

**Title 19**  
**ZONING**

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**Chapter 19.01**  
**SHORT TITLE AND PURPOSE**

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19.01.020 Adopted Zoning Map and Interpretation

**19.01.010 Purpose**

The City of Ephrata is divided into zones established for the following purpose:

- A. To provide for the geographic distributions of zones based on land uses that reflect the vision, goals, and policies of the Ephrata Comprehensive Plan.
- B. To maintain a stability in land use designation with similar characteristics and level of activity through the provisions of harmonious groupings of zones together.
- C. To provide an efficient and compatible relationship of land uses and zones.
- D. To preserve and provide for the public safety needs of Ephrata citizens.

**19.01.020 Adopted Zoning Map and Interpretation**

- A. The location and boundaries of the zones defined by this chapter shall be shown and delineated on zoning maps adopted by ordinance.
- B. Changes in the boundaries of the zones, including application or amendment of interim zoning, shall be made by ordinance adopting or amending a zoning map.
- C. Zoning maps are available for public review at the department of community development during business hours. Zoning maps are available online at [www.Ephrata.org](http://www.Ephrata.org). (Ord 23-10, 2023)

## **Chapter 19.02 DEFINITIONS**

### **Rules of construction.**

For purposes of this title, certain terms or words used in this title shall be interpreted as follows:

- A. The word *person* includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word *shall* is mandatory; the word *may* is permissive.
- D. The word *used* or *occupied* includes the words "intended, designed, or arranged to be used or occupied."
- E. The word *lot* includes the words "plot" and "parcel."

### **Applicability.**

The definitions contained in this chapter are those that are generally used throughout this title; except for those definitions specified in EMC 19.08.035, which are specific to that respective section and chapter.

### **Accessory dwelling unit (ADU).**

An *accessory dwelling unit (ADU)* is a habitable, non-transient, dwelling unit added to, created within, or detached from and on the same lot with a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

### **Accessory living quarters.**

*Accessory living quarters* is a single residential dwelling unit within a commercial or manufacturing building which is incidental to the commercial or manufacturing use.

### **Accessory use or structure.**

*Accessory use or structure* means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**Adult entertainment.**

*Adult entertainment* means any dance, amusement, show, display, merchandise, material, exhibition, pantomime, modeling, or any other like performance of any type, for the use or benefit of a member or members of the public or advertised for the use or benefit of a member of the public where such is characterized by an emphasis on the depiction, description, or simulation of "specified anatomical areas," as defined in this chapter, or the exhibition of "specified sexual activities," also as defined in this chapter, or in the case of live adult entertainment performances, which emphasizes and seeks to arouse or excite the patron's sexual desires.

Any patron of an adult entertainment business, as defined in EMC 19.02.007, shall be deemed a member of the public.

**Adult entertainment business.**

*Adult entertainment business* means any establishment providing adult entertainment as defined in EMC 19.02.006 including, but not limited to, adult arcade, adult bookstore, adult novelty store, adult video store, adult motion picture theater, and exotic dance studio, more specifically defined as follows:

A. *Adult arcade* means a commercial establishment where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors, computer-generated or enhanced pornography, panoram, peep show, or similar machines, or other image-producing machines, for personal viewing, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which provide materials for individual viewing by patrons on the premises of the business which are characterized by an emphasis on the depiction, description or simulation of "specified anatomical areas" or "specified sexual activities."

B. *Adult motion picture theater* means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions characterized by an emphasis on the depiction, description, or simulation of "specified anatomical areas" or "specified sexual activities" are regularly shown for any form of consideration.

C. *Adult retail establishment* means any bookstore, adult novelty store, adult video store, or other similar commercial establishment, business, service, or portion thereof, which, for money or any other form of consideration, provides as a significant or substantial portion of its stock-in-trade the sale, exchange, rental, loan, trade, transfer, and/or provision for viewing or use off the premises of adult entertainment material as defined in this chapter.

For purposes of this provision, it shall be a rebuttable presumption that thirty (30) percent or more of a business' stock-in-trade in adult retail material, based on either the dollar value (wholesale or retail) or the number of titles of such material, is significant or substantial.

In determining whether or not the presumption is rebutted, the city administrator may consider the following factors, which are not conclusive:

1. Whether minors are prohibited from access to the premises of the establishment due to the adult entertainment nature of the inventory;
2. Whether the establishment is advertised, marketed, or held out to be an adult merchandising facility;
3. Whether adult entertainment material is an establishment's primary or one of its principal business purposes; or
4. Whether thirty (30) percent or more of an establishment's revenue is derived from adult entertainment material.

