Fees and charges.
- 18.52.110 Severability.

18.52.010 Title.

This chapter shall be known as the “Cowlitz County Open Space Rating Ordinance.” [Ord. 95-078, § 1, 6-19-95.]

18.52.020 Purpose.

The purposes of this chapter are to:

A. Establish an open space current use assessment program based on land characteristics and public benefit;

B. Identify, restore, preserve and conserve those sites of historical, cultural, ecological and scientific significance, and other open space land as defined in RCW 84.34.020(1) and 84.34.020(8), as currently enacted or hereafter amended;

C. Provide incentives to landowners to conserve current use open space lands for the use and benefit of the public and for production of food and fibre, as provided in Chapter 84.34 RCW;

D. Provide assurance to the general public that any land reclassified under this chapter is and will be managed for the benefit of the public;

E. Provide a means to evaluate each application to ensure a balance of public benefit in exchange for revenue loss or tax shift that occurs with each open space reclassification. [Ord. 95-078, § 2, 6-19-95.]

18.52.030 Definitions.

For the purposes of this chapter the following definitions shall apply.

A. “Assessor” means the Cowlitz County Assessor.

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

C. "Commercial agricultural production" means the production of saleable quantities of organic materials produced from natural soil resources.

D. "Department" means the Cowlitz County Department of Building and Planning.

E. "Open space farm and agricultural conservation land" means either:

1. Land that was previously classified under RCW 84.34.020(2) (open space farm and agricultural land) that no longer meets the qualifying criteria for that classification; or

2. Traditional farmland that is not classified under Chapter 84.33 or 84.34 RCW that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture production.

F. "Open space land" means:

1. Any land designated by a comprehensive land use plan adopted by any city or the county and zoned accordingly; or

2. Any land area, the preservation and conservation of which in its present use would:

a. Protect, conserve and enhance natural or scenic resources and scenic vistas,

b. Protect streams and stream corridors, aquifers and aquifer recharge areas, or water supplies,

c. Promote conservation of soils, wetlands, beaches or tidal marshes,

d. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space,

e. Enhance public recreational opportunities,

f. Preserve historic sites,

g. Preserve visual quality along highway, road or street corridors,

h. Retain in a natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the Board when granting the open space classification, or

i. Protect and conserve soil used for or potentially used for commercial agricultural production.

G. "Planning Commission" means Cowlitz County Planning Commission.

H. "Rural" means an area with a planned density not greater than one dwelling per acre.

I. "Urban" means an area with a planned residential density of more than one residence per acre. [Ord. 95-078, § 3, 6-19-95.]

18.52.040 Applicability.

Any person seeking to re-classify land as open space for current use assessment as defined in RCW 84.34.020(1), 84.34.020(8), and this chapter as now enacted or hereafter amended, shall comply with the provisions of this chapter. Farm and agricultural conservation land classification(s) for properties not used for farming or agricultural use shall be effective for no more than five years, after which time the land must either be returned to commercial farm and agricultural use, or a revised conservation plan submitted for approval pursuant to this chapter. Failure to return the land to commercial farm and agricultural use or submit a revised conservation plan shall result in removal of the land from the current use program. Current use open space classification applies to the land and does not include any structure or land area that comprises the principal place of residence or residential accessory structures of the landowner or employee. [Ord. 95-078, § 4, 6-19-95.]

18.52.050 Application.

A. All application forms for open space reclassification shall be obtained from the Assessor, completed and submitted to the Department of Building and Planning, together with applicable fees for processing.

B. General Open Space. Each application for land reclassification into an open space category defined in CCC 18.52.030(F) shall include the following:

1. Written statement explaining how the proposed reclassification meets three or more of the criteria for the open space category sought;

2. A land conservation plan showing the measures that will be taken to maintain and protect the current use of the property. The conservation plan shall include:

a. Name, address and daytime telephone number of the owner,

b. The land owner's goals and objectives for the property,

c. Location of the property,

d. Size of the land area to be reclassified,

e. A site plan map locating all structures, including but not limited to house, barn, outbuildings, well, fields, fences, etc.,

f. An action plan that schedules the actual conservation and management practices that will be used to assure the public that the land will be managed in conformance with this chapter.

C. Open Space Farm and Agricultural Conservation. Each application for open space farm and

agricultural conservation land classification as defined in CCC 18.52.030(E) shall include the following:

1. Written statement explaining how the proposed reclassification meets three or more of the criteria for the open space category sought, and identifying the number of years previously taxed as farm and agricultural land under Chapter 84.34 RCW;

2. Conservation plan including all interim measures that will be followed to protect and manage the land in a manner that allows immediate resumption of commercial agricultural use. Each conservation plan shall contain the following information:

- a. Name, address and daytime telephone number of the owner,
- b. Location of the land,
- c. Size of the land area to be reclassified,
- d. Nontechnical soils description and agricultural capability classification as assigned in the soils survey for the county, published by the USDA, Natural Resource Conservation Service (formerly Soil Conservation Service),
- e. A copy of the published soils map showing boundaries of the subject land,
- f. List of the applicant's goals and objectives for managing the land,
- g. Schedule of measures that are and will be used to accomplish the goals and objectives, and
- h. Steps that will be taken to conserve the agricultural soils to allow immediate return to commercial agricultural production. [Ord. 95-078, § 5, 6-19-95.]

18.52.060 Administration.

A. The Director shall administer the provisions of this chapter. The Director may prepare any forms and procedures necessary to administer this chapter.

B. As required by RCW 84.34.037, each application reviewed under this chapter shall be processed in the same manner as an amendment to the Comprehensive Plan as provided in Chapter 36.70 RCW. The Department shall process each application for open space classification as follows:

1. The Department shall assign a file number, review the application, and prepare a report for Planning Commission recommendation at a public hearing for each application. The Department may consult with the Assessor, WSU Cooperative Extension Service, the Washington State Department of Natural Resources, the USDA Natural Resources Conservation Service, or Cowlitz County

Soil and Water Conservation District, or other agency regarding any open space reclassification or other current use application.

C. The Department report shall evaluate whether preservation of the current use of land, when balanced against the revenue loss or tax shift that may result from approving the application, will protect and conserve open space lands in conformance with this chapter, and is consistent with the adopted Comprehensive Plan. The Department may recommend conditions to assure conformity with zoning, the Comprehensive Plan, the neighborhood, and other applicable regulations.

D. The Planning Commission, following a public hearing, shall determine if the proposed reclassification conforms to the goals and policies of the Comprehensive Plan and this chapter, and make a recommendation for approval, approval with conditions, or denial to the board. The Planning Commission shall limit reclassification of farm and agricultural conservation land to no more than five years.

E. The Department shall transmit the Planning Commission recommendations to the Board, together with all conditions, findings and supporting documentation no later than 14 days following the Planning Commission decision.

F. The Board shall review each application at a regular meeting. The Board may by motion approve, approve with conditions, or deny an application as recommended by the Commission without holding a public hearing. If the board does not concur with the recommendation of the Planning Commission, the Board shall hold a public hearing, following notification and publication in a newspaper of general circulation at least 10 days prior to the hearing. Following such public hearing, the Board shall make a determination to approve the application, approve the application with conditions, or deny the application.

1. The determination and findings of the Board shall be made available to the public for review upon request.

2. The Clerk of the Board shall by regular mail send any current use assessment contract to the landowner in conformance with Chapter 84.34 RCW.

3. The landowner shall sign and return the contract within 25 days from the date of mailing, or all approvals for current use assessment reclassification shall become null and void.

4. The Assessor shall monitor the contract to determine compliance for the duration of the open

space classification in conformance with Chapter 84.34 RCW. [Ord. 95-078, § 6, 6-19-95.]

18.52.070 Basic criteria.

Applications for open space current use assessment reclassification will be evaluated and determined in accordance with the provisions of Chapter 84.34 RCW and this chapter. To qualify for a reclassification category, each applicant shall demonstrate that reclassification of the land meets three or more of the rating criteria shown in Tables 1 and 2 for each open space conservation and preservation category sought. Applicants are encouraged to apply for more than one open space conservation and preservation category to achieve a higher open space public benefits rating score.

Table 1 – Open Space Categories and Qualifying Criteria

<p>Land is designated as open space in a comprehensive land use plan and zoned open space by the local government</p>	<p>Protect, conserve and enhance natural or scenic resources</p>	<p>Protect streams or water supply, including stream corridors, aquifers and aquifer recharge areas</p>	<p>Promote conservation of soils, wetlands, beaches, tidal marshes, or natural shorelines</p>	<p>Enhance value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open space, and enhance public recreational opportunities</p>	<p>Promote conservation of unique or critical wildlife and/or native plant habitat</p>
<p>Land preserved in its natural state provides a greenway buffer along a river or stream. <input type="checkbox"/></p>	<p>Land is identified as rural residential or forestry open space in the County Comprehensive Plan. <input type="checkbox"/></p>	<p>All or a majority of the land provides flood storage during a regulatory flood. <input type="checkbox"/></p>	<p>Land is identified as rural residential, agricultural, or open space in the County Comprehensive Plan. <input type="checkbox"/></p>	<p>Land is located in areas designated in the Cowlitz County Comprehensive Park and Recreation Plan planned for additional recreational opportunities. <input type="checkbox"/></p>	<p>Land if preserved in its natural state protects a critical area identified and approved under the Cowlitz County critical areas ordinance. <input type="checkbox"/></p>
<p>Land preserved in its natural state prevents encroachment of urban development into commercial forest and agricultural areas. <input type="checkbox"/></p>	<p>Land is located adjacent to a scenic highway or scenic vista with an unrestricted view of the property and beyond. <input type="checkbox"/></p>	<p>Land abuts a stream or river where, if land use alterations occur, damage from runoff, siltation, infiltration, or other development actions can jeopardize surface or ground water quality. <input type="checkbox"/></p>	<p>Preservation of the natural area protects beaches and natural shoreline area. <input type="checkbox"/></p>	<p>Land is contiguous to an existing public park, commercial forest, wildlife preserve, nature reservation or sanctuary, interpretive center or visitor’s center. <input type="checkbox"/></p>	<p>Land if preserved in its natural state provides a buffer for a regulated wetland with an open water component, and provides plant and wildlife habitat. <input type="checkbox"/></p>
<p>Land preserved in its natural state or current use prevents the spread of urban density development into designated rural areas. <input type="checkbox"/></p>	<p>Land if preserved in its current use provides unrestricted view of open space timber or agricultural fields and seasonal farm activities. <input type="checkbox"/></p>	<p>Land is characterized with a high water table and rapidly draining soils. <input type="checkbox"/></p>	<p>The site provides unique opportunities to observe, study and preserve specific natural or manmade wetland management areas. <input type="checkbox"/></p>	<p>Land provides a buffer between development and adjacent high use recreation areas, such as a municipal park or golf course. <input type="checkbox"/></p>	<p>A wildlife habitat management plan has been prepared by a qualified expert. <input type="checkbox"/></p>
<p>Land preserved in its natural state or current use protects identified or delineated critical areas as defined in the Cowlitz County critical areas protection ordinance. <input type="checkbox"/></p>	<p>Land provides unrestricted view of river, lake, hydropower reservoir, or classified and designated wetland area. <input type="checkbox"/></p>	<p>Land provides unique opportunities to study and conserve natural areas for floodplain management. <input type="checkbox"/></p>	<p>Preservation of the current use promotes identifiable conservation principles and wildlife habitat management. <input type="checkbox"/></p>	<p>Land preserved provides low intensity public recreational opportunities for nonmotorized access, picnicking, and tent camping. <input type="checkbox"/></p>	<p>Land is located in a big game migration corridor and provides essential wildlife habitat. <input type="checkbox"/></p>

Land is designated as open space in a comprehensive land use plan and zoned open space by the local government	Protect, conserve and enhance natural or scenic resources	Protect streams or water supply, including stream corridors, aquifers and aquifer recharge areas	Promote conservation of soils, wetlands, beaches, tidal marshes, or natural shorelines	Enhance value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open space, and enhance public recreational opportunities	Promote conservation of unique or critical wildlife and/or native plant habitat
Land is located within a designated geologic hazard area delineated pursuant to the Cowlitz County critical areas ordinance. <input type="checkbox"/>	Land currently provides habitat for unique or critical wildlife or native plants. <input type="checkbox"/>		A college or public school has contracted to use the land for promotion of land conservation principles, and the curriculum has been approved by the contracted school. <input type="checkbox"/>	Reclassification of the land provides public access to an area suitable for providing a protective buffer for adjacent wetland, riparian vegetation, wildlife habitat. <input type="checkbox"/>	
Other:	Other:	Other:	Other:	Other:	Other:
Limited public access is provided	Limited public access is provided	Public access is provided	Limited public access is provided	Public access is provided	Limited public access is provided
Column total:	Column total:	Column total:	Column total:	Column total:	Column total:
Scoring: One (1) point for each benefit criteria met in a column. A minimum three (3) points necessary to qualify for an open space category. Public access counts only once, and is applicable to no more than one category.					
ATTENTION: Applicant must provide a management plan identifying the measures that will be taken to ensure the continuation of the current use of the land.					

Table 2 – Open Space Categories and Qualifying Criteria

Preserve historic sites	Retain as natural area, one acre or larger tract in urban areas, if available for public use	Protect traditional farm and agricultural land and soils from irrevocable conversion to nonagricultural uses, and maintain the land in a condition that allows immediate resumption of commercial farm and agricultural uses	Protect traditional or unique farm and agricultural land and soils from irrevocable conversion to nonagricultural uses, and maintain the land in a condition that allows immediate resumption of a commercial farm and agricultural uses
		(Category 1 or Category 2 – Five acres and larger tracts*)	
Land is listed on the State and/or National Historic Register. <input type="checkbox"/>	Protection and preservation of the current land use provides passive recreational uses such as bird watching, nature trails, and observation of other natural wildlife habitat in urban areas. <input type="checkbox"/>	Farm and agricultural conservation land are less than five acres in size, but more than two acres. <input type="checkbox"/>	There are no sanitary sewer services adjacent to the land, and the property is not within an adopted sewer service area plan. <input type="checkbox"/>
Land is part of an ongoing archaeological study area. <input type="checkbox"/>	Use of the land is open to public, with no exclusions on the basis of membership. <input type="checkbox"/>	Land is designated in the Cowlitz County Comprehensive Plan as agriculture, rural residential RR-1, RR-2, or forestry/open space, or is zoned AG, AG-38, RR-1, RR-2, or forestry recreation. <input type="checkbox"/>	Land and soils are mapped and defined by the USDA Natural Resources Conservation Service as Class 1, 2, 3, 4, and/or 5; and the land is located outside the boundaries of any urban area identified in the Cowlitz County Comprehensive Plan, or outside any urban growth management area approved by the Board and city. <input type="checkbox"/>
Land and/or building is listed on the county historical inventory. <input type="checkbox"/>	Preservation of the land provides a unique opportunity for wetland management, floodplain management, and/or wildlife management in an urban setting. <input type="checkbox"/>	Land and soils are mapped and defined by the USDA Natural Resources Conservation Service as Class 1, 2, or 3. <input type="checkbox"/>	Land has a documented history of commercial agricultural production, and has potential for returning to commercial agricultural production at any time. <input type="checkbox"/>
Land has historic significance to the Cowlitz County Museum, Cowlitz Indian Tribe, or Governor’s Office of Indian Affairs. <input type="checkbox"/>		The site has been classified as commercial farm and agriculture land as defined in RCW 84.34.020(2) for five or more years. <input type="checkbox"/>	The site contains more than five acres capable for return to commercial agricultural production. <input type="checkbox"/>
Other:	Other:	Other:	Other:
Limited public access is allowed.		No public access is provided.	No public access is provided.
Column total:	Column total:	Column total:	Column total:
*Applicant must provide a conservation/management plan identifying the measures that will be taken to ensure the continuation of the current use of the land. Agricultural conservation plans must also provide for the immediate resumption of commercial farm and agricultural use.			
Scoring: One (1) point for each benefit criteria met in a column. A minimum three (3) points necessary to qualify for an open space category. Public access counts only once, and is applicable to no more than one category.			