An establishment may have other principal business purposes that do not involve the offering for sale or rental of adult entertainment materials and still be categorized as an adult retail establishment. Such other business purposes will not serve to exempt such establishments from being categorized as an adult retail establishment so long as one (1) of its principal business purposes is offering for sale or rental, for some form of consideration, the specified adult entertainment materials.

The city administrator shall have full discretion to give appropriate weight to the factors set forth above as well as other factors considered depending on the particular facts and circumstances of each application.

- D. *Exotic dance studio*, also known as "topless bar" and "adult cabaret," means a nightclub, bar, restaurant, or similar commercial establishment, or any premises or facility to which any member of the public is invited or admitted and where an entertainer provides live performances to any member of the public, which performances are characterized by an emphasis on the depiction, description, or simulation of "specified anatomical areas" or "specified sexual activities," or which emphasize and seek to arouse or excite the patron's sexual desires.

**Adult entertainment material.**

*Adult entertainment material* means any books, magazines, cards, pictures, periodicals or other printed matter, or photographs, films, motion pictures, video tapes, slides, or other photographic reproductions, or visual representations, CD roms, DVDs, disks, electronic media, or other such media, or instruments, devices, equipment, paraphernalia, toys, novelties, games, clothing or other merchandise or material, which are characterized by an emphasis on the depiction, description or simulation of "specified anatomical areas" or "specified sexual activities."

**Adult family home.**

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

**Agricultural use.**

*Agricultural use* means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production.

**Alley.**

*Alley* means a public or private way not more than thirty (30) feet wide at the rear or side of property affording only secondary means of vehicular or pedestrian access to abutting property.

**Alteration.**

A movement of the components of a structure which changes its height, width, or depth, the moving of a structure from one location to another, or the moving of internal partitions which affect more than one-third of a single floor.

**Appeal.**

A request for a review of the interpretation of any provision of this ordinance or a request for a variance.

**Area of Shallow Flooding.**

A designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

**Area of Special Flood Hazard.**

The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

**Apartment.**

*Apartment* means a dwelling unit in a multifamily building.

**Attached Dwelling.**

*Attached Dwelling* means a dwelling unit connected to one or more dwellings by common roofs, walls, or floors or a dwelling unit or units attached to garages or other nonresidential uses.

**Automobile body repair.**

*Automobile body repair* includes those establishments primarily engaged in furnishing automotive vehicle body work and painting.

**Automobile detailing.**

*Automobile detailing* means any scratch and oxidation removal, buffing, interior and exterior washing or shampooing, paint overspray removal, stain removal, non-spray touch up painting, power washing, hand drying, window tinting, road tar removal, polishing, deodorizing of any type of passenger vehicles and trucks. Automobile detailing does not include cleaning of engines or engine parts.

**Automobile repair.**

*Automobile repair* includes fixing, incidental body or fender work, painting, upholstering, engine tune-up, adjusting lights or brakes, or supplying and installing replacement parts of or for passenger vehicles and trucks.

**Automobile service station or gasoline filling station.**

*Automobile service station or gasoline filling station* means a building or lot having pumps and storage tanks where fuels, oils or accessories for motor vehicles are dispensed, sold or offered for sale at retail only, repair service is incidental and no storage or parking space is offered for rent.

**Automobile wrecking or motor vehicle wrecking.**

*Automobile wrecking or motor vehicle wrecking* means the dismantling or disassembling of motor vehicles or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles or their parts.

**Basement.**

*Basement* means any area of a building having its floor below ground level on all sides.

**Base Flood.**

The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on maps always includes the letters A or V.

**Battery charging station.**

Battery charging station means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by Chapter 19.28 RCW, as amended, and consistent with rules adopted under RCW 19.27.540, as amended.

**Battery exchange station.**

Battery exchange station means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW, as amended, and consistent with rules adopted under RCW 19.27.540, as amended.

**Bed and Breakfast.**

*Bed and Breakfast* means a private owner occupied residence with one or two guestrooms maximum for transient occupancy. The bed and breakfast is subordinate and incidental to the main residential use of the building. Owner shall reside on site during guest stay. There shall be a maximum occupancy load of ten occupants/persons within the dwelling unit, which includes the owner and family, and two guests maximum per guestroom. Guestroom occupancy may include additional children under the age of six. Meals may be provided to guests only but are not required. The property owner shall obtain a city business license prior to operation of the Bed and Breakfast.

**Boarding or lodging home.**

*Boarding or lodging home* means a non-transient dwelling or part thereof, other than a motel or hotel, where lodging, with or without meals, is provided, for compensation, for not more than three (3) persons.

**Breakaway Wall.**

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.



**Building.**

*Building* means any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property of any kind.

**Building height.**

*Building height* means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

**Bulk retail uses.**

*Bulk retail uses* are distinguished from other retail uses in that they typically combine retail sales with warehouse and storage of goods. These uses generally require large, high-ceiling buildings since they store large quantities of inventory on site. They also require large sites since adequate parking is essential.

**Canopy.**

*Canopy* means a roof like projection.

**Cargo containers.**

*Cargo containers* means standardized, reusable vessels, designed without an axle or wheels, which were:

1. Originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or
2. Designed for or capable of being mounted or moved on a rail car; and/or
3. Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

When used for any purpose other than those listed in subsection (1) of this section, a cargo container is a structure.

**Charging levels.**

Charging levels means the electrical force, or voltage, at which an electric vehicle's battery is recharged. Levels 1, 2, and 3 are the most common electric vehicle charging levels, and include the following specifications:

1. Level 1 is considered slow charging requiring a 15-amp or 20-amp breaker on a 120-volt AC circuit and standard outlet.
2. Level 2 is considered medium charging requiring a 40-amp to 100-amp breaker on a 208-volt or 240-volt AC circuit.
3. Level 3 is considered rapid charging requiring a 60-amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment. Level 3 charging uses an off-board charger to provide the AC to DC conversion, delivering DC directly to the car battery. Also commonly known as “rapid charging station.”

**Clustering or cluster subdivision.**

*Clustering or cluster subdivision* means a development or division of land in which residential building lots are reduced in size and concentrated in specified portion(s) of the original lot, tract, or parcel.

**Comprehensive plan.**

*Comprehensive plan* means the document, including maps, adopted by the city council which outlines the city’s goals and policies relating to management of growth, and prepared in accordance with Chapter 36.70A RCW. The term also includes adopted subarea plans prepared in accordance with Chapter 36.70A RCW.

**Combining district.**

*Combining district* means district regulations superimposed on an underlying zoning district which impose additional regulations for specific uses, and which are valid for a stipulated time period. Uses permitted by the underlying zone may also be developed.

**Common open space.**

*Common open space* means a parcel of land or an area of water or a combination of land and water within the site designated for a planned unit development, and designed and intended primarily for the use or enjoyment of the residents of such development.

**Community Development Director.**

Community Development Director means the Senior Planner who is the director of the City of Ephrata Planning and Community Development Department or his/her authorized designee.

**Congregate care facilities.**

*Congregate care facilities* mean a building or complex of dwellings which provides for shared use of facilities, such as kitchens, dining areas, and recreation areas. Such complexes may also provide kitchens and dining space in individual dwelling units. Practical nursing care may be provided, but not nursing care as described in a convalescent home.

**Convalescent home.**

*Convalescent home* means any home, place, institution or facility which provides convalescent or chronic care, or both, for a period in excess of twenty-four (24) consecutive hours for three (3) or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable to properly care for themselves. Such establishment shall be duly licensed by the state of Washington as a "nursing home" in accordance with the provisions of Chapter 18.51 RCW.

**Conditional use.**

*Conditional use* means a use permitted in a zoning district only after review and approval by the hearing examiner. Conditional uses are such that they may be compatible only on certain conditions in specific locations in a zoning district, or if the site is regulated in a certain manner.

**Condominium.**

*Condominium* means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interest in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded.

Condominiums must meet all provisions of Chapter 64.34 RCW.

**Critical Facility.**

A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

**Crop and tree farming.**

*Crop and tree farming* means the use of land for horticultural purposes.

**Density, maximum permitted.**

*Maximum permitted density* refers to the maximum number of dwelling units permitted per acre, subject to lot size and other development standards of Ch. 19.04 EMC. When determining the allowed number of units for a subdivision or short subdivision, all site area

may be included in the calculation. If calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows: fractions above one-half (1/2) shall be rounded up, fractions of one-half (1/2) and below shall be rounded down.

**Dangerous wastes.**

*Dangerous wastes* means those wastes designated in WAC 173-303-070 through 173-303-103 as dangerous wastes. This may include any discarded, useless, unwanted or abandoned substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife or the environment because such wastes or constituents or combinations of such wastes:

- A. Have short-lived toxic properties that may cause death, injury or illness or have mutagenic, teratogenic or carcinogenic properties; or
- B. Are corrosive, explosive or flammable, or may generate pressure through decomposition or other means.

A moderate risk waste is not a dangerous waste.

**Day-care center.**

*Day-care center* means a day-care operation with thirteen (13) or more children in attendance at any one (1) time.

**Day-care Family home.**

*Day-care family home* means a facility licensed to provide direct care, supervision and early learning opportunities for twelve (12) or fewer children in their home where the licensee resides and is the primary provider or as defined in WAC 170-296-0020.

**Day-care operation.**

*Day-care operation* means the temporary care of persons in a residence or structure (meeting the requirements of Chapter 388-148 WAC) for less than twenty-four (24) hours a day on a regular recurring basis for pay or other valuable consideration, including, but not limited to, the furnishing of shelter, sustenance, supervision, education or other supportive services.