[Ord. 95-078, § 7, 6-19-95.]

18.52.080 Assessed benefit rating and valuation schedule.

An owner's assessed valuation for land reclassified as open space shall be reduced according to the schedule listed in Table 3.

Table 3

Public Benefit Rating	Assessed Value Reduction Benefit
1 – 2 points	Ineligible for open space classification
3 points	30%
4 points	40%
5 points	50%
6 points	60%
7 points	70%
8 points	80%
9 or more points	90%

[Ord. 95-078, § 8a, 6-19-95.]

18.52.090 Removal from open space classification.

Any land not managed in conformance with the conditions of approval, and with the approved conservation plan and contract, shall be removed from classification as open space for current use assessment by the Assessor, and all compensating taxes shall become due. In order to requalify for an open space classification the landowner shall be required to reapply pursuant to this chapter. [Ord. 95-078, § 8b, 6-19-95.]

18.52.100 Fees and charges.

Fees and charges for processing an application under this ordinance shall be as from time to time adopted by resolution of the Board. Such fees shall be nonrefundable. [Ord. 95-078, § 9, 6-19-95.]

18.52.110 Severability.

If any section, subsection, or other portion of this chapter is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such section, subsection, or portion thereof shall be deemed a separate provision of this chapter and such holding shall not affect the validity of the remaining portion of this chapter. [Ord. 95-078, § 10, 6-19-95.]

Chapter 18.56

CAMPGROUND AND RECREATION FACILITIES

Sections:

- 18.56.010 Title.
- 18.56.020 Purpose.
- 18.56.030 Definitions.
- 18.56.040 Applicability.
- 18.56.050 Exemptions.
- 18.56.060 Authority and administration.
- 18.56.070 Preapplication and preliminary site plan application requirements.
- 18.56.080 Application procedures for preliminary site plan approval.
- 18.56.090 Health standards applicable county-wide.
- 18.56.100 Minimum land use and site design standards applicable in unincorporated areas.
- 18.56.110 Site development.
- 18.56.120 Final binding site plan.
- 18.56.130 Violations – Penalties.
- 18.56.140 Annual operating permit required – Inspections and records.
- 18.56.150 Fees and charges.
- 18.56.160 Appeals.
- 18.56.170 Severability.
- 18.56.180 Effective date.

18.56.010 Title.

The ordinance codified in this chapter shall be known as the “Cowlitz County Recreational Vehicle Park and Campground Binding Site Plan Code.” [Ord. 98-194, § 1, 11-16-98.]

18.56.020 Purpose.

The purposes of this chapter are:

A. To ensure the public health, safety and welfare of all recreational vehicle parks and campgrounds within Cowlitz County, including the incorporated areas as well as unincorporated areas, through the application of health regulations adopted pursuant to authority and responsibility granted the local Health Official under RCW 70.05.070.

B. To implement various policies and goals of the Cowlitz County Comprehensive Plan and shorelines management master program, including land use, community facilities and services, environment, economic development, and housing, relative to unincorporated areas of Cowlitz County, pursuant to authority and responsibility to adopt of-

ficial land use controls under RCW 36.70.640 and shorelines regulations under Chapter 90.58 RCW.

C. To provide, pursuant to authority provided in RCW 58.17.035 and 58.17.040(5), for a binding site plan method of land subdivision in unincorporated Cowlitz County for purposes of lease of commercial property where camping units are permitted to be placed upon the land.

D. To provide quasi-judicial and administrative procedures, pursuant to Chapter 36.70C RCW, for land use approval of recreational vehicle parks and campgrounds.

E. To provide for the creation of new and expansion or modification of existing recreational vehicle parks and campgrounds in unincorporated areas of Cowlitz County that meet the needs and protect the interests of users, the recreational vehicle industry, and adjacent landowners.

F. To assure the compatibility of recreational vehicle parks and campgrounds in the unincorporated areas of Cowlitz County with adjacent and nearby land uses by establishing development standards, while providing for flexible designs.

G. To protect public health, safety and welfare. [Ord. 98-194, § 2, 11-16-98.]

18.56.030 Definitions.

For the purposes of this chapter the following terms are defined:

“Binding site plan” means a drawing prepared to a scale, approved and recorded in conformance with this chapter, that identifies and shows: (1) the proposed division of land for the purpose of leasing spaces for use of areas or spaces in recreational vehicle parks and campgrounds; (2) the areas and locations of all roads, streets, improvements, utilities, open spaces and other matters required by this chapter; (3) inscriptions or attachments setting forth the limitations and conditions for use of the land; and (4) provisions that subsequent site development conform with the recorded binding site plan. [RCW 58.17.020(7)]

“Camper,” also referred to as a “truck camper,” means a structure designed and constructed to be mounted upon a motor vehicle which provides facilities for human habitation or for temporary outdoor or recreational lodging and which is five feet or more in overall length and five feet or more in height from its floor to its ceiling when fully extended, but shall not include motor homes as defined in RCW 46.04.305. [RCW 46.04.085]

“Camping cabin” means a structure that may include cooking facilities or plumbing facilities,

but not both, designed to provide sleeping quarters for recreational purposes.

“Campground” means any parcel or tract of real property that is designed for camping or outdoor recreation and containing two or more camping spaces offered for the use of the public or members of an organization. Campgrounds may or may not necessarily be designed to accommodate recreational vehicles. Campgrounds may be “primitive,” where no sanitary facilities are provided for the comfort and convenience of campers. Campgrounds may be “semi-primitive,” where rudimentary facilities (privies and/or fireplaces) may be provided. Campgrounds may be “developed,” where utilities (sewer, water, and electricity), restrooms and refuse disposal are available. Campgrounds may be “fully developed,” with one or more service buildings. [Based in part on RCW 19.105.300(13), National Association of RV Parks and Campgrounds research, and ANSI A 119.4]

“Camping resort” means a use of land conducted by an enterprise that owns, operates, or promotes one or more campgrounds that include or will include camping spaces. [Based on RCW 19.105.300(1)]

“Camping space” means a specific area designed for the purpose of locating a camping unit, of sufficient size to accommodate the camping unit for which it is designed. [Modified based on RCW 19.105.300(2) and National Association research]

“Camping unit” means a portable structure, shelter, or vehicle designed and intended for occupancy by persons engaged in RVing or camping. This term is intended to be generic to include, but is not limited to, recreational vehicles, tents, and camping cabins.

“Commercial coach” means a structure transportable in one or more sections that is built on a permanent chassis, certified by the Washington State Department of Labor and Industries, designed to provide commercial quarters which may be connected to utilities necessary for operation of installed fixtures and appliances.

“Commercial forest” means a tract of land 20 acres or larger identified and taxed as “classified forest land” pursuant to Chapter 84.33 RCW or a tract of land five acres or larger classified as “current use open space timber land” pursuant to Chapter 84.34 RCW, as it now exists or is hereafter amended.

“Construction campground” means a campground, established on a temporary basis for a construction activity and where all recreational vehicles are removed within 15 days after comple-

tion of the construction project, providing temporary spaces for independent unit recreational vehicles for the exclusive use of persons employed at specific construction projects, and the family members or guests of persons employed.

“Day use area” means a recreational facility established or maintained for picnicking and other daytime uses, where no overnight parking or camping is permitted on the premises.

“Department” means the Cowlitz County Department of Building and Planning, or as may be renamed or reorganized.

“Deck” means a roofless structure, typically made of wood, supported by posts or columns that may stand independently or be partially supported by a camping unit.

“Director” means the Director of the Department of Building and Planning, or designee.

“Gray water” means water that is contaminated with soap, grease, etc., normally associated with bathing of people, washing dishes, laundry, and wastewater from cooking. This term does not include human or animal body wastes.

“Health Official” means the Department staff who administer those aspects of this chapter that apply county-wide, including within cities of the county, that pertain to public health issues, including water supply, on-site sewage disposal, and solid waste disposal.

“Hearing Examiner” means the Cowlitz County Hearing Examiner, established under Cowlitz County Ordinance 95-193.

“Lease” means an oral or written contract for the use, possession, or occupancy of property. The term includes “rent.”

“Lot” means a parcel, tract, division, subdivision, or site under single or combined ownership as shown by the records of the Cowlitz County Auditor. The term includes all contiguous land under the same ownership, regardless of whether the land is located in more than one section or assessor’s tax lot, except lots created pursuant to Chapter 18.30, 18.32, 18.34, 18.38, or 18.50 CCC.

“Mobile home” or “manufactured home” means a structure, designed and constructed to be transportable in one or more sections, and is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. The structure must comply with the National Mobile Home Construction and Safety Standards Act of 1974 as adopted by Chapter 43.22 RCW, if applicable. [RCW 46.04.302]

“Motor home” means a motor vehicle originally designed, reconstructed, or permanently altered to provide facilities for human habitation, which include lodging and cooking or sewage disposal, and is enclosed within a solid body shell with the vehicle, but excludes a camper or like unit constructed separately and affixed to a motor vehicle. [RCW 46.04.305]

“On-site sewage system” means an integrated arrangement of components for a land use not connected to a public sewer system which conveys, stores, treats and/or provides subsurface soil treatment and disposal on the property where it originates, or if approved by the Health Official on adjacent or nearby property, and which includes piping, treatment devices, other accessories, and soil underlying the disposal component of the initial and reserve areas. [WAC 246-272-00501]

“Open record hearing” means a hearing conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government’s record through testimony and submission of evidence and information, for the basis of a quasi-judicial decision. It also establishes standing in terms of the quasi-judicial hearing before the Hearing Examiner.

“Operating permit” means an annual permit issued by the Director indicating that a recreational vehicle park or campground located within the incorporated and unincorporated areas of Cowlitz County meets all applicable health regulations, and that a recreational vehicle park or campground located within unincorporated areas meets site plan approval and development standards specified in this chapter.

“Pad” means the area within a camping space where a camping unit is parked or placed.

“Park model” means a recreational vehicle specifically designed to be placed in a recreational vehicle park where it can be connected to water, sewer or on-site septic, and electricity, and to provide seasonal, temporary, or permanent living quarters.

“Park trailer” means a vehicular unit as defined under WAC 296-150B-015(37), which meets the following criteria:

1. Built on a single chassis, mounted on wheels.
2. Designed to provide seasonal or temporary living quarters when connected to approved water and sewage disposal systems, electrical power source, and other utilities necessary for operation of installed fixtures and appliances.

3. A unit with gross exterior area measurement not exceeding 400 square feet. Such square footage includes all siding, corner trim, and molding, storage space, and area enclosed by windows, but not the roof overhang.

“Person” means any individual, firm, corporation, partnership, association, or agency of state, county or municipal government.

“Pre-existing recreational vehicle park or campground” means a recreational vehicle park or campground which existed on or before the effective date of this chapter, or one that was not built prior to the effective date of the ordinance codified in this chapter, for which there is a site plan of the existing layout, including water, sewer, and sanitary facilities, spaces, and all other facilities, on file with the Director, and for which the owner holds and maintains an annual operating permit.

“Public hearing” means an open record hearing, or other hearing authorized by law, where the public is invited to provide on record testimony to the Hearing Examiner.

“Recreational vehicle” means a vehicular type unit primarily designed for recreational camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle. The basic entities are: travel or “fifth wheel” trailer, camping trailer, park trailer, camper, motor home and multi-use vehicles. [WAC 296-150B-015(32)]. Recreational vehicles are of two types:

1. “Dependent unit” means a recreational vehicle that has no sewage disposal holding capacity and/or devices for connecting sewage disposal facilities to a community waste disposal system. Occupants of such units are dependent upon external water and waste disposal systems that cannot be connected to the unit.

2. “Independent unit” means a recreational vehicle containing holding capacity for potable water, gray water and human wastes, and/or has devices for connecting to sanitary sewers or on-site waste disposal systems, or pumping stations for waste disposal. Occupants of such units are independent of external water and waste disposal systems for a limited period because such systems are constructed in the units. However, on-board water systems must be replenished, and on-board gray water and human waste receptacles must be emptied in proper facilities from time to time.

“Recreational vehicle park” means a developed campground, governed by a set of public or private management rules, that accommodates recreational vehicles on camping spaces for paying guests and which may include park-owned recreational vehi-

cle(s) for rent. A recreational vehicle park is distinguished from a campground in that all or some of the camping sites provide recreational vehicle utility connection assemblies to enable the camping unit to connect to water, sewage disposal, electric power, telephone and sometimes cable television.

“Recreational vehicle storage area” means an area of land, operated by a business that leases or rents secured storage spaces, used substantially for the purpose of storing two or more unoccupied recreational vehicles.

“Sewage station or sewage dumping station” means a facility used to remove, store, treat and/or dispose of sewage and gray water from recreational vehicles and recreational vehicle holding tanks.

“Screening” means vegetation, a fence, or earthen berm, or combination thereof, that provides a visual and acoustical barrier between a site and another site.

“Temporary campground” means a site, approved by the Director at least 20 days in advance of use, for camping units for 14 days or less per year.

“Tent” means a transportable temporary shelter, consisting of synthetic fabrics or natural skins stretched over a flexed or rigid framework, that is set up and used on a camping space.

“Tent cabin” means a semi-permanent structure containing less than 200 square feet total area, with either or both conventional and nonconventional construction that is used as sleeping quarters in a recreational vehicle park or campground, and that has no bathroom or heating facilities constructed into the unit.

“Travel trailer” means a trailer built on a single chassis transportable upon the public streets and highways that is designed to be used as a temporary dwelling without a permanent foundation and may be used without being connected to utilities. [RCW 46.04.623] [Ord. 98-194, § 3, 11-16-98.]

18.56.040 Applicability.

Any person who proposes to establish, construct, alter, expand or modify a recreational vehicle park or campground in unincorporated Cowlitz County shall comply with the requirements of this chapter. For any proposal to expand a pre-existing recreational vehicle park or campground in unincorporated Cowlitz County, only the new or expanded portion of the development shall be required to meet the standards and requirements of this chapter, unless there is a public health or public safety issue involved in the existing development that in the Director’s opinion must be corrected; in which

case upgrades of existing park or campground development may be required as part of the preliminary site plan review process. Any person who proposes to continue operation of an existing recreational vehicle park or campground anywhere in Cowlitz County, including incorporated areas, shall comply with the applicable portions of this chapter by obtaining an annual operating permit. No recreational vehicle park or campground shall be operated in Cowlitz County, including incorporated areas, except in conformance with this chapter. No land area may hereafter be created, sold or leased for overnight occupancy of two or more camping units in unincorporated Cowlitz County, except in conformance with this chapter. [Ord. 98-194, § 4, 11-16-98.]