**Designated manufactured home.**

*Designated manufactured home* means a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

- A. Is comprised of at least two (2) fully enclosed parallel sections each of not less than twelve (12) feet wide by thirty-six (36) feet long;
- B. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and
- C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built International Building Code single-family residences.

**Designated zone facility.**

*Designated zone facility* means any hazardous waste facility that requires an interim or final status permit under rules adopted under Chapter 70.105 RCW and Chapter 173-303 WAC, and that is not a preempted facility as defined in RCW 70.105.010 or in Chapter 173-303 WAC. A hazardous waste treatment or storage facility is a designated zone facility.

**Detached Dwelling.**

*Detached Dwelling* means a building containing one dwelling unit which is not attached to any other dwelling by any means except fences, has a permanent foundation, and is surrounded by open space or yards. Also called a single family dwelling.

**Development plan.**

*Development plan* means a plan drawn to scale, indicating the proposed use, the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any, and the location on the lot of the proposed building or alteration, yards, setbacks, landscaping, off-street parking, ingress and egress, and signs.

**Development.**

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Development standards.**

*Development standards* means regulations including but not limited to setbacks, landscaping, screening, height, site coverage, signs, building layout, parking and site design and related features of land use.

**District.**

*District* means an area designated by this title, with specific boundaries, in which lie specific zones, which zones are described in this title.

**Dock-high loading areas.**

*Dock-high loading areas* means truck maneuvering areas and loading or unloading areas associated with loading doors that are located above the finish grade.

**Drainage ditch.**

*Drainage ditch* means a manmade channel with a bed, bank or sides which discharges surface waters into or out of a major or minor creek, lake, pond or wetland.

**Drip-line.**

*Drip-line* means a circle drawn at the soil line directly under the outermost branches of a tree.

**Drive-in, drive-through facilities.**

*Drive-in, drive-through facilities* means a business or portion of a business where a consumer is permitted or encouraged either by the design of physical facilities or by the provisions of services and/or packaging procedures, to carry on business while seated in a motor vehicle. This definition shall include but not be limited to drive-up windows, drive-through banks, and drive-in/drive-through restaurants.

**Duplex.**

*Duplex* means one (1) detached residential building containing two (2) dwelling units totally separated from each other by a one (1) hour fire wall or floor, designed for occupancy by not more than two (2) families.

**Dwelling, single-family.**

*Single-family dwelling* means a detached residential dwelling unit, other than a mobile home, designed for and occupied by one (1) family only.

**Dwelling, multiple-family.**

*Multiple-family dwelling* means a residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling unit.**

*Dwelling unit* means one (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure or on the same property, and containing independent cooking and sleeping facilities.

**Easement**

Authorization by a property owner for another to use the owner's property for a specified purpose.

**Efficiency Apartment.**

A small, usually furnished apartment with a private bathroom and kitchenette.

**Electric vehicle.**

Electric vehicle means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose.

"Electric vehicle" includes a battery electric vehicle (BEV), a plug-in hybrid electric vehicle (PHEV), a neighborhood electric vehicle, and a medium-speed electric vehicle.

**Electric vehicle charging station.**

Electric vehicle charging station means a public or private parking space located together with a battery charging station which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle.

**Electric vehicle infrastructure.**

Electric vehicle infrastructure means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

**Equitable distribution.**

*Equitable distribution* means siting or locating secure community transition facilities in a manner that will not cause a disproportionate grouping of similar facilities either in any one city in Grant County or community within a City in Grant County, as relevant.

**Erosion hazard areas.**

*Erosion hazard areas* are defined as follows:

A. *Class 1 erosion hazard areas.* Class 1 erosion hazard areas means all areas of the city other than class 2 or 3 erosion hazard areas. These areas are areas where no development limitations are deemed necessary, except where described under Ch. 19.04 EMC pertaining to district regulations.

B. *Class 2 erosion hazard areas.* Class 2 erosion hazard areas means all soils mapped by the Soil Conservation Service as having moderate to severe erosion hazard potential. These soils in the city include Bakeoven, Malaga, Pedigo, Prosser and Scoon soils.

C. *Class 3 erosion hazard areas.* Class 3 erosion hazard areas means all soils mapped by the Soil Conservation Service as having a severe to very severe erosion hazard potential. These soils in the city include Lickskillet, Outlook, Starbuck and Zen soils.

The Soil Conservation Service maps referenced in this section are on file with the city community development department.

#### **Existing Manufactured Home Park or Subdivision**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

#### **Expansion To An Existing Manufactured Home Park Subdivision**

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be or affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

#### **Established Grade**

The curb line grade at the front lot lines as established by the City.