18.56.050 Exemptions.

The following are exempt from the provisions of this chapter, unless otherwise specified in this chapter:

- A. Pre-existing campgrounds, provided, however, that an annual operating permit is required;
- B. Day use areas; provided, however, that appropriate sanitary facilities are provided as may be required by the Health Official;
- C. Recreational vehicle storage areas;
- D. Temporary campgrounds, upon a demonstration by the owner or operator that the site conforms to all applicable requirements and upon the issuance of a temporary campground permit by the Director; provided further, a copy of the site plan shall be filed with the Director for the duration of the operation of the temporary campground;
- E. Construction campgrounds, upon a determination by the Health Official that the site conforms to all applicable health requirements and upon the issuance of a construction campground permit by the Director; provided further, a copy of the site plan shall be filed with the Director for the duration of the construction campground;
- F. A single recreational vehicle approved for occupancy pursuant to Chapter 18.44 CCC as it now exists or is hereafter amended;
- G. A single recreational vehicle located on a lot for temporary recreation purposes, provided that the recreational vehicle is an independent unit and there is no permanent residential unit on the subject lot. [Ord. 98-194, § 5, 11-16-98.]

18.56.060 Authority and administration.

The Director or his/her designee shall administer, interpret, and enforce this chapter. The Director shall have the authority to issue permits for tempo-

rary campgrounds and construction campgrounds, to administratively approve a final binding site plan for a recreational vehicle park or campground that conforms with its approved preliminary site plan, to administer requirements of this chapter pertaining to annual operating permits, and to perform or cause to be performed certain inspections of recreational vehicle parks and campgrounds. The Director shall provide such forms and establish such procedures as may be necessary to administer this chapter. [Ord. 98-194, § 6, 11-16-98.]

18.56.070 Preapplication and preliminary site plan application requirements.

A. Preapplication Conference. Any person desiring to develop, expand, alter or modify a recreational vehicle park or campground shall request and attend a preapplication review conference with the Department, utility service purveyors, and other appropriate agencies, prior to submitting a recreational vehicle park or campground preliminary site plan application. A preapplication site plan shall be submitted, together with a master application form, an unsigned, but completed draft environmental checklist, available topographic maps, Assessor's tax map, and applicable fee. The preapplication site plan shall show and identify existing and proposed buildings, roads, the configuration of recreational vehicle parks or locations of existing utility and drainage easements, potable water source, and method of sewage disposal.

1. The Department shall coordinate and hold a preapplication meeting between the applicant and agencies within 30 calendar days following submission of a preapplication request. The purpose of this conference is to identify issues, standards and requirements, in order for the applicant to evaluate the project for preparation of a complete application for preliminary site plan for a recreational vehicle park or campground.

2. Discussion topics during the preapplication conference may include, but are not limited to: the probable maximum permitted density of the recreational vehicle park or campground, project layout, traffic circulation, sewage disposal, potable water, fire flow, soils and topography, Comprehensive Plan, shorelines management master program if applicable, zoning if applicable, potential environmental issues, critical areas, resource lands, and stormwater drainage and treatment.

3. Participation in a preapplication conference and any conclusions reached at the conference shall in no way guarantee future site plan approval, or prohibit the identification and discussion of

additional concerns during the preliminary site plan application process.

B. Preliminary Site Plan Application. A complete recreational vehicle park or campground application as required by the Director, and copies thereof, shall be submitted as follows:

1. Master Application. A Department master application form showing: name, address, telephone number, FAX number and e-mail address, if available, of the applicant and owner of the property; section, township, range, donation land claim, subdivision, short subdivision, tax lot number(s), tax parcel(s) number, Auditor's fee number, project address, and a project description, including name/title of the proposed recreational vehicle park or campground, the number of spaces, and proposed construction schedule.

2. Preliminary Site Plan. The site plan shall include the following:

a. The site plan, drawn to an engineering scale acceptable to the Director, showing: the boundaries of the subject property; the proposed location, configuration and size of each camping space; access roads, public and private, within and adjacent to the proposed development; the location of drainage structures and stormwater management facilities; open spaces and other areas to be left undeveloped, such as common areas, resource lands, and critical areas; amenities such as picnic areas, playgrounds, landscaped areas and buffers, and swimming areas; and the location of the recreational vehicle park or campground management office or owner/manager's residence, and all existing buildings and structures on site as well as buildings, structures, and uses proposed to be developed in the recreational vehicle park or campground. The site plan shall show phases of development, if proposed. Topography of the site may be required to be shown on the site plan, at the discretion of the Director.

b. A vicinity map, at an appropriate scale, showing the project site and roads to the site.

c. Name of the proposed recreational vehicle park or campground, name of the applicant, name of the landowner if different from the applicant, the applicant's address, daytime telephone number, date, north arrow, scale, section, quarter section, township, range and donation land claim, subdivision or short subdivision lot, and property boundaries; and the acreage and proposed density of the recreational vehicle park or campground.

d. On the site plan or on a drawing separate from the site plan, a preliminary utility plan drawn to an engineering scale of one inch equals

100 feet or other approved scale, for water, sewer or on-site waste disposal, and solid waste disposal facilities, showing, as applicable, wells, community water faucets, water connection stands, size of water trunk and distribution lines, location of fire protection facilities such as hydrants and reservoirs, sanitary sewer lines or septic tank locations with drainfields, showers, restrooms, gray water disposal stations, and solid waste containers. All existing easements and proposed easements must also be shown on the site plan or utility plan.

e. An estimate of the amount of all on-site grading including the amount and type of material to be excavated or used for fill.

3. Supplemental Information. The following information shall be provided to supplement the application for preliminary site plan approval:

a. Copy of a deed or contract showing land ownership and a legal description of the property including references to section, township, range, subdivision, short subdivision and/or donation land claim, as appropriate.

b. Evidence of potable water supply, such as a water availability certificate or letter of availability from a public system provider.

c. An environmental checklist completed, signed and dated. The checklist shall identify the anticipated impacts and measures proposed to mitigate such impacts.

4. Fees as required; provided, the fee paid for the preapplication shall be credited toward the proposed preliminary site plan application, if the application is submitted within six months from the date of the preapplication meeting. [Ord. 98-194, § 7, 11-16-98.]

18.56.080 Application procedures for preliminary site plan approval.

Upon receipt of a complete application for preliminary site plan approval, the Director shall affix a file number and date of receipt on the application and begin processing the application as set forth below. Where possible, the Director shall coordinate the processing of an application for preliminary site plan approval for a recreational vehicle park or campground concurrent with the requirements of other statutes, regulations or ordinances, including but not limited to, Chapters 19.11 and 19.15 CCC.

A. Interagency Review. The Director shall circulate as deemed necessary the application to applicable federal, state, and local departments and agencies for comment. This interagency review

may be conducted simultaneously with review under the State Environmental Policy Act (SEPA).

B. Notice to Adjacent Property Owners. The Director shall mail or deliver a notice of the pending application to all persons owning property within 300 feet of the boundaries of the property proposed to be developed, as identified in the records of the Cowlitz County Assessor. Such notice shall contain a description of the proposed request, the location of the subject property, and the date, time and place of the public hearing to be held on the application. Such notice shall be mailed or delivered at least 10 days in advance of the public hearing date established for such application.

C. Other Notice. The Director shall cause to have posted on the site one or more signs in conspicuous location(s) on or near the subject property, and shall publish a legal advertisement in a newspaper of general circulation in the community, both of which shall contain a description of the proposed request, the location of the subject property, and the date, time, and place of the public hearing to be held on the application. Such sign(s) shall be posted and legal advertisement shall be published at least 10 days in advance of the public hearing date established for such application.

D. Director's Report. The Director shall prepare a report of findings and recommendations on the application. The report shall be transmitted to the applicant and the Hearing Examiner in advance of the public hearing. Findings shall address the proposed application's consistency with the Comprehensive Plan, this chapter, and other applicable regulations. The Director may recommend, and the Hearing Examiner may impose, conditions on the application approval that are designed to carry out the purposes of this chapter and the County's Comprehensive Plan.

E. Public Hearing. The Hearing Examiner shall hold an open record public hearing on the application at the time, date, and place as advertised in the notices and signs on the property. The Hearing Examiner shall receive testimony from the applicant and interested individuals; and shall consider the Director's report on the application, prior to making a decision.

F. Decision. The Hearing Examiner shall have the authority, and shall exercise that authority, to approve, approve with conditions, or deny the application. The Hearing Examiner may make his/her decision following the close of the public hearing but shall render such decision within 10 days following the public hearing date. The decision of the Hearing Examiner is final unless

appealed in accordance with the procedures established in this chapter. The Director shall provide the applicant and all parties of record a written notice of the Hearing Examiner's decision.

G. Criteria for Decisions. In reviewing and deciding on applications for preliminary site plan approval for a recreational vehicle park or campground, the Director's report shall consider, and the Hearing Examiner's decision to approve, approve with conditions, or deny an application shall be based on consideration of, the extent to which the proposed recreational vehicle park or campground is:

1. Compatible with other existing uses within the general area;
2. Consistent with goals, policies, objectives, and recommendations of the Cowlitz County Comprehensive Plan and if applicable, the shorelines management master program;
3. In conformance with the uses allowed in the zoning classification within which the subject property is located; and
4. Meets all applicable requirements and standards of this chapter.

H. Duration of Preliminary Site Plan Approval. Preliminary site plan approval of a recreational vehicle park or campground shall be effective for five years from the date of approval. If a final binding site plan is not approved and recorded within this five-year time period, preliminary site plan approval shall expire; provided, however, if the applicant completes and files all plans and specifications and substantially meets all conditions required as part of the preliminary approval, and the applicant requests an extension at least 30 days prior to the expiration date, the Director may grant one two-year extension of preliminary application approval, during which time all construction shall be completed or guaranteed. Failure to complete construction of required improvements or provide satisfactory assurance of completion in the manner provided in CCC 18.32.660 within the two-year time extension period shall result in rescission of preliminary site plan approval, and it shall be necessary to resubmit an application for preliminary approval if the project is to continue. Any resubmitted application shall be subject to the regulations in effect at the time of resubmission. [Ord. 07-146, § 1, 10-16-07; Ord. 98-194, § 8, 11-16-98.]

18.56.090 Health standards applicable county-wide.

All recreational vehicle parks and campgrounds shall meet the following standards:

A. Water Supply. A water supply serving a recreational vehicle park or campground shall conform to the requirements of Chapter 246-290 WAC, as now enacted or hereafter amended, and the following minimum standards:

1. Where an existing public water supply of satisfactory quantity and quality is reasonably available, the Health Official may require connection to that supply for all domestic water purposes at the recreational vehicle park or campground.

2. Development of a recreational vehicle park or campground without an approved domestic water supply shall require written approval from the Health Official.

3. All new and replacement water faucet installations used to provide potable water shall be equipped with an approved anti-siphon device.

4. All new and replacement water faucet installations shall be mounted so that the outlet is at least 30 inches above the ground.

5. Surface drainage shall be diverted away from the riser pipe.

6. Domestic water supply systems shall conform to the Uniform Plumbing Code where applicable.

7. Water supply systems used for other than domestic water shall be signed as "not safe for drinking." Water supply systems for nonpotable uses shall not be cross-connected to public water (potable) supplies.

8. The owner of a potable water supply system shall submit water samples to the Health Official as may be required.

9. Potable water supply systems may be prohibited in areas subject to flooding.

B. Sewage Disposal and Public Restrooms. All recreational vehicle parks and campgrounds shall discharge sewage and gray water to sewage disposal systems approved by the Health Official. Recreational vehicles may be connected to a public sanitary sewer system or an on-site sewage system if approved by the owner/operator and the Health Official. Connection to a public sewer system may be required. Unless each camping space allows for connection of camping units to potable water and wastewater disposal systems, there shall be at least one sewage pump-out station conveniently located with access from the service driveway and with easy ingress and egress for recreational vehicles in each recreational vehicle park or campground that is designed to accommodate recreational vehicles.

1. For camping spaces not connected to a sewage disposal system, there shall be clearly identified and approved dumping stations and facilities

for the disposal of gray water convenient to each camping space. Every such sanitary facility shall be provided within a 300-foot radius of any camping space.

2. Sealed vault toilets, chemical toilets, or pit privies, or other alternate sewage disposal system, may be installed in lieu of utility buildings, subject to approval from the Health Official.

3. In addition to meeting the location requirements for sanitary facilities as described above, the sanitary facilities shall include the appropriate quantities of toilets, urinals, hand-washing sinks, and shower stalls as approved by the Health Official, based on minimum standards for sanitary facilities.

4. Sewage dumping stations and sewer connections shall comply with the following minimum standards:

a. Inlet pipes shall have a trap;

b. Inlet pipes shall be four inches in diameter;

c. Inlet pipes shall be at the center of a two feet by two feet concrete apron;

d. Concrete aprons shall be sloped to the drain;

e. A water outlet shall be provided to permit periodic washdown of the area around the station;

f. The water outlet shall be signed "this water is for flushing and cleaning purposes only" or "unsafe for drinking" at dumping stations;

g. Inlet pipes shall have a self-closing lid at dumping stations;

h. The sewer riser pipe shall be so constructed as to prevent surface drainage from entering the inlet;

i. All materials used for sewer connections shall be noncorrosive, nonabsorbent and durable;

j. The sewer inlet shall be tightly capped when not in use, and the cap shall be connected to the riser by a means suitable to prevent its loss;

k. The park or campground owner is responsible for seeing that all tenants are properly connected to the sewer inlet to prevent spillage.

5. Minimum sanitary facilities, including toilets, urinals, and hand washing sinks, for new recreational vehicle parks and campgrounds shall be provided as required by the Health Official.

6. Public restrooms shall be constructed to meet all applicable building codes and the following standards:

a. Buildings shall be well lighted and ventilated and constructed of materials which are easily cleaned;

b. Floors shall be constructed of water-impervious materials and sloped to a drain;

c. Walls and partitions around showers, lavatories and other plumbing fixtures shall be constructed of nonabsorbent, waterproof material or covered with a moisture-resistant material;

d. Toilet partitions shall be raised 12 inches from the floor and shall be so constructed as to be easily cleaned;

e. Toilet paper shall be provided at each toilet;

f. Hand-cleansing soap and approved sanitary towels or other hand-drying devices shall be provided.

C. Solid Waste. No person shall dispose of or discard sewage, gray water, or other waste materials onto the ground. All storage, collection, and disposal of solid waste in the recreational vehicle park or campground shall be in conformance with the minimum functional standards set forth by the Washington State Department of Ecology and administered by the Health Official.

1. Approved solid waste containers shall be placed within 200 feet of each camping space.

2. Solid waste collection areas having more than one container may require screening with a sight-obscuring fence.

3. All solid waste containers shall have covers. [Ord. 98-194, § 9, 11-16-98.]

18.56.100 Minimum land use and site design standards applicable in unincorporated areas.

Each recreational vehicle park or campground in unincorporated areas shall meet the following standards:

A. Size. The minimum area for a recreational vehicle park shall be two acres. The minimum area for a campground shall be one acre.

B. Camping Space Standards. Standards for camping unit spaces within recreational vehicle parks and campgrounds shall be as follows:

1. Width. The minimum space width shall be 20 feet.

2. Use. No more than three camping units shall occupy any individual space in a campground at any time. Only one recreational vehicle shall occupy an individual space at any time, though a camping space may be occupied by one recreational vehicle and one or two tents. No decks, porches, outdoor storage, or other exterior additions shall be attached to a recreational vehicle or constructed or erected on a camping space; provided, however, that an awning designed as part of

and permanently attached to a recreational vehicle shall be allowed. Wheels and tires shall not be removed from any recreational vehicle, nor shall skirting be allowed. Nothing in this subsection shall conflict with the Americans with Disabilities Act requirements, where applicable, for access to an individual recreational vehicle.

3. Grading and Surfacing. All camping spaces shall be graded nearly level, except that each space shall be designed to provide drainage to a stormwater treatment area. Cinder, gravel, or comparable non-dust-creating, semi-permeable, all-weather surfaces of a size approved by the Director shall be provided for all recreational vehicle pad areas. Primitive campgrounds do not require all-weather surfaces.

4. Fences and Walls. No fence or wall shall be erected between camping unit spaces, except a retaining wall or a guardrail may be installed for safety purposes.

5. Lot Identification Numbers. Camping space numbers at least four inches in height shall identify each space and shall remain readily identifiable while in use.

6. Design. Each camping space shall be designed and constructed at such elevation, distance, and angle with respect to its access to provide for safe and efficient placement and removal of camping units.

7. Setbacks. The setback for camping spaces from any public road or private road right-of-way exterior to the recreational vehicle park or campground shall be 25 feet from the edge of the right-of-way or road easement, or 55 feet from the road centerline, whichever is greater. Natural and landscape vegetation shall be retained and maintained along exterior property lines and within exterior setback areas of the recreational vehicle park or campground to the maximum extent possible. Other setback standards are as listed in Table 1.

Table 1 – Minimum Setback Standards

Camping space boundary to exterior side or rear property line	15 feet
Distance between camping unit or awning to camping unit or awning on an adjacent space	10 feet
Distance for camping unit from travel surface of interior roads	5 feet
Cabin or tent cabin setback from interior roads	20 feet
Camping space distance from water/sewer connections at the space site	5 feet
Maximum distance for dependent RV to restroom building	300 feet

Distance between camping unit and a fire pit	8 feet
Distance between fire pit and adjacent commercial forest land	100 feet

In addition, no camping unit shall be placed or parked within a required setback area. Uses in setback areas shall be restricted to underground utility lines, exterior boundary fences, or security posts, and landscape vegetation; provided, a towed passenger vehicle, other than a recreational vehicle, may be parked within an internal front yard setback area required for an individual camping unit space. Fences, utility lines, or landscape vegetation located within a setback area, if permitted, shall not interfere with access and driving sight distances.

C. Exterior Fencing or Buffering. If the proposed campground would be visible from a residence on an abutting property, side and rear exterior boundaries shall be fenced and/or buffered with vegetation. Fences shall be no less than six feet in height, and shall be sight obscuring. Any such fence shall be installed prior to operation of the recreational vehicle park or campground. Any fence shall be neutral in color and blend with the surrounding area. The fencing requirement may be waived if the recreational vehicle park or campground owner is also the owner of the contiguous residence.

D. Roads. The road system, both within and adjacent to the proposed recreational vehicle park or campground, shall be designed to meet the requirements of the County Fire Marshal and the traveling public to include the following:

1. Recreational vehicle parks and developed campgrounds shall have legal and permanent access to an improved public road. Vehicles waiting to get into the recreational vehicle park or campground shall not be permitted to block traffic on the public road.

2. The grade of any interior road shall not exceed 12 percent.

3. All interior roads shall be constructed to county fire apparatus access standards. Asphalt or concrete may be required to conform with the county fire apparatus access standards. All roads, access driveways, and parking spaces shall be surfaced to provide drainage and to avoid dust. Cinder, gravel, or comparable non-dust-creating, semi-permeable, all-weather surfaces shall be provided for all roads and parking areas.

4. One-way interior roads shall be constructed with a minimum surface width of 12 feet, and shall be designated "no parking."

5. Two-way interior roads shall be constructed with a minimum surface width of 22 feet, and shall be designated "no parking."

6. Interior roads shall be looped, or a turn-around(s) meeting fire apparatus access requirements shall be provided at the end of all roads.

7. Minimum vertical clearance on all roads shall be 13 feet, 6 inches.

8. Interior roads shall be clearly marked at each intersection to identify traffic directions and camping space numbers served by the road.

E. Drainage. Drainage facilities shall be designed and engineered to provide no measurable increase in the rate of storm water runoff into the receiving drainage for a 25-year storm event.

F. Parking. A recreational vehicle park or campground shall meet the following parking standards:

1. There shall be no on-street parking.

2. There shall be no parking permitted within required exterior front, side or rear yard setbacks.

3. A recreational vehicle park or campground and its associated buildings, structures, and uses shall provide off-street parking for passenger vehicles and recreational vehicles in quantities approved by the Director. In addition to the parking spaces required by the Director, one or more disabled parking spaces shall be provided in locations convenient to origins and destinations. Generally, the Director will apply the criterion that guest parking spaces should be provided at a ratio of one parking space per eight camping spaces. Any towed passenger vehicle shall be parked within the boundary of the camping space, or, in cases where a recreational vehicle fully occupies the camping space, such passenger vehicle shall be parked in a guest parking space. Guest parking spaces shall be grouped and distributed evenly throughout the recreational vehicle park or campground.

G. Density. For campgrounds without sanitary sewer service, the maximum density of a recreational vehicle park or campground shall be based on consideration of the capacity of the soils to handle on-site sewage disposal as determined by the Health Official, consistent with applicable requirements of Chapter 246-272 WAC; provided, however, that such density must be found to be compatible with surrounding land uses and consistent with the county's Comprehensive Plan. Generally, the application of health rules for on-site sewage disposal suggest densities in the range of six to nine units per acre depending on soil type and the number of camping spaces. For recreational vehicle parks or campgrounds with an approved

sanitary sewer connection to each camping space, the density shall not exceed 20 camping spaces per gross acre; provided that such density is consistent with zoning and other applicable regulations and meets environmental policies of the county.

H. Electrical and Other Utility Connections. Electrical hookups may be provided to each camping space. If provided, the minimum amperage shall be 30 amps per space. Other services, such as television and telephone cable service, may be permitted. All electrical and other connections shall be:

1. In compliance with applicable local and state codes;
2. In close proximity to the user.

I. Lighting. All security or safety lighting shall be designed, hooded, and placed in a manner that does not cause direct light or glare to trespass onto any property located outside the boundaries of the recreational vehicle park or campground, or interfere with the motoring public on adjacent roads.

J. Fire Protection. Fire safety precautions shall be provided as required by the Uniform Fire Code (UFC), and recreational vehicle parks and campgrounds shall be subject to the following:

1. Fire hydrants shall be provided as required by the UFC.
2. Fire pits and barbecue pits shall be constructed of noncombustible material.
3. Primary fuel breaks may be required within 30 feet around any portion(s) of the campground containing a fire pit.
4. Ground fireproofing shall be maintained for 25 feet around a structure and for 10 feet around all fire pits and barbecue pits.
5. All chimneys shall be equipped with spark arresters.
6. Bath houses, cabins, lodges or other permanent or semipermanent structures may be required to have noncombustible roofs.
7. Additional building or camping space setbacks may be required from exterior property lines that abut commercial forest land as defined by this chapter, during the preliminary site plan review process.

K. Caretaker's Residence. One caretaker's residence and/or office facility for the owner or operator of the recreational vehicle park or campground may be allowed. Except for the park or campground owner's or a caretaker's residence, no manufactured home or mobile home shall be occupied, stored, or parked in a recreational vehicle park or campground. No manufactured home or mobile home unit shall be used for commercial, assembly,

or accessory use within a recreational vehicle park or campground.

L. Accessory Uses. Laundry, assembly, or commercial accessory or service uses may be allowed, provided, each structure meets commercial construction standards. The appropriateness of all proposed accessory uses and their compatibility with adjacent land uses will be considered as part of the site plan review. Unless specifically approved for use by nonoccupants of the recreational vehicle park or campground, such accessory uses are restricted in their use to occupants of the recreational vehicle park or campground. Each accessory use or structure shall be accessible by improved pedestrian path convenient to occupants of the park or campground. Any manufactured coach used for laundry, assembly or commercial use shall be a commercial coach. No building, mobile home, or commercial coach shall be constructed or placed, except in conformance with applicable regulations and after securing the appropriate permits.

M. Swimming Facilities. All swimming facilities shall comply with the rules and regulations pursuant to Chapter 248-98 WAC, as now exists or is hereafter amended.

N. Exterior Boundary Survey. Exterior boundaries and all road centerlines shall be surveyed and monumented by a surveyor licensed in the State of Washington.

O. Open Space and Recreation. A minimum eight percent of the total site area within the recreational vehicle park or campground shall be set aside as open space or set aside and developed for active or passive recreation space. [Ord. 98-194, § 10, 11-16-98.]

18.56.110 Site development.

Following preliminary site plan approval, the applicant shall proceed with completion of engineering plans and specifications for roads, water, sewage disposal, drainage and stormwater treatment, power, cable, and other utility services. Following approval of the engineering plans and specifications, construction of the recreational vehicle park or campground may commence in conformance with the approved plans and specifications. Any deviation from the approved plans shall be subject to written approval from the Director. Following installation and construction of the required improvements, as-built plans for the water system, sewage disposal system, road construction, storm drainage, and other improvements shall be prepared and certified by an engineer registered in the State of Washington. Two copies of the certi-

fied as-built plans shall be submitted with the final binding site plan. [Ord. 98-194, § 11, 11-16-98.]

18.56.120 Final binding site plan.

A. Final binding site plan approval is an administrative process. The final binding site plan and three copies shall be prepared on 18-inch by 24-inch acetate sheets. The acetate sheet(s) shall contain the following:

1. A drawing at a scale of one inch equals 100 feet or other approved scale showing the location of all roads, camping spaces, pads, required parking spaces; external setbacks, natural and human-made drainage ways, ponds, detention and stormwater treatment areas, wetlands; easements for water and sewage disposal lines, septic tank location(s), and gray water disposal sites; fire hydrants and reservoirs; solid waste disposal site(s); fire pits; location and dimensions of any office, restrooms, showers, cabins, and other permanent buildings and other structures; and location of all survey monuments. An inset may be used to show a typical camping space and illustrate setbacks and space improvements in lieu of showing individual setbacks and improvements for each camping space;

2. The number and location of each camping space shall be shown on the site plan as light dashed lines;

3. Signature and date blocks for each of the following:

a. Owner(s) of record of the subject property,

b. Notary public, attesting to the authenticity of the owner's signature,

c. Surveyor's and/or engineer's signature(s) and seal,

d. Director, Health Official, County Engineer, County Treasurer or Deputy, and County Auditor or Recording Deputy, or authorized designees,

e. Board of County Commissioners and Clerk of the Board, only if the site plan includes land or improvements dedicated to Cowlitz County;

4. Written description of the surveyed boundaries of the recreational vehicle park or campground property;

5. Other information as may be required by the Director;

6. The Treasurer shall sign to certify that the taxes for the subject property are paid through the current year;

7. The Director shall signify final site plan approval by signing the final binding site plan, pro-

vided, an incomplete final binding site plan shall be returned to the applicant for correction within 15 days of submittal to the Department.

B. One copy of the approved site plan shall be recorded and filed in the Auditor's records; three copies shall be stamped with the recording data and signed by the Auditor. Two copies shall be filed in the Department. A recreational vehicle park or campground shall not be considered legal and approved until the approved final binding site plan has been recorded and filed with the County Auditor.

C. The operator of a recreational vehicle park or campground shall establish rules and regulations for the management of the establishment and its guests and employees, and each guest or employee staying or employed in the establishment shall conform to and abide by such rules and regulations so long as the guest or employee remains in the park or campground. The submission of recreational vehicle park or campground management rules shall be required at the time an applicant files for final binding site plan approval. [Ord. 98-194, § 12, 11-16-98.]

18.56.130 Violations – Penalties.

It is a civil infraction for the owner of the recreational vehicle park or campground and any other person to violate the provisions of this chapter or assist in the violation of this chapter. An owner of a recreational vehicle park or campground and the manager are jointly responsible to operate a campground in compliance with this chapter, and each is also responsible for tenant compliance. Violations of this chapter are subject to the provisions of Chapter 2.06 CCC. Any violation is a public nuisance. Each day a violation continues is a separate infraction. Payment of any fine imposed for an infraction does not relieve a person from the duty to comply with this chapter. [Ord. 98-194, § 13, 11-16-98.]

18.56.140 Annual operating permit required – Inspections and records.

A. All recreational vehicle parks and campgrounds shall require an annual operating permit issued by the Director. Temporary campgrounds and construction campgrounds shall not require an annual operating permit. Such permit shall be displayed in a conspicuous manner in the office of the recreational vehicle park or campground for the duration of the permit. The purposes of the annual operating permit are to ensure, through public inspection, that the recreational vehicle park or campground continues to operate in accordance

with approved plans and applicable regulations. Failure of an owner or operator of an existing recreational vehicle park or campground to apply annually for and obtain an operating permit shall result in loss of pre-existing status, and the recreational vehicle park or campground shall be required to meet the requirements and standards of this ordinance, as applicable, or cease operation. Such application shall be applied for during the month of January each year.

B. The Director shall cause to be conducted an annual inspection of all recreational vehicle parks and campgrounds in Cowlitz County, including incorporated areas, to assure compliance with health regulations established by this chapter. The Director shall cause to be conducted an annual inspection of all recreational vehicle parks and campgrounds in unincorporated Cowlitz County, to assure compliance with health regulations established by this chapter and the approved binding site plan approved pursuant to this chapter prior to the renewal or issuance of the annual operating permit.

C. For recreational vehicle parks or campground in unincorporated Cowlitz County, no annual operating permit shall be issued or renewed if deviations from the recorded binding site plan or from the plans of record are found during the inspection. A recreational vehicle park or campground may be ordered closed by the Director until the premises, improvements, and facilities are in full compliance with this chapter as applicable.

D. Upon completion of an inspection, the Director shall notify the recreational vehicle park or campground owner applying for an annual operating permit of any violation, and allow 30 days for the owner to correct a violation and comply with this chapter; provided, violations of state or local health regulation shall be corrected within a time period set by the Director. Failure to correct the violation as directed, or to enter into a binding agreement to correct the violation by a specific date shall result in issuance of a notice of infraction as provided by this chapter. If an owner has received three infraction notices for noncompliance within a five-year period, the Director may revoke all prior recreational vehicle park or campground approvals (which includes the annual operating permit), order closure of the recreational vehicle park or campground, and order the removal of all camping units from the recreational vehicle park or campground within 30 days of such notice. The recreational vehicle park or campground shall not be reopened, unless and until the owner re-applies for site plan approval and fully complies with

the procedures and standards for a new recreational vehicle park or campground.

E. Recreational vehicle park or campground owners or operators aggrieved by a decision of the Director with regard to an annual operating permit may appeal that decision to the Hearing Examiner in accordance with appeal procedures established in this chapter. [Ord. 98-194, § 15, 11-16-98.]

18.56.150 Fees and charges.

Fees and charges for processing applications and permits under this chapter shall be as established by resolution of the Board of County Commissioners. Application, inspection and renewal of an annual operation permit, and all other fees and charges established by the Board shall be non-refundable and nontransferable. Any fees for the recording of the binding site plan shall be as set by the County Auditor. [Ord. 98-194, § 15, 11-16-98.]

18.56.160 Appeals.

An appeal of a decision of the Director in the administration of this chapter shall be made to the Hearing Examiner. Each appeal must be made in writing and filed with the Department within 20 working days from the date on which the decision was issued as follows:

A. The written appeal shall include a detailed explanation stating the reasons for the appeal. The decision of the Hearing Examiner shall be final unless appealed to Superior Court in accordance with the rules of the court.