#### **Extremely hazardous waste.**

*Extremely hazardous waste* means those wastes designated in WAC 173-303-070 through 173-303-100 as extremely hazardous wastes. This may include any dangerous waste which:

A. Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form:

1. Presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic makeup of man or wildlife; and
2. Is highly toxic to man or wildlife.

B. Is disposed of at a hazardous waste disposal site in such quantities as would present an extreme hazard to man or the environment.



**Family.**

*Family* means one (1) or more individuals related by blood or legal familial relationship, or a group of not more than six (6) persons who need not be related by blood or a legal familial relationship, living together in a dwelling unit as a single, nonprofit housekeeping unit, excluding class I, class II and III group homes as defined in this chapter.

**Fence, sight-obscuring.**

The minimum for a sight-obscuring fence is a chain-link fence with woven slats in every row or available space of the fence.

**Fence, one hundred (100) percent sight-obscuring.**

*One hundred (100) percent sight-obscuring fence* means a fence constructed of solid wood, metal, or other appropriate material which totally conceals the subject use from adjoining uses at six (6) feet above the base of the fence line, at twenty (20) feet from the subject property line.

**Flood.**

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM).**

The official map of Ephrata on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to Ephrata.

**Flood Insurance Study.**

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood.

**Floodway.**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Floor area ratio.**

*Floor area ratio* is a measure of development intensity which is determined by dividing gross floor area by lot area.

**Floor, Lowest.**

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the flood damage prevention code found in EMC 19.11.170(B)(1)(b)

**Frontage, building or occupancy.**

*Building or occupancy frontage* means the length of that portion of a building or ground floor occupancy which abuts a street, publicly used parking area or mall appurtenant to such building or occupancy, expressed in lineal feet and fractions thereof.

**Garage or carport, private.**

*Private garage or carport* means a building, or a portion of a building, principally for vehicular equipment such as automobiles, boats, etc., not more than one thousand (1,000) square feet in area, in which only motor vehicles used by the tenants of the buildings on the premises are stored or kept.

**Grade.**

*Grade* means the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distant from such wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than five (5) feet distant from such wall. In case walls are parallel to and within five (5) feet of a public sidewalk, alley, or other public way, the grade shall be the elevation of the sidewalk, alley, or public way.

**Gross floor area.**

*Gross floor area* means the area included within the surrounding exterior walls of a building expressed in square feet and fractions thereof. The floor area of a building not provided with surrounding exterior walls shall be the usable area under the horizontal projections of the roof or floor above.

**Ground cover.**

*Ground cover* means low-growing vegetative materials with a mound or spreading manner of growth that provides solid cover within two (2) years after planting. Examples include sod or seed lawn, ivy, junipers, cotoneaster, etc.

**Group home.**

A. *Class I group home.* Class I group home means publicly or privately operated residential facilities such as state-licensed foster homes and group homes for children; group homes for individuals who are developmentally, physically, or mentally disabled; group homes or halfway houses for recovering alcoholics and former drug addicts; and other groups not considered within class II or III group homes.

1. *Group home, class I-A.* A class I-A group home shall have a maximum of seven (7) residents including resident staff.

2. *Group home, class I-B.* A class I-B group home shall have a maximum of ten (10) residents including resident staff.

3. *Group home, class I-C.* The number of residents for a class I-C group home will be based upon the density of the underlying zoning district.

B. *Class II group home.* Class II group home means publicly or privately operated residential facilities for juveniles under the jurisdiction of the criminal justice system. These homes include state-licensed group care homes or halfway homes for juveniles which provide residence in lieu of sentencing or incarceration, and halfway houses providing residence to juveniles needing correction or for juveniles selected to participate in state-operated work release and pre-release programs. The community development director shall have the discretion to classify a group home proposing to serve juveniles convicted of the offenses listed under class III group home in this section as a group home class III, and any such home shall be sited according to the regulations contained within the group III classification.

1. *Group home, class II-A.* A class II-A group home shall have a maximum of eight (8) residents including resident staff.

2. *Group home, class II-B.* A class II-B group home shall have a maximum of twelve (12) residents including resident staff.

3. *Group home, class II-C.* A class II-C group home shall have a maximum of eighteen (18) residents including resident staff.

C. *Class III group home.* Class III group home means privately or publicly operated residential facilities for adults under the jurisdiction of the criminal justice system who have entered a pre- or post-charging diversion program, or been selected to participate in state-

operated work/training release or other similar programs as provided in Chapters 137-56 and 137-57 WAC. Such groups also involve individuals who have been convicted of a violent crime against a person or a crime against property with a sexual motivation and convicted or charged as a sexual or assaultive violent predator. Secure community transition facilities are considered class III group homes. Secure community transition facilities shall have a maximum of three (3) residents, excluding resident staff, unless the state agency proposing to establish and operate the facility can demonstrate that it has equitably distributed other secure community transition facilities with the same or a greater number of residents in other jurisdictions or communities throughout the entire geographic limits of Grant County.

**Guest cottage/Guesthouse.**

*Guest cottage* means an accessory, detached dwelling without any kitchen facilities designed for and used to house nonpaying transient visitors or guests of the occupants of the main building.

**Guestroom.**

*Guestroom* means any room or rooms used or intended to be used by a maximum of two (2) guests per room, excluding children under the age of six for living or sleeping purposes.

**Habitable Space (room).**

Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

**Hazardous substance.**

*Hazardous substance* means any liquid, solid, gas or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under Chapter 70A.300 RCW including Chapter 173-303 WAC. .

**Hazardous substance facility buffer zone.**

*Hazardous substance facility buffer zone* means a setback area between the hazardous substance land use facility boundary and the nearest point of the hazardous substance land use property line, necessary to provide added protection to adjacent land uses or resources of beneficial use. All hazardous waste treatment and storage facilities must maintain at least a fifty (50) foot buffer zone.

**Hazardous substance land use.**

*Hazardous substance land use* means any use which is permitted under this title and which includes a designated zone facility or the processing or handling of a hazardous substance.

**Hazardous substance land use facility.**

*Hazardous substance land use facility* means the projected line enclosing the area of all structures and lands on which hazardous substance land use activities occur, have occurred in the past or will occur in the future. This does not include the application of products for agricultural purposes or the use, storage, or handling of hazardous substances used in public water treatment facilities.

**Hazardous substance, processing or handling of.**

*Processing or handling of a hazardous substance* means the compounding, treatment, manufacture, synthesis, use or storage of hazardous substances in excess of the following amounts in bulk quantities: five thousand (5,000) pounds of solid hazardous substances, five hundred (500) gallons of liquid hazardous substances, and six hundred fifty (650) cubic feet of gaseous hazardous substances.

**Hazardous waste.**

*Hazardous waste* means any dangerous and extremely hazardous waste, including substances composed of radioactive and hazardous components, and designated by 40 C.F.R. Part 261 and regulated as hazardous and/or mixed waste by the United States EPA. A moderate risk waste is not a hazardous waste.

**Hazardous waste facility.**

*Hazardous waste facility* means the contiguous land and structures, other appurtenances and improvements on the land used for recycling, storing, treating, incinerating or disposing of hazardous waste.

**Hazardous waste storage facility.**

*Hazardous waste storage facility* means any designated zone facility which holds hazardous waste for a temporary period not to exceed five (5) years; this does not include accumulation of hazardous waste by the generator on the site of generation, as long as the generator complies with the applicable requirements of Chapter 173-303 WAC.

**Hazardous waste treatment facility.**

*Hazardous waste treatment facility* means any designated zone facility which processes hazardous waste by physical, chemical or biological means to make such waste nonhazardous or less hazardous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

**Hazardous waste treatment or storage facility, offsite.**

*Offsite hazardous waste treatment or storage facility* means any hazardous waste treatment or storage facility which treats or stores wastes that are generated off the site.

**Hazardous waste treatment or storage facility, onsite.**

*Onsite hazardous waste treatment or storage facility* means any hazardous waste treatment or storage facility which treats or stores only those wastes that are generated on the site.

**Hearing examiner (land use).**

*Hearing examiner (land use)* means a person appointed by the Mayor to conduct public hearings on applications outlined in the city ordinance creating the hearing examiner, and who prepares a record, findings of fact and conclusions on such applications.

**Height of Building**

The vertical distance at the center of a building's principal front, measured from the established grade to the highest point of the roof beams in the case of flat roofs, to the deck line of mansard roofs, or to the center height between eaves and ridges for gable, hip or gambrel roofs. For buildings set back from the street line, the height may be measured from the average elevation of the finished grade along the front of the building.

**Heavy Industry.**

Industrial uses that are not specifically defined elsewhere in this Code, that can be described in one of the following four ways:

1. Primary processing or manufacturing or repair operations not specifically defined elsewhere in this Chapter or this definition, that involve:
  - a. A material risk of significant environmental contamination, explosion, or fire;
  - b. Perceptible ground vibration at the property line;
  - c. Excessive noise or dust emissions at the property line and downwind;
  - d. Large-scale outdoor storage of inputs or products;
  - e. Significant outdoor installations of processing equipment;
  - f. Outside emission of objectionable odors;
  - g. 12 or more trips by semi trailer trucks per day; or
2. Processing of minerals (except precious and semi-precious stone cutting for jewelry or precision instruments such as lasers or watches), ores, logs, pulpwood, or fossil fuels; or
3. Activities that are required to undergo New Source Review under the Federal Clean Air Act, or are subject to construction or operation permits pursuant to the Colorado Stationary Sources Program or Title V of the Federal Clean Air Act.