B. Standing to appeal is limited to:

1. The applicant or owner of the property on which the recreational vehicle park or campground is or is proposed to be located; and

2. Any property owner who deems him/herself aggrieved and will thereby suffer a direct and substantial impact from the proposed binding site plan.

C. The Director shall provide the Hearing Examiner with findings and documentation relating to the application or other administrative action. The Director may prepare a separate staff report and recommendation for presentation to the Hearing Examiner.

D. Such appeal shall be heard at a public hearing. The Director shall cause notices, containing information about the appeal, the location of the property, and the date, time, and place of the public hearing, to be published in a newspaper of general circulation, to be posted on or near the project site one or more signs, and written notice containing such information to be mailed to owners of prop-

erty located within 300 feet of the perimeter property boundaries of the property on which the recreational vehicle park or campground is proposed, as shown by records of the Cowlitz County Assessor, at least 10 days prior to the hearing.

E. Following the public hearing, the Hearing Examiner shall determine if the appeal should be upheld or denied, based on a record of findings to support that decision. All findings shall be available to the public upon request no less than 10 calendar days following the decision. The decision of the Hearing Examiner on an appeal shall be mailed to the applicant within five working days, and such decision is final unless appealed to Superior Court in accordance with the rules of the Court. [Ord. 98-194, § 16, 11-16-98.]

18.56.170 Severability.

If any section, subsection, or other portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, or portion thereof shall be deemed a separate provision of this chapter and such holding shall not affect the validity of the remaining portions of this chapter. [Ord. 98-194, § 17, 11-16-98.]

18.56.180 Effective date.

This chapter shall become effective immediately upon its adoption. [Ord. 98-194, § 19, 11-16-98.]

Chapter 18.60

ADULT ENTERTAINMENT ENTERPRISES

Sections:

- 18.60.010 Purpose and intent.
- 18.60.020 Amendments to the Cowlitz County Comprehensive Plan relating to sexually oriented adult entertainment enterprises.
- 18.60.030 Definitions.
- 18.60.040 Licensing.
- 18.60.050 Applicability.
- 18.60.060 Application forms – Information required.
- 18.60.070 Performance standards and requirements.
- 18.60.080 Administration and enforcement.
- 18.60.090 Appeals.
- 18.60.100 Amortization.
- 18.60.110 Exceptions.
- 18.60.120 Public nuisance.
- 18.60.130 Effective date.

18.60.010 Purpose and intent.

This land use chapter treats adult entertainment enterprises differently from other commercial enterprises because of markedly negative secondary effects upon their surrounding communities and neighborhoods. These distinctions will also provide for reasonable alternative avenues of communication which do not violate the First and Fourteenth Amendments of the United States Constitution.

Its purpose is to protect the general public health, safety and welfare of the citizenry of Cowlitz County, Washington through the regulation of adult entertainment enterprises through zoning and other land use regulations.

The regulations set forth in this chapter are not designed to suppress the expression of unpopular views and behaviors, but rather to minimize children's and the general public's exposure to negative effects associated with adult entertainment enterprises, to prevent sex-related crimes, vandalism, and criminal activities related to alcohol and drug abuse, to protect the county's retail trade, to maintain property values, to minimize impacts on police services, to minimize sexual harassment of the public, and to protect and preserve the quality of the county's residential neighborhoods, commercial districts, and recreational activities. [Ord. 94-218, § 2, 12-12-94.]

18.60.020 Amendments to the Cowlitz County Comprehensive Plan relating to sexually oriented adult entertainment enterprises.

This chapter amends the following commercial and industrial land use policies of the Cowlitz County Comprehensive Plan to read as follows:

A. Commercial Land Use Policy 4: Adult entertainment commercial activities, except sexually-oriented adult entertainment enterprises, are encouraged to develop in region-serving commercial areas. Such activities are not encouraged in a neighborhood commercial area. Sexually-oriented adult entertainment enterprises should be encouraged to locate in those areas of the County zoned for Heavy Manufacturing land use.

Rationale – Taverns and other forms of non-sexually oriented adult entertainment are potential nuisance uses and are inappropriate in residential areas.

B. Industrial – Classification The purpose of this classification is to assure the presence of adequate amounts of land for industrial growth and sexually-oriented adult entertainment enterprises in the County. Evidence reveals that sexually-oriented adult entertainment enterprises are associated with increases in sex-related crimes including rape, indecent exposure, obscene conduct, child molestation, adult molestation, and prostitution. These activities jeopardize the safety of children and adults near these areas. In addition, evidence also indicates that sexually-oriented adult entertainment facilities adversely impact other commercial and residential properties as well as recreational facilities in close proximity to them by increasing traffic, vandalism, and blight in these adjacent neighborhoods. Because areas used for heavy industrial purposes do not encourage recreational or residential facilities or activities geared toward families or children, the negative secondary impacts associated with sexually-oriented adult entertainment enterprises will have the least impact on heavy manufacturing zoned areas.

It is also designed to prevent the encroachment by other uses on these lands which would make conversion to industry difficult and perhaps impossible. Agriculture is a desirable interim use of these lands prior to conversion to industry since it causes few problems in conversion and retains open space in the interim. For these reasons, residential development and commercial development, except sexually-oriented adult entertainment enterprises, not directly supportive of industrial activity are discouraged.

[Ord. 94-218, § 3, 12-12-94.]

18.60.030 Definitions.

For purposes of this chapter the following definitions shall apply:

1. “Adult arcade” means an enterprise where, for any forms of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

2. “Adult cabaret” means a nightclub, bar, restaurant, or similar commercial enterprise, whether or not alcoholic beverages are served, which features: (a) persons who appear nude or semi-nude; or (b) live performances which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; or (c) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

3. “Adult entertainment enterprise” means any commercial or retail enterprise which (a) offers entertainment or services, including rooms, readily available for purchase, rental, viewing, or use by patrons of the establishment; and (b) is represented to be or is primarily in the business of offering services which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas and exclude minors by virtue of age. “Adult entertainment enterprises” shall include, but not be limited to, the following: adult arcade, adult cabaret, adult mini theater, adult motel, adult motion picture theater, adult panoram establishment,

adult theater, live adult entertainment enterprise, massage parlor, nude or semi-nude model studio, sexual encounter center, and sexual encounter establishment.

4. "Adult mini theater" means an enclosed building with a capacity of less than 50 persons, a portion of an enclosed building with a capacity of less than 50 persons, or an outdoor theater with a capacity of less than 50 persons used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined in this chapter for observations by patrons therein.

5. "Adult motel" means a hotel, motel, or similar commercial enterprise which:

a. Offers accommodations to the public for any form of consideration and provides patrons with (1) closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; and (2) which has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

b. Offers sleeping rooms for rent on an hourly basis; or

c. Allows tenant(s) or occupant(s) of a sleeping room to sub-rent on an hourly basis.

6. "Adult motion picture theater" means an enclosed building with a capacity of 50 or more persons, a portion of an enclosed building with a capacity of 50 or more persons, or an outdoor theater with a capacity of 50 or more persons used for presenting motion picture films, video cassettes, cable television, or any other such visual media distinguished or characterized by emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined therein for observation by patrons therein.

7. "Adult panoram establishment" means any building or portion of a building which contains device(s) 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 emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined therein.

8. "Adult theater" means a concert hall, theater, auditorium, or similar commercial enterprise

which, for any form of consideration, regularly features persons who appear nude or semi-nude, or live performances which are distinguished or characterized by emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined in this chapter for observation by patrons therein.

9. "Board" means the Board of Commissioners of Cowlitz County.

10. "Board of Adjustment" means the Board of Adjustment of Cowlitz County.

11. "Building Official" means the Codes Administration Division Manager, or his designee, of Cowlitz County's Department of Building and Planning.

12. "City" means the incorporated cities of Cowlitz County, Washington.

13. "County" means Cowlitz County, Washington.

14. "Director" means the Director of the Cowlitz County Department of Building and Planning or designee.

15. "Department" means the Department of Building and Planning, Cowlitz County.

16. "Employee" means any and all persons, including managers, entertainers, and independent contractors who work in, render services to, and have direct interaction with clientele of the adult entertainment enterprise.

17. "Live adult entertainment enterprise" means any building or portion of a building which contains any exhibition or dance wherein any employee or entertainer is unclothed or in such attire, costume, or clothing so as to expose to view any portion of the female breast below the areola, or male or female genitals, vulva, anus, and/or buttocks, or any portion of the pubic hair and which exhibition or dance is for the benefit of 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.

18. "Massage parlor" means an establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or a licensed massage practitioner operating pursuant to Chapter 18.108 RCW. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipula-

tion of the human body is offered as an incidental or accessory service.

19. "Nonconforming use" means an adult entertainment enterprise which lawfully existed prior to the enactment of this chapter, and is maintained after the effective date of this chapter although it does not comply with the adult entertainment enterprise land use regulations set forth in this chapter.

20. "Nude or semi-nude model studio" means any building or portion of a building where person(s) appear nude or semi-nude or displays specified anatomical areas, for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.

21. "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the areolae, or the depiction of covered male genitals in a discernibly turgid state.

22. "Obscene" means an act or expression which:

a. The average person, applying contemporary community standards, would find when considered as a whole, appeals to the prurient interest; and

b. Explicitly depicts or describes patently offensive representations or descriptions of:

i. Ultimate sexual acts, normal or perverted, actual or simulated, or

ii. Masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area, or

iii. Violent or destructive sexual acts including but not limited to human or animal mutilation, dismemberment, rape or torture; and

c. When considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political or scientific value.

23. "Semi-nude" means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

24. "Sensitive land uses" means those land uses which are particularly sensitive to the negative secondary impacts associated with adult entertainment enterprises and include the following:

a. Residences,

b. Residentially zoned areas located either in the county or city,

c. Public and private schools and day care institutions,

d. Public parks and playgrounds and commercial recreational uses,

e. Churches or other religious facilities or institutions.

25. "Sexual encounter center" means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration specified sexual activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

26. "Sexual encounter establishment" means an establishment other than a hotel, motel, or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate, or consort to perform specified sexual activities. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in sexual therapy.

27. "Specified anatomical areas" means and includes any of the following:

a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, vulva, or female breasts below a point immediately above the top of areolae; or

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

28. "Specified sexual activities" means and includes any of the following:

a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, vulva, or female breasts; or

b. Sex acts, actual or simulated including sexual intercourse, oral copulation, or sodomy; or

c. Human masturbation, actual or simulated; or

d. Human genitals in a state of sexual stimulation, arousal, or tumescence; or

e. Excretory functions as part of or in connection with any of the activities set forth in this subsection. [Ord. 94-218, § 4, 12-12-94.]

18.60.040 Licensing.

A. Except as provided in subsection D of this section, after the effective date of this chapter, no adult entertainment enterprise shall be operated or maintained in the unincorporated areas of the county without first obtaining an operating license issued by the Cowlitz County Sheriff's Office.

B. A license shall be issued only for one adult entertainment enterprise located at a fixed place. Any person, partnership, or corporation which desires to operate more than one adult entertainment enterprise must have a license for each.

C. No license or interest in a license may be transferred to any person, partnership, or corporation.

D. All adult entertainment enterprises existing at the effective date of the ordinance codified in this chapter must submit an application for a license within 90 days of the passage of the ordinance. If an application is not received within the 90-day period, the existing adult entertainment enterprise shall cease operation. [Ord. 94-218, § 5, 12-12-94.]

18.60.050 Applicability.

Any person proposing to develop an adult entertainment enterprise in the unincorporated areas of the county shall first apply for and receive site plan approval from the Director. All subsequent construction shall comply with applicable county codes and the approved site plan. [Ord. 94-218, § 6, 12-12-94.]

18.60.060 Application forms – Information required.

Application forms for obtaining the required site plan approval for any adult entertainment enterprise shall be provided by the Department. A complete application shall contain the following information:

A. Name, address, and telephone number of the applicant and all persons owning an interest including all individuals having a corporate or partnership interest in the property;

B. A legal description of the property including section, township and range, parcel and tax lot numbers, and acreage;

C. The ingress and egress from existing and proposed private or public roads;

D. A current assessor's map, including the scale, of the property and surrounding parcels within 600 feet;

E. Adjacent land uses and zoning of all properties located within 600 feet of the boundaries of the subject property;

F. A site plan drawn to scale showing the proposed building(s), the location of advertising signs, the location of parking areas and the number of parking spaces, lighting plans for parking areas, entrances, exits, and fences;

G. Profile drawings of all sides of all proposed buildings, showing entrances, windows and attached signs;

H. Drawings of all signs;

I. Documentation that no other adult entertainment enterprise or non-adult entertainment enterprise is operating in the same building, structure, or portion thereof of the building; and

J. A completed SEPA checklist, unless the permit is exempted under CCC 19.11.040(B)(3). [Ord. 94-218, § 7, 12-12-94.]

18.60.070 Performance standards and requirements.

A. Application of Standards. After the effective date of the ordinance codified in this chapter, any building, structure, or tract of land developed, constructed, or used for any adult entertainment purposes as defined in this chapter shall comply with the following performance standards. However, these standards are only minimum, and stricter standards may be required by other regulations, including building codes, fire codes, or regulations governing sewage disposal or water service, and Chapter 19.11 CCC.

1. Locational Requirements. Adult entertainment enterprises shall be permitted only within the unincorporated areas of the county that are zoned for heavy manufacturing and only if they meet all of the locational requirements set forth in this section.

a. Adult entertainment enterprises shall be prohibited within 600 feet of any sensitive land uses of the unincorporated areas of the county or city.

b. Adult entertainment enterprises shall be prohibited from locating within 600 feet of any other adult entertainment enterprise.

c. The distance provided in this chapter shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the parcel upon which the proposed adult entertainment enterprise is to be located, to the nearest point of the parcel containing the sensitive land use or another adult entertainment enterprise.

In the event an adult entertainment enterprise is legally established in accordance with the requirements of this chapter and (1) a sensitive land use locates within the required separation distance or (2) boundaries for residential zones in the county or city are modified, a legally established adult entertainment enterprise shall be considered conforming.

2. Building Facade. All adult entertainment enterprises building facades, exteriors, and exits

must generally resemble surrounding buildings. All window areas shall be covered or made opaque and no signs shall be placed in any window. Illustrations or other representations depicting partially or totally nude male and/or female figures shall not be posted or painted on any exterior wall of a building used for adult entertainment, or on any door or apparatus attached to such building.

3. Signs. All adult entertainment enterprises shall comply with the following sign regulations:

a. The amount of total allowable sign area shall not exceed a total of 60 square feet.

b. No merchandise or pictures of the products or entertainment on the premises shall be displayed on signs or in window areas or any area where they can be viewed from outside the building.

c. A one-square foot sign may be placed on the door to state hours of operation and admittance to adults only.

4. Parking and Lighting Regulations. On-site parking shall be required and regulated in accordance with CCC 18.10.560 and 18.10.561, and in addition shall meet the following requirements:

a. All parking areas must be visible from the fronting street. All on-site parking areas and premises entries shall be illuminated from dusk until dawn with a lighting system which provides an average maintained horizontal illumination of one footcandle of light on the parking surface and walkways. An on-premises exterior lighting plan shall be submitted to the Department with the site plan.

b. Access to the rear of the building shall be restricted by a fence, approved by the Director, to any persons other than employees and public officials during the performance of their respective duties.