For illustrative purposes, heavy industrial uses include (if they meet the thresholds of this definition), but are not limited to:

1. Coal cleaning plants with thermal dryers; coke oven batteries; carbon black plants (furnace process); petroleum refineries; petroleum storage and transfer units (except retail gasoline stations); and bulk fuel dealers;
2. Facilities used in the primary or secondary production of metals (e.g., primary zinc, copper, or lead smelters; primary aluminum ore reduction plants; iron and steel mills; sintering plants; secondary metal production plants; and blacksmith shops);
3. Portland cement plants;
4. Sawmills and pulp mills;
5. Incinerators with the capacity to charge more than 250 tons of refuse per day;
6. Lime plants; phosphate rock processing plants; sulfur recovery plants; and hydrofluoric, sulfuric, or nitric acid plants;
7. Fossil fuel combustion (except for electricity generation) totaling more than 250 million BTUs per hour of heat input;
8. Fabrication of motor vehicles, manufacturing equipment, durable goods, or pre-fabricated homes or home components;
9. Drycleaner processing plants that use large quantities of PERC or comparable petrochemical solvents;
10. Manufacture of plastic products (except assembly of parts that are manufactured elsewhere);
11. Hot mix asphalt plants; and
12. Meat processing involving butchering of large animal carcasses.

#### **Heavy Logistics Center.**

A wholesaling, warehousing, or distribution use that provides a central location for receiving, storing and distributing raw materials, semi-finished goods, or finished goods. Heavy logistics centers may be warehouses in which goods are stored (a.k.a. "product warehouses"), or truck terminals in which goods are transferred between trucks or between trucks and trains or other transportation modes (a.k.a. "truck terminals" or "logistics centers"), or moving warehouses (including indoor storage of portable on-demand storage containers), or wholesaling operations (but not wholesale membership clubs in which memberships are available to the general public). Heavy logistics centers are expected to generate at least 12 truck trips per day. Warehousing and distribution uses that involve fewer than 12 truck trips per day are classified as light industry.

#### **High Intensity computer operations.**

High Intensity computer operations means the operation of specialized computer equipment with High Density Load (HDL) electricity use, a high Energy Use Intensity (EUI) where the operating square footage as determined by the Utility is above 250kWh/f/hour and with a high load factor in addition to the use of equipment to cool the hardware and operating space. For the purposes of the associated regulations, high intensity computer operations do not include the exchange of

cryptocurrency or any other type of virtual currency nor does it encompass the use, creation, or maintenance of all types of peer-to-peer distributed ledgers.

**Home occupation.**

*Home occupation* means any use customarily carried on within a dwelling by the inhabitants thereof which use is incidental to the residential use and not primarily considered as a business and which complies with the conditions of this Title.

**Homeowners' association.**

*Homeowners' association* means an incorporated, nonprofit organization operating under recorded land agreements through which (a) each lot owner is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the common property, and (c) a charge, if unpaid, becomes a lien against the property.

**Hotel.**

*Hotel* means any building containing six (6) or more guestrooms which are intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

**Impervious surface.**

*Impervious surface* means that hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions preexistent to development, or that hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions preexistent to development. Common impervious surfaces include but are not limited to rooftops, concrete or asphalt paving, paved walkways, patios, driveways, parking lots or storage areas, and oiled, macadam or other surfaces which similarly impede the natural infiltration of surface water.

**Institution.**

*Institution* means a civic, religious, or other similar organization, including, but not limited to, an athletic field, hospital, university, religious institution, and community center.

**Interior court.**

*Interior court* means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls of a building.

**Junkyard.**

*Junkyard* means a place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including, but not



limited to, auto and motor vehicle wrecking yards, house wrecking yards, used lumber yards and yards for use of salvaged house wrecking and structural steel materials and equipment.

**Kennel.**

*Kennel* means any premises on which four (4) or more dogs which are five (5) months old or older are kept.

**Landscaping.**

*Landscaping* means vegetative cover including shrubs, trees, flowers, seeded lawn or sod, ivy and other similar plant material.

**Landslide areas.**

A. *Class 1 landslide areas.* Class 1 landslide areas means all areas of the city other than Class 2 or 3 landslide hazard areas. These areas are areas where no development limitations are deemed necessary, except where described under Ch. 19.04 EMC pertaining to district regulations.

B. *Class 2 landslide areas.* Class 2 landslide areas means areas with slopes of fifteen (15) percent or greater with permeable subsurface material (predominantly sand and gravel) to base level.