5. Number of Permitted Uses per Structure. There shall be no more than one adult entertainment enterprise operating in the same building, structure, or portion thereof. In addition there shall be no other non-adult entertainment enterprise operating in the same building, structure, or portion thereof in which an adult entertainment enterprise is currently operating. [Ord. 94-218, § 8, 12-12-94.]

18.60.080 Administration and enforcement.

A. Administration. All applications for site plan approval under this chapter shall be made to the Cowlitz County Department of Building and Planning. It shall be the duty of the Director or his designee to process any application pursuant to this chapter, and to administer the provisions of this

chapter. The Director shall prepare any forms necessary to administer the provisions of this chapter.

B. Final Site Plan Approval. The Director shall grant final site plan approval provided the application complies with the performance standards and requirements listed in CCC 18.60.070. As a condition of final site plan approval and before the issuance of any building permits, the applicant shall obtain an operating license from the Cowlitz County Sheriff's Office.

C. Enforcement. It shall be the duty of the Director to see that this chapter is enforced through the proper legal channels. The County Building Official shall issue no permits for the construction, alteration, or repair of any building or part thereof, unless such plans and intended use of such building conform in all respects with the provisions of this chapter.

D. Fees. The fees for processing applications, appeals, and for other administrative actions under this chapter shall be from time to time established by resolution by the Board.

E. Violations – Penalties. It is a civil infraction for any person to violate this chapter or assist in the violation of this ordinance. Violations are subject to the provisions of Chapter 2.06 CCC. Any violation is a public nuisance. Each day a violation exists is a separate violation. Payment of any penalty imposed for a violation does not relieve a person from the duty to comply with this chapter.

F. Severability. If any section, subsection, sentence, clause, phrase, or any portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The Board declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional. [Ord. 94-218, § 9, 12-12-94.]

18.60.090 Appeals.

A. A person aggrieved by the decision of the Director may appeal the decision to the Hearing Examiner, appointed pursuant to CCC 18.10.340, as amended. Any such appeal shall be filed in writing with the Department within 10 days of the issuance of the decision. The appeals shall specify the reasons therefor. The Director shall provide the Hearing Examiner with findings and documentation relating to the decision being appealed. The Hearing Examiner, following a de novo hearing, shall

affirm, modify or reverse the Director's decision. The appellant carries the burden of proof on appeal.

B. Upon filing of an appeal with appropriate fee, the Director shall set the public hearing before the Hearing Examiner on the matter. If the appeal is filed 20 days or more before the Hearing Examiner's regularly scheduled monthly meeting, he/she shall hear the appeal at that meeting set by the Director. For appeals filed within 19 days of the regularly scheduled monthly meeting, the Hearing Examiner shall hear the appeal in the subsequent month.

C. Notice of the time, date and place of the hearing shall be sent to the appellant and the permittee by first class mail prior to the public hearing. Legal notice of the hearing shall be published in a newspaper of general circulation and the subject property shall be posted with the notice not less than 10 days prior to the public hearing.

D. Inclusion of Findings of Fact. The Hearing Examiner shall, in making an order, decision or determination, include in the written record of the case, the findings of fact upon which the action is based. Appeals of the Hearing Examiner decision shall be to a court of competent jurisdiction, pursuant to the Land Use Petition Act, Chapter 347, Washington Laws, 1995. [Ord. 95-193, § 36, 12-4-95; Ord. 94-218, § 10, 12-12-94.]

18.60.100 Amortization.

A. Adult entertainment enterprises which are nonconforming uses on the site on which they are located on the effective date of the ordinance codified in this chapter shall be discontinued within two years of the date on which the ordinance codified in this chapter becomes effective or upon the expiration of the leasehold period in existence as of the effective date of this chapter.

B. In the event a nonconforming adult entertainment enterprise proprietor determines that two years does not provide a reasonable period of amortization, then no later than 180 days prior to the expiration of the period, the nonconforming adult entertainment enterprise proprietor shall make application to the Planning Commission for an extension of time. Accompanying the application shall be a fee in the amount set by resolution by the Board. In determining whether or not to grant the extension, the Commission shall determine whether or not the harm or hardship to the nonconforming adult entertainment enterprise outweighs the benefit to be gained by the public from termination of the use. Factors to be considered by the Commission include the secondary adverse impacts on the

enterprise to the neighborhood/community, the location of the enterprise in relation to sensitive land uses, initial capital investment, the existence or nonexistence of a lease obligation, as well as a contingency clause permitting termination of the lease, or whether a reasonable alternative use of the property exists. The action of the Planning Commission shall constitute a final decision which is appealable to the Board of Commissioners in accordance with CCC 18.10.310.

C. Adult entertainment enterprises which are nonconforming cannot be expanded, enlarged, or intensified through the special use procedures listed in the county's land use ordinance, CCC 18.10.590. Any building containing a nonconforming adult entertainment enterprise may be maintained with only ordinary repair.

D. If an established nonconforming adult entertainment enterprise is destroyed by any natural or accidental cause, the provisions for rebuilding the structure(s) listed in the county's land use ordinance, CCC 18.10.630, also do not apply. Any change in a nonconforming adult entertainment enterprise shall be to a use which is legally permitted within the zone in which it is located.

E. All nonconforming adult entertainment enterprises which are in existence as of the effective date of this chapter shall provide the Director with copies of their current leasehold document(s) which sets forth their existing leasehold time period or, in the case of a nonleasehold interest, the Director shall be provided other documents which show record of ownership. These documents shall be provided to the Director within six months of the effective date of this chapter. [Ord. 94-218, § 11, 12-12-94.]

18.60.110 Exceptions.

A. This chapter shall not be construed to prohibit:

1. A chance showing of a film, single film showing, or film showings in a clinical setting under the control of a licensed psychologist, psychiatrist, physician, or a registered nurse practitioner; or

2. Plays, operas, musicals, or other dramatic works which are not obscene; or

3. Classes, seminars, and lectures held for serious scientific or educational purposes; or

4. Exhibitions or dances which are not obscene.

B. Nothing in this chapter shall apply to the circulation of any such material by any recognized historical society or museum, the state law library,

any county or city law library, the state library, the public library, any library of any college or university, or to any archive or library under the supervision and control of the state, county, municipality, or other political subdivision.

C. Nothing in this chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any statute of the State of Washington regarding public moral nuisances (Chapter 7.48A RCW), sexual conduct, obscenity or pornography (Chapters 9.68 and 9.68A RCW), lewdness, or obscene or harmful matter or the exhibition or public display thereof. [Ord. 94-218, § 12, 12-12-94.]

18.60.120 Public nuisance.

Notwithstanding any other provisions of Chapter 18.10 CCC, any violation of any of the provisions of this chapter is declared to be a public nuisance per se, which shall be abated by the Prosecuting Attorney by way of civil abatement procedures only, and not by criminal prosecution. [Ord. 94-218, § 13, 12-12-94.]

18.60.130 Effective date.

This chapter shall be effective immediately. [Ord. 94-218, § 15, 12-12-94.]

Chapter 18.64

**COMMERCIAL AND INDUSTRIAL
BINDING SITE PLAN CODE (BSP)**

Sections:

- 18.64.010 Title.
- 18.64.020 Purpose.
- 18.64.030 Definitions.
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- 18.64.050 Administration.
- 18.64.060 Binding site plan – Preapplication review, conference required – Procedures and responsibilities.
- 18.64.070 Preliminary binding site plan approval – Application procedures.
- 18.64.080 Preliminary binding site plan approval – Director’s action.
- 18.64.090 Notice of hearing.
- 18.64.100 Hearing Examiner action – Public hearing, recommendation to Board.
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- 18.64.120 Preliminary approval – Duration – Extension allowed/conditions.
- 18.64.130 Final binding site plan – Procedures and requirements.
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- 18.64.170 Performance guarantees.
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18.64.010 Title.

This chapter shall be known as the “Cowlitz County Commercial and Industrial Binding Site Plan Code (BSP).” [Ord. 97-044, § 1, 3-24-97.]

18.64.020 Purpose.

The purposes of this chapter are as follows:

A. To provide a voluntary procedure for subdividing private property for sale, lease or rent, or transfer of ownership for two or more commercial or industrial business sites, which may be used in lieu of Chapter 18.30 CCC, Planned Unit Development Code; Chapter 18.32 CCC, Urban Subdivi-

sion Code; or Chapter 18.50 CCC, Rural Subdivision Code;

B. To provide guidelines and flexibility for subsequent development of commercial and industrial land within an approved binding site plan;

C. To plan and provide opportunities and services for increased commercial and industrial land uses;

D. To promote orderly county growth, protect and enhance property values, and minimize conflicting and undesirable impacts of development both on and off site;

E. To coordinate the delivery of public and private infrastructure and services such as roads and transportation modes, water, sewage disposal, drainage and stormwater management for commercial and industrial development;

F. To provide convenience and safety for vehicular and pedestrian movement within the commercial or industrial sites, and to adjacent areas; and

G. To promote the health, safety and welfare of the citizens of Cowlitz County. [Ord. 97-044, § 2, 3-24-97.]

18.64.030 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly requires otherwise.

“Access” means an entrance way for vehicles and pedestrians to leave or enter a property or lot from a public or private road.

“Adjacent property owners” means owners of real property, as shown by the records of the County Assessor, within 300 feet of the boundary of the subject property ownership.

Area, Building. “Building area” means the total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

Area, Floor. “Floor area” means the total interior floor space, measured in square feet, of a structure.

Area, Lot. “Lot area” means the total area contained within the property lines of a project area.

“Binding site plan” means a recorded drawing as required by this chapter which:

1. Identifies and shows the areas and locations of all roads, streets, improvements, utilities, open spaces and other matters required by this chapter;

2. Contains inscriptions or attachments identifying the limitations and conditions for the use of the land; and

3. Contains provisions making any subsequent site development conform with the recorded site plan.

“Board” means the Board of Cowlitz County Commissioners.

“Closed record meeting” means a meeting conducted by a single hearing body or officer authorized by the local government to conduct a meeting based on the records of an open records hearing, and to make a determination based on such record. Such meeting shall be in conformance with Chapter 347, Laws of 1995, as exists or is hereafter amended, or other public meeting.

“Commercial use” means an activity devoted primarily to wholesaling or retailing of a product, not manufactured on the premises, or a service for the purpose of generating income.

“Commercial zone” means any “C” zoning district established under Chapter 18.10 CCC, the land use code, as now exists or as hereafter amended; the term also means any area designated for neighborhood commercial (CN), regional commercial (CR) or tourist commercial (CT) land uses pursuant to the Cowlitz County Comprehensive Plan, as currently adopted or as hereafter amended.

“Department” means the Cowlitz County Department of Building and Planning, or as may be renamed or reorganized.

“Development” means any human-made change to improved or unimproved real property, including but not limited to construction or placement of any building, structure, dam, wall, fence, bridge, wharf, embankment, levee, dike, road, pile, abutment, excavation, sign, culvert, fill, earth movement or removal, mining, storage of flammables, explosives or other hazardous material, short subdivision, subdivision or other similar development.

“Director” means the Director of the Department of Building and Planning, or designee.

“Fire Marshal” means the Cowlitz County Fire/Life Safety Coordinator or designee.

“Geologist” means a person who has a bachelor of science degree in geologic sciences from an accredited college or university and has a minimum of five years’ experience under the supervision of a practicing, professional geologist, or is registered as a professional geologist in any state, or is a member of the American Institute of Professional Geologists.

“Hearing Examiner” means the Hearing Examiner of Cowlitz County, established under Cowlitz County Ordinance 95-193.

“Heavy industrial/manufacturing land use” means development that involves fabrication, man-

ufacturing, assembly, processing and distribution of predominately raw materials, and primarily serving nonlocal wholesale and retail markets.

“Improvements” means all human-made modifications and physical alterations to a site, including but not limited to site preparation, construction of roads, buildings and utility services.

“Industrial zone” means any light manufacturing (ML) or heavy manufacturing (MH) land use district established under Chapter 18.10 CCC, as now exists or as hereafter amended; the term also means any area designated for light industrial or heavy industrial land use pursuant to the Cowlitz County Comprehensive Plan.

“Infrastructure” means necessary roads, storm-water management and treatment, fire flow and potable water, sewage and waste water disposal, utility and cable service lines, and other improvements needed for development.

“Light industrial/manufacturing land use” means development that involves fabrication, manufacturing, assembly, processing and distribution of predominately prefabricated materials, where the operation refrains from generation of noise, smoke, dust, odors, toxic gases, vibration, glare and heat.

“Lot” means a site, division, parcel, tract or subdivision created for commercial or industrial development under the provisions of this chapter.

“Lot of record” means a lot created by deed, contract or other legal instrument of record that lawfully conveys, sells or transfers ownership of real property, provided such lot was created in conformance with applicable regulations. A lot shall include all the land described within the recorded document, regardless of location in more than one section, township, range, donation land claim, tax lot or tax parcel.

“Mini-mall” means a small-scale shopping center, consisting of fewer than 10 stores or retail outlets.

“Open record hearing” means a hearing conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government’s record through testimony and submission of evidence and information, for the basis of a quasi-judicial decision.

“Person” means any individual, firm, corporation, partnership, association or agency of state, county or municipal government, or other legal entity.

“Person of record” means any person providing testimony or information for or during an open

record hearing. Only persons of record are allowed to be heard at or during a closed record meeting.

“Public hearing” means an open record hearing as defined above, or other hearing authorized by law where the public is invited to provide on record testimony to the hearing body.

“Public meeting” means a closed record meeting where public notice is not a requirement, and only those persons of record are entitled to be heard.

“Runoff” means the discharge of water from a site through surface streams expressed usually in terms of stormwater that flows onto, within, and/or off of the subject site.

“Screening” means vegetation, fence or earthen materials used to block visibility toward and/or away from a site or to lessen noise impacts from a site.

“SEPA” means the State Environmental Policy Act as now enacted or as hereafter amended.

“Shopping center” means a group of stores, shops and similar establishments occupying adjoining structures all of which may be deemed one building if designed as an architectural unit and if it has adequate space in the rear for loading and unloading commodities.

“Sight distance” means the length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. This term is used in these regulations as a reference for unobstructed road visibility.

“Site” means the project area included in a binding site plan application or subsequent project permit areas. [Ord. 97-044, § 3, 3-24-97.]

18.64.040 Applicability.

Any person seeking to create two or more private property sites for sale, lease or rent or transfer of ownership for commercial or industrial land use development within an adopted C, MH or ML zone or area so designated in the Cowlitz County Comprehensive Plan, may request site plan review and approval prior to submission of construction permits. While not all inclusive, the following land uses may use binding site plan approval procedures in lieu of short subdivision, urban subdivision, rural subdivision or planned unit development subdivision regulations: two or more establishments for retail or wholesale business activity, professional offices and services, light or heavy manufacturing uses, or any shopping center or mini-mall establishment. [Ord. 97-044, § 4, 3-24-97.]

18.64.050 Administration.

The Director shall administer the provisions of this chapter, and may prepare such forms and procedures as may be necessary to carry out the requirements of this chapter. [Ord. 97-044, § 5, 3-24-97.]

18.64.060 Binding site plan – Preapplication review, conference required – Procedures and responsibilities.

A. Any person, before creating two or more lots for commercial or industrial land use activities in a C, ML or MH zone via this chapter shall submit to the Director a binding site plan preapplication, together with appropriate supporting data and required fee, and shall include 20 copies of the following:

1. A scaled site plan, drawn on 18-inch by 24-inch sheet(s), showing the property boundary, potential lots, topographic contours at appropriate intervals, existing and planned roads, water supplies, and sewage disposal, and other anticipated improvements;

2. A completed, but unsigned environmental checklist; and

3. A vicinity map showing the subject property and surrounding ownerships within 300 feet of the project site.

B. The Director shall coordinate and conduct a preapplication conference with the applicant and appropriate agencies within 20 working days following submission of the complete preapplication package. The purpose of a preapplication conference is to assist the applicant in identifying areas of potential concern, issues, standards, procedures, regulations and requirements, in order for the applicant to evaluate a project for later preparation and submission of a preliminary binding site plan application.

Discussion topics during the preapplication conference may include, but are not limited to: project layout, access and circulation, and parking needs, sewage disposal, potable water, fire flow, soils and topography, Comprehensive Plan, zoning, sensitive and/or critical areas, resource lands, stormwater management and treatment.

C. Participation in a preapplication conference and any conclusions reached at the conference shall in no way guarantee later binding site plan approval, or prohibit identification of additional issues during the formal review and approval process. [Ord. 97-044, § 6, 3-24-97.]

18.64.070 Preliminary binding site plan approval – Application procedures.

A. The preliminary binding site plan application shall be prepared pursuant to this chapter, and shall be submitted at least 60 days prior to the Hearing Examiner hearing at which consideration is desired.

1. Application Form. A completed Department application form, including but not limited to the name/title of the proposed development, maximum number of lots or sites planned, construction schedule, and appropriate fee, together with the following.

2. Preliminary Binding Site Plan Plat. Following the preapplication review conference, an applicant shall prepare and submit 25 copies of the preliminary binding site plan plat. Such plan shall be drawn by or under the direction of a professional surveyor or civil engineer licensed in Washington State, at a scale of not less than 50 feet to the inch nor more than 200 feet to the inch, on one or more sheets measuring 18 inches by 24 inches. In addition to 25 full-size copies of the proposed preliminary binding site plan, one reduced copy of the proposed site plan plat measuring 11 by 17 inches shall also be required. The preliminary binding site plan shall include the following:

a. A vicinity map, at a scale not more than three inches per mile, showing the project location, primary roads providing access to the site, or other information sufficient to locate the project site;

b. Title of the proposed development;

c. Names of applicant, and landowner if different from the applicant, project civil engineer, geologist and/or registered surveyor, with addresses and daytime telephone numbers of same;

d. Date of the drawing, north arrow, scale, section, township, range, donation land claim, subdivision or short subdivision lot information, subject property boundaries, and elevation contours and adjacent property boundaries shown within 100 feet of the subject property boundaries;

e. Anticipated number, location, configuration and size of planned lots, if known, and all existing development and land uses;

f. Location of any critical areas as defined in Cowlitz County Ordinance No. 96-104; resource lands as defined in Cowlitz County Resolution No. 94-133; landscaping, open space or other common areas existing or proposed within the boundaries of the project site;

g. Location of all existing and proposed public and private easements and the purposes thereof;

h. Elevation contour lines extended 100 feet beyond the project boundary as follows:

- i. Slope zero to 10 percent: two-foot vertical contour intervals,
- ii. Slope over 10 percent: five-foot vertical contour intervals.

3. Supplemental Information. The following information shall be provided to supplement the binding site plan application:

- a. Copy of the recorded deed or contract showing the landowner and legal description of the property;
- b. Copy of all existing and proposed rules, easements, restrictions and covenants for the project area;
- c. Areas and volume of material proposed to be filled and/or graded within the proposed project area; including the amount and type of material used for fill, and proposed final grading contours or cross-sections;
- d. On-site sewage disposal system plan; or three copies of preliminary sewer engineering plans if connection to an existing sanitary sewer system is proposed;
- e. Three copies of preliminary water engineering plan identifying supplier, location, size of trunk and distribution lines, existing and planned easements, and location of fire protection facilities such as hydrants and reservoirs. If an on-site well is proposed for the binding site plan project area, all well log information, flow tests and a potable water availability certificate from the Cowlitz County Health Department;
- f. Preliminary engineering plans for drainage and stormwater management and treatment showing the direction of flow, location of all existing natural or artificial drainage facilities; the type and location of proposed drainage improvements and stormwater treatment facilities;
- g. Preliminary erosion control plans and recommendations for control of erosion and sedimentation trespass during site preparation and development;
- h. Geotechnical soils report prepared by a geologist or geological engineer, if required following the preapplication conference;
- i. Landscaping plan for the entire site, including the location of any areas to be dedicated for private or public use; species name and location of trees and shrubs that will be retained and/or planted. List of existing and planned plant species, with common names, to be used in the landscaping and/or common open space areas;

j. Assessor's map showing the boundaries of the subject property and location of all contiguous ownership;

k. Noise attenuation plan, if determined necessary during preapplication review.

4. Each preliminary binding site plan proposal shall be accompanied by a completed, dated and signed environmental checklist. If it is determined that an environmental impact statement is required, the 60-day review period may be extended to provide the applicant with sufficient time to comply with SEPA, in conformance with Chapter 43.21C RCW, State Environmental Policy, Chapter 197-11 WAC, SEPA Rules, and Chapter 19.11 CCC, Cowlitz County Environmental Policy, as now enacted, or hereafter amended.

5. Name, address, tax lot number of each adjacent property owner, per the public tax records. [Ord. 97-044, § 7, 3-24-97.]

18.64.080 Preliminary binding site plan approval – Director's action.

A. When the preliminary binding site plan application is determined complete and the required fee paid, the Director shall accept the application, assign a file number, and begin review procedures as set forth in this chapter. The Director shall distribute copies of the application inviting findings, commentary and recommendations and a date for return of such findings and recommendations from other federal, state and local agencies, departments, and those persons who have expressed an interest in reviewing binding site plan proposals relating to the items in subsection B of this section. The Director shall set a date for return of all findings and recommendations no less than 30 days before the Hearing Examiner hearing at which the proposal is scheduled for consideration.

B. The Director and all reviewing parties shall review the preliminary binding site plan proposal in regard to the following:

1. Physical Setting. Whether the binding site plan properly takes into account site topography, drainage and stormwater treatment, vegetation, soils, and any other relevant physical elements of the site;

2. Public Services. Whether the proposal makes provisions for:

- a. Adequate water supply for potable and fire flow purposes,
- b. Adequate fire protection or fire abatement equipment,
- c. Adequate sanitary and processed waste water disposal,

d. Adequate stormwater management and treatment,

e. Adequate erosion control,

f. Adequate vehicular and pedestrian access for all anticipated uses within the site plan area,

g. Adequate roads and traffic circulation, transit, and where appropriate, railroad and waterborne transportation access and facilities,

h. Adequate telephone, natural gas or other petroleum supplies and transmission lines, electrical power supplies, and other utility and cable services;

3. Environmental Issues. Whether the proposal adequately addresses known and anticipated environmental elements and issues as well as identification of measures that will be taken to mitigate the impacts identified, as required under SEPA and the County Environmental Policy Code, Chapter 19.11 CCC, Ordinance No. 96-104 as adopted or hereafter amended, and other applicable regulations.

C. Director's Report. The Director shall examine and review all commentary and recommendations, and determine how consistent the project is with planned land uses, the goals and policies of the Cowlitz County Comprehensive Plan, zoning development standards, specifications and general purposes of this chapter. The Director shall prepare a report recommending approval, approval with conditions, or denial to the Hearing Examiner. [Ord. 97-044, § 8, 3-24-97.]

18.64.090 Notice of hearing.

The Director shall publish a notice of public open record hearing in the official newspaper, mail copies of such hearing notice to adjacent property owners, and shall post three conspicuous notices in the vicinity of the project site, not less than 10 days prior to the hearing. Notice is deemed sent once placed in the mail. The notice(s) shall include the following:

A. Name of property owner, developer, if different from the owner, and project; common address and legal description for the site, if assigned; project description including acreage, phases, length of road(s) to be constructed, utilities to be installed, maximum number of land divisions or sites sought, and other pertinent information;

B. A deadline for submitting written comments to the Hearing Examiner;

C. Notice that the hearing is a public open record hearing, and only those persons who provide oral testimony at the public hearing, or those

persons submitting written comments and recommendations shall have standing to be heard before the Board. [Ord. 97-044, § 9, 3-24-97.]

18.64.100 Hearing Examiner action – Public hearing, recommendation to Board.

A. Following public notice pursuant to CCC 18.64.090, the Hearing Examiner shall, at an open record public hearing, consider all relevant evidence. The Hearing Examiner shall:

1. Determine if the proposal is consistent with the general purposes, standards and requirements of this chapter, the Comprehensive Plan, zoning, and other applicable regulations; and

2. Inquire into the public use and interest proposed to be served by the project and/or dedication(s).

B. In lieu of requiring completion of all public and private improvements for the entire binding site plan area prior to occupancy of any structure on the site, the Hearing Examiner may recommend approval of a phasing schedule.

C. Following the open record public hearing, the Hearing Examiner shall recommend approval, approval with conditions, or denial to the Board based on findings and conclusions. Any hearing may be continued within the limits allowed by law.

D. No later than 14 calendar days following the Hearing Examiner's decision, the Director shall transmit the Hearing Examiner's recommendations to the Board for consideration at a closed record public meeting. [Ord. 97-044, § 10, 3-24-97.]

18.64.110 Board action.

A. Upon receipt of the Hearing Examiner's recommendations from the Director, the Clerk of the Board shall set a date and time for a closed record public meeting at which the Board shall consider the proposal. The meeting shall be held no later than 15 working days following transmittal from the Director. No public notice shall be required; however, the Director shall provide notice of the meeting to the applicant and all persons of record.

B. The Board shall consider the recommendations of the Hearing Examiner and may adopt, modify or reject the Hearing Examiner's recommendations based upon the record established at the Hearing Examiner's open record public hearing. If, after considering the matter at a public meeting, the Board deems a change in the Hearing Examiner's recommendations approving or disapproving any preliminary binding site plan is necessary, the Board shall adopt its own findings and conclusions and approve or disapprove the preliminary binding

site plan, subject to conditions as determined appropriate. [Ord. 97-044, § 11, 3-24-97.]

18.64.120 Preliminary approval – Duration – Extension allowed/conditions.

A. Within five years of preliminary binding site plan approval, the applicant shall comply with all conditions of preliminary approval and shall record a final binding site plan.

B. At least 30 days prior to expiration of preliminary approval, the applicant may submit a written request for an extension of the preliminary approval. The Director may grant one two-year extension if the applicant has completed and received approvals for all required engineering plans and specifications.

C. Following extension approval, the applicant shall complete construction of the required improvements, conform to the conditions of approval, and finalize the binding site plan plat for Board approval and recording. Failure to complete the improvements or guarantee performance of the required improvements and record a final binding site plan by the end of an extension period shall nullify all previous approvals, and a new application shall be required if the applicant desires to continue the project. Any new application shall conform to the requirements of the ordinance in effect at the time the new application is submitted. [Ord. 97-044, § 12, 3-24-97.]

18.64.130 Final binding site plan – Procedures and requirements.

A. Compliance with Preliminary Approval. Prior to submittal of a final binding site plan plat for approval by the Board, the applicant shall demonstrate compliance with all the conditions of preliminary approval, the requirements of this chapter, and prepare all necessary final documents.

B. Final Binding Site Plan Plat for Commercial and Industrial Projects. The final binding site plan plat shall be drawn in permanent black ink on acetate drafting film having dimensions of 18 inches by 24 inches, with a one-inch left margin and half-inch right, top and bottom margins. Such plan must be prepared by or under the direction of, and shall be stamped and signed by a land surveyor or civil engineer licensed in the State of Washington. The plat shall include elevations and primary control points approved by the County Engineer. All lines and ties to all monuments and control points shall be identified and shown with dimensions, bearings, angles and arc data.

The final binding site plan plat shall also include the following:

1. The name of the binding site plan project and phase number;
2. The scale, north arrow and date of final plat preparation;
3. Written exterior boundary description of the subject property;
4. Names, location, width and purposes of all public and private road rights-of-way in and abutting the subject site, all public and private easements, all commercial or industrial lot boundaries and sites known at the time of final binding site plan approval, together with accurate bearings, dimensions, angles and all curve data; provided, extensions of existing roads shall bear the name of the existing roads. New road names shall be subject to approval by the Director;
5. Maximum number of lots approved with the preliminary site plan shall be noted as a restriction on the face of the final site plan:

RESTRICTION: The number of lots, divisions or sites created within this final binding site plan shall not exceed _____, except in conformance with CCC 18.64.

6. Reference to all easements, agreements, conditions, covenants and restrictions supplemental to the binding site plan;
 7. Required setback lines;
 8. Location of project buildings, when required by the Director;
 9. Loading areas when required;
 10. Other restrictions, conditions and requirements as deemed necessary by the Director. The restrictions shall require all development within a binding site plan area to conform with the standards procedures, and regulations listed in CCC 18.64.130 through 18.64.150.
- C. Certifications and signatures on the binding site plan final plat shall include the following:
1. A statement that the final binding site plan has been made with the free consent and in accordance with the desires of the owners of record. If the binding site plan is subject to public or private dedication(s), the owners shall also sign a statement of dedication identifying all such facilities, and shall include a waiver of all claims against any governmental authority for damages to adjacent land from the construction, drainage and maintenance of a public road or other public facility. Any certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties

having any ownership interest in the land divided and recorded as part of the final binding site plan.

a. Notary public certifying city of residence, commission expiration date, and a statement of owners' signature authenticity;

2. Signature, stamp and statement of the project engineer licensed in the State of Washington certifying that the standards of all constructed improvements are in conformance with the plans and specifications filed;

3. Signature, stamp and statement of a surveyor, licensed in the State of Washington, certifying that the binding site plan survey is accurate and conforms to the provision of these regulations and state law;

4. Date and signature blocks for the following:

a. Health Officer, certifying examination and approval of potable water and sewage disposal facilities,

b. County Assessor, certifying examination, calculation and certification of the taxes due as required by law,

c. County Treasurer, certifying that the taxes and all local improvement district assessments on the described property are paid through the current year, or through the following calendar year if the final binding site plan plat is recorded after May 31st,

d. County Engineer, certifying examination and approval that the binding site plan conforms to survey data, layout of roads and rights-of-way, design of bridges, sewage and water systems, and all other public improvements,

e. Director, certifying examination and approval of the final binding site plan, and

f. Board, certifying final binding site plan approval.

D. Binding Site Plan Title Report. All final binding site plan plats shall be accompanied by title company certification, current within 30 days of submitting the final binding site plan, confirming that the title of the lands as described and shown on the binding site plan is the same as the owner(s) signing the final binding site plan, and identification of all easements, liens, covenants, conditions and restrictions applicable to the property described therein.

E. Lot corners and perimeter monuments shall be set and monumented prior to approval and recording of the binding site plan or any amendment thereto. The location of all such monuments shall be shown on the final binding site plan. In all binding site plans where final approval is to be

granted by acceptance of a performance guarantee, corners and perimeter monuments shall be set prior to final approval of the binding site plan, and the performance guarantee shall include the resetting of any monument that may be lost during construction of improvements.

F. Upon signature of the Board, the developer shall record the binding site plan in the office of the County Auditor. The recorded binding site plan shall be known as an approved binding site plan, and all subsequent development within the boundaries of such site plan shall be regarded as supplements thereto. [Ord. 97-044, § 13, 3-24-97.]

18.64.140 Improvements, engineering plans and construction required.

A. Prior to final binding site plan approval, the proponent shall provide the infrastructure necessary for subsequent development on lots created within the boundary of a binding site plan project area.

B. All construction shall conform to the approved engineering plans and specifications. All engineered plans and specifications shall be prepared by a professional engineer registered in the State of Washington. Prepared engineering designs, plans and specifications shall be reviewed by and be subject to approval from the County Engineer, utility purveyor, or other person determined by the Director. Corrections shall be completed and plans signed and stamped by the project engineer, and a copy shall be filed with the purveyor, County Engineer, and the Department. All required improvements shown in the plan shall be designed and sized to accommodate all future phases and a fully developed binding site plan project area.

C. The following engineering plans, designs, and specifications shall be prepared and approved prior to any clearing, grubbing, filling, grading or other site preparation within the boundary of a binding site plan project area:

1. Grading/Excavation. Prior to any site preparation or terrain modification where existing terrain or natural features are to be graded, filled, cleared, grubbed or otherwise disturbed, an engineered grading/excavation plan shall be completed, stamped and signed by the project engineer and submitted to utility purveyor(s), County Engineer, and Department for approval. Grading and excavation plans shall include the extent of any fill, excavation or grading modifications.

2. Roads, Access and Parking Improvements. Engineered plans for road and general cir-

culuation improvements into, within, and adjacent to the project site, and parking, sidewalks, and interior driveways, shall be subject to approval from the County Engineer and/or Washington State Department of Transportation. All parking areas shall be hard surfaced with appropriate storm drainage improvements. All construction shall conform to the approved engineering plans and specifications.

3. Stormwater and Drainage. Stormwater management plans for runoff from all existing and planned roads, parking lot(s) and buildings shall be calculated and stormwater management and treatment improvements shall be engineered, designed and constructed to provide collection, detention and stormwater treatment for at least a 50-year event in conformance with CCC 18.10.502(B), as now exists or is hereafter amended, for a fully developed binding site plan project. Stormwater facilities shall be designed and constructed so the runoff rate does not exceed that of the site prior to development, unless otherwise specified by the County Engineer. All stormwater treatment shall be designed to meet best management practices. All construction shall conform to the approved engineering plans and specifications.

4. Erosion Control. Erosion control improvements shall be engineered, designed and constructed to avoid erosion and sediment transport to natural drainage ways, streams or water bodies on or off-site. All construction shall conform to the approved engineering plans and specifications.

5. Water. All water system improvements shall be engineered, designed and constructed to conform to both fire flow and potable water requirements. All construction shall conform to the approved engineering plans and specifications. Engineering plans shall show the location and size of all water mains as well as lateral service lines if known, and the size of any on-site reservoir or water treatment facility. All construction shall conform to the approved engineering plans.

6. Sewer Systems. Sewage disposal and treatment improvements shall be engineered, designed and constructed to meet the requirements of the purveyor. All construction shall conform to the approved engineering plans and specifications.

In areas where sanitary sewers are not available, on-site sewage disposal system improvements shall be designed and constructed to meet state health regulations based on the anticipated maximum waste disposal needs for a fully developed site. All construction shall conform to the approved engineering plans and specifications. Dry sewer line and riser installation may be required in the

street right-of-way to provide for later connection to sanitary sewers or to community sewage treatment facilities, as may be required by the Director.

7. Subsurface Geotechnical Report. A subsurface geotechnical report may be required depending on the conditions inherent to the subject property or adjacent lands.

Such a report shall be prepared as required under Ordinance No. 96-104, the Critical Areas Ordinance, as exists or is hereafter amended. [Ord. 97-044, § 14, 3-24-97.]

18.64.150 Standards and site improvements.

A. All subsequent lot development and site improvements shall be designed and constructed in conformance with approved engineering plans, designs and specifications, and as follows:

1. Road Right-of-Way Realignment, Dedication or Widening. If the County Engineer or the Washington State Department of Transportation and Director conclude that the road right-of-way adjacent to the proposed binding site plan project is inadequate for widening, and realignment or turning lanes are required for the existing road as a direct result from the anticipated traffic impacts of the proposed development, they may require a dedication of necessary right-of-way and/or construction of the necessary improvements. All construction shall conform to the approved engineering plans and specifications.

2. Easements. Permanent easements shall be provided for utilities and other public or private services. All utility easements within a final binding site plan project boundary shall be approved by written agreements signed by the applicant and appropriate utility purveyor before Board approval of the final binding site plan. Any such easements and purposes thereof shall be shown in their exact location on the final binding site plan plat.

3. Existing Structures. If existing structures are nonconforming with building codes or zoning standards, the applicant shall bring the structures into compliance with the current Uniform Building Code for commercial or industrial occupancy, prior to issuance of an occupancy permit. This chapter does not allow an applicant to make a structure more nonconforming.

4. Energy Conservation. The use of site-specific energy schemes that best offer opportunities for maximum use of southern exposures and the use of natural climate conditions shall be encouraged.

5. Development of land in a 100-year floodplain area shall be subject to full compliance with

Chapter 16.25 CCC, the Floodplain Management Code, as now exists or is hereafter amended.

6. Development of land within shoreline management jurisdiction shall be subject to full compliance with Chapter 19.20 CCC, Cowlitz County Shoreline Management Code as now exists or is hereafter amended.

7. Driveway Spacing. Direct access to public roads may be restricted by the County Engineer or other agency with jurisdiction. Ingress and egress to public roads for all commercial and industrial sites shall be as required pursuant to Chapter 468-52 WAC, Highway Access Management – Access Control Classification System and Standards, as now exists or as hereafter amended. The Director may require driveway access and parking areas to be shared or combined to minimize turning movements onto a public or private road.

8. Parking. All parking spaces and lots shall conform to the standards listed under CCC 18.10.560 through 18.10.562 of the County Land Use Code as now exists or is hereafter amended.

9. Loading areas for all commercial or industrial land uses shall be provided. Such loading areas shall be designed for the rear of a structure wherever possible to avoid blocking traffic on public or private roads. Loading areas in other locations shall be subject to approval by the Director.

10. Equipment storage shall conform to the standards listed under CCC 18.10.564, as now exists or is hereafter amended. No equipment storage shall be allowed within a front yard setback area.

11. All signs shall be designed and constructed to conform to the standards listed under CCC 18.10.568, as now exists or is hereafter amended.

12. All lighting shall be designed and arranged to conform to the standards of CCC 18.10.502, as now exists or is hereafter amended.

13. All building and yard maintenance shall conform to the requirements of CCC 18.10.502, as now exists or is hereafter amended.

14. Underground Utility Systems. All utilities shall be placed in underground locations either by direct burial or by means of conduit or ducts. No overhead utility lines shall be allowed, unless the utility purveyor finds underground utility lines cannot physically be installed according to accepted engineering practices and as provided herein. Engineering plans and specification plans for all power distribution lines, telephone wires, television cable, fire alarm systems and other communication wires, cables or lines shall be reviewed by and be subject to approval from the purveyor. Except for fire

alarm systems, purveyor access easements shall be shown on the final binding site plan.

Nothing in this chapter in relation to underground wiring shall apply to transmission power lines carrying a voltage of 55 kV or more, nor shall it be construed to prohibit the placement of pad-mounted transformers, terminal pedestals, or other electrical and communications devices normally above ground, as determined by the appropriate utility purveyor. All utility construction shall conform to the approved engineering plans and specifications.

15. Landscaping. Front yard landscaping with lawns, deciduous or evergreen trees or shrubs, flowers, berm or combination thereof shall be required in the vicinity of any entrance, adjacent to any office, and between the fronting road and any buildings or parking area. Landscaping and screening shall not interfere with building security and visibility from the fronting road or sight distance at an intersection or other ingress/egress point with the fronting road, and interior road, or parking area. All landscaping shall be subject to approval of the Director.

16. Noise generated by any commercial or industrial development shall be required to conform to the requirements of CCC 18.10.502, the County Land Use Code, Chapter 10.25 CCC, the County Noise Nuisance Ordinance, and Chapter 70.107 RCW, the State Noise Control Statute, as all now exist or are hereafter amended. Noise attenuation may be required.

17. Fire hydrants or other fire suppression equipment shall be installed, tested and approved per the requirements of the Fire Marshal prior to framing of any new buildings, or occupancy of an existing building.

18. Lots. There shall be suitable industrial or commercial building sites provided on each lot created.

B. Voluntary Agreements. Nothing herein shall prohibit voluntary agreements with the county that allow a payment in lieu of dedication of land or to mitigate a direct impact that has been identified as a consequence of a binding site plan allowed by this chapter.

C. Inspections. A professional engineer, licensed in the State of Washington, funded by the applicant, and approved by the Director, shall be responsible for inspection of all installation and construction of roads, utilities and other improvements, except buildings and structures requiring building permits from the Department. Such engineer shall certify by stamp and signature that all construction

conforms to the approved plans, designs and specifications. That engineer shall provide signed and stamped as-built engineering and construction plans as each phase of development is completed. The as-built plans shall be recorded as supplements to the recorded binding site plan and any subsequent phase thereto.

D. Acceptance of Improvements. The County Engineer is authorized to accept completed improvements required in this chapter on behalf of the Board; provided, any right-of-way dedication shall require Board approval prior to recording the final binding site plan or any amendment thereto. [Ord. 97-044, § 15, 3-24-97.]

18.64.160 Subsequent site or lot segregation and development approvals – Binding site plan supplements – Procedures and requirements.

A. The Director is authorized to approve all subsequent site or lot segregations and development(s), in conformance with this chapter and applicable regulations.

B. All development following final binding site plan approval shall be a supplement to the recorded binding site plan plat. The following requirements shall be met prior to issuance of an occupancy permit for any structure or building.

1. Any lot created within the boundary of an approved and recorded binding site plan shall be surveyed, legally described and a certificate of segregation approved by the Director. The signed certificate, survey, project site drawings, and as-built plans shall be filed and recorded in the office of the County Auditor as a supplement to the original binding site plan plat.

2. The number of lots created shall not exceed the maximum allowed under the provisions of the original binding site plan plat approval.

3. All leases, deeds, contracts or other documents creating a lot shall reference the conditions, covenants and restrictions applicable to the original binding site plan, and the standards in CCC 18.64.140 and 18.64.150 and this section.

4. There shall be no open record public hearings or closed record public meetings required for creation of, or for development on, lots created within the boundary of an approved binding site plan. All development on lots within the boundary of a recorded binding site plan shall meet the following and the requirements and standards of this section and CCC 18.64.130 through 18.64.150.

5. Each lot shall be surveyed by or under the direction of a surveyor registered in the State of

Washington. Such survey shall show the boundary of the created lot and lot area, its relationship to the recorded original binding site plan, building footprint(s), including building dimensions, area, floor area(s), landscaping areas, parking lot(s) with layout showing the location, width and number of parking spaces, walkways, loading area(s), driveways and other site improvements. Each lot shall be numbered in order of creation. Further division of any lot or creation of additional lots within the boundary of the final binding site plan area shall reference the original lot number and alphabetical letter denoting its subsequent order of creation or redivision, e.g., Lot 1, Lot 1A, Lot 2, Lot 2A, Lot 2B, Lot 2B1, Lot 3, etc.

6. Prior to issuance of an occupancy permit for any building constructed on a lot created within an approved binding site plan boundary, all required improvements needed to adequately service that portion of the binding site plan shall be installed, inspected, approved, and as-built plans shall be recorded as a supplement to the original binding site plan. [Ord. 97-044, § 16, 3-24-97.]

18.64.170 Performance guarantees.

Suitable performance guarantee shall be provided for all improvements and conditions of binding site plan approval as follows:

A. In lieu of completing the required improvements, an applicant may request final binding site plan plat approval, subject to approval of a suitable guarantee. The guarantee must be in a form acceptable to the County Engineer, Board and Prosecuting Attorney, and in an amount in conformance with this section. The amount of the guarantee is established at 200 percent of the cost to the county for construction of all improvements and for a professional engineer to inspect the improvements and complete as-built plans. The guarantee amount will require annual review by the County Engineer, and the applicant may be required to revise the guarantee amount to reflect the current inflation rate. Based on the revised amount, the applicant shall resubmit suitable guarantee to the county, or forfeit the guarantee. All improvements shall be completed by the applicant within the time period stipulated in the guarantee agreement, or the guarantee funds shall be forfeited, and the county shall complete the improvements, in conformance with the approved engineering plans and specifications.

B. At the time of final acceptance of the improvements, the applicant shall provide the county with a one-year bond, cash, or letter of credit as warranty at 30 percent of the established final cost

of the improvements which must be acceptable to the County Engineer and Prosecuting Attorney. The applicant shall also provide a two-year warranty at 30 percent of the final cost of the improvements for all drainage and stormwater management and treatment improvements installed. [Ord. 97-044, § 17, 3-24-97.]

18.64.180 Appeal.

A. Any appeal of a decision of the Board shall be to the County Superior Court pursuant to state law.

B. Appeals from decisions made by the Director shall be made to the Hearing Examiner pursuant to CCC 18.10.340 through 18.10.360 and this chapter, as now exists or is hereafter amended. Such an appeal must be made in writing and filed with the Director within 20 calendar days from the date on which the decision was issued, together with applicable fees as adopted from time to time by resolution of the Board.

1. The written appeal shall include a detailed explanation stating the reasons for the appeal. The decision of the Hearing Examiner shall be final unless appealed to Superior Court. [Ord. 97-044, § 18, 3-24-97.]

18.64.190 Modification – Amendments.

A. Prior to commencement of lot improvements, any applicant may make application to the Director requesting a modification from the standards in CCC 18.64.140 and 18.64.150, provided there shall be no variance from density requirements. However, lots, structures, parking lots, and other improvements may be clustered to protect and preserve critical areas, resource lands, or other environmentally sensitive areas.

B. A request for modification of 20 percent or less shall be determined by the Director as an administrative decision.

C. A request for modification over 20 percent shall be determined by the Hearing Examiner with recommendations and conditions set in consultation with the Director and County Engineer. Such decision shall be made during a regular meeting of the Hearing Examiner. No public notice shall be required.

D. No modification shall be granted until the following facts have been established:

1. There are exceptional circumstances or conditions such as: locations of existing structures, lot configuration, or topographic or unusual physical features that apply to the subject property that could not be discerned during the initial review of

the land, and which prohibit the applicant from meeting the standards in this chapter or other application land use regulations; and

2. The authorization of a modification or variation from the standard(s) will not be detrimental to the public welfare, or injurious to property in the vicinity, zone or land use designation in which the property is located; and

3. A hardship would be incurred by the applicant if he/she complied with the strict application of the standards. [Ord. 97-044, § 19, 3-24-97.]

18.64.200 Violations – Penalties.

A. A violation of this chapter shall be a public nuisance and civil infraction. Violations are subject to the provisions of Chapter 2.06 CCC, the Cowlitz County Civil Penalties Code. Each day a violation continues is a separate infraction. Payment of any penalty imposed for an infraction does not relieve a person from the duty to comply with this chapter.

B. It is a civil infraction and violation of this chapter for any person to modify or vary from the standards in this chapter or the conditions of the binding site plan without prior written approval from the Director. [Ord. 97-044, § 20, 3-24-97.]

18.64.210 Severability.

If any section, subsection or other portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection or portion thereof shall be deemed a separate provision of this chapter and such holding shall not affect the validity of the remaining portions of this chapter. [Ord. 97-044, § 21, 3-24-97.]

18.64.220 Effective date.

This chapter shall become effective immediately. [Ord. 97-044, § 22, 3-24-97.]