C. *Class 3 landslide areas.* Class 3 landslide hazard areas means those areas subject to a severe risk of landslide, due to the combination of: (a) slopes greater than fifteen (15) percent, and (b) impermeable subsurface material (typically silt and clay) sometimes interbedded with permeable subsurface material (predominantly wet sand and gravel) between the top and base (foot) elevations, and (c) characterized by springs or seeping groundwater during the wet season (November to February). These areas include both active and currently inactive slides.

**Less restrictive alternative.**

*Less restrictive alternative* means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092.

Light Industry.

A land use that involves research and development, assembly, remanufacturing, compounding, packaging, testing, or treatment of products, generally from previously prepared materials or components, with limited outside storage and limited truck traffic, external impacts, or risks, such that the use is not defined as "Heavy Industry" or "Heavy

Logistics." Light industry also includes wholesaling, warehousing, and distribution uses that involve fewer than 12 truck trips per day. For illustrative purposes, light industrial uses may include:

1. Assembly, testing, repair, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures using pre-manufactured components;
2. Offices of general contractors; specialty subcontractors; tradesmen; or telecommunications providers which include:
  - a. Overhead door access to indoor storage of tools, parts, and materials;
  - b. Parking of commercial vehicles or a fleet of cars, vans, or light trucks that are used in the business; or
  - c. Limited outdoor storage areas;
3. Food production (e.g., commercial kitchen or bakery) and packaging, but not:
  - a. Meat processing involving butchering of large animal carcasses;
  - b. Medical marijuana-infused products manufacture; or
  - c. Restaurants;
4. Beverage production (alcoholic and non-alcoholic) and bottling;
5. Furniture making or refinishing;
6. Manufacture of textiles or apparel;
7. Screen printing of apparel (except low volume screen printing at a retail store);
8. Printing and publishing, except copy centers, and except printing presses that require a Stationary Source permit or Title V permit for air emissions;
9. Research, development, and testing laboratories (e.g., for development of products, equipment, or materials), if not classified as "office" or "heavy industry";
10. Disassembly of consumer electronics and/or appliances into component parts, where all operations and storage are within an enclosed building;

11. Manufacture of glass products (e.g., window panes, bottles and jars), including hand-blown products;
12. Fabrication of building materials such as countertops, drywall, and cut stone (if not classified as heavy industry);
13. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products;
14. Packaging of products; or
15. Storing, selling, and/or distributing merchandise for or to retailers; industrial, commercial, institutional, or professional business users; or wholesalers, except that wholesale membership clubs that offer memberships to the general public are not Light Industrial uses.

**Lot.**

*Lot* means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are required in this title. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record and portions of lots of record, or;
- D. A parcel of land described by metes and bounds;

provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this title.

**Long term commercial significance.**

*Long term commercial significance* includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

**Lot, corner.**

*Corner lot* means a lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees within the lot lines.

**Lot area.**

*Lot area* means the area included within the property lines of a lot, including any easement area.

**Lot frontage.**

The front of a lot shall be that portion nearest the street or, if the lot does not abut a street, the portion nearest an ingress/egress easement. On a corner lot, the front yard shall be considered the narrowest part of the lot that fronts on a street, except in industrial and commercial zones, in which case the user of a corner lot has the option of determining which part of the lot fronting on a street shall become the lot frontage.

**Lot lines.**

*Lot lines* means the property lines bounding the lot.

**Lot measurements.**

A. Depth of a lot shall be considered to be the distance between the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

B. Width of a lot shall be considered to be the distance between the side lines connecting front and rear lot lines; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80) percent requirement shall not apply.

**Lot of record.**

*Lot of record* means a lot which is part of a subdivision recorded in the office of the county assessor, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**Lot, through.**

*Through lot* means a lot that has both ends fronting on a street. Either end may be considered the front.

**Makerspace.**

A facility where individuals gather to share resources and equipment, work on projects, network, and create.

**Micro (Tiny) Home.**

A micro or tiny home is a dwelling that may be built on wheels and is no larger than 400 square feet, including a kitchen, bathroom, and sleeping/living area, and must be built to

the Washington State Building Code. For purposes of this chapter, all micro/ tiny homes must be on a permanent foundation.

**Mixed use building or structure.**

*Mixed use building or structure* means a building that contains two (2) or more separate and distinct uses permitted in the zoning district where such building is located.

**Mixed use development.**

*Mixed use development* shall mean two (2) or more permitted uses or conditional uses developed in conjunction with one another on the same site. Provided that the aforementioned requirements are met, a mixed use development may include two (2) or more separate buildings. Provided further, that at least twenty-five (25) percent of the gross floor area, as defined in this chapter, be a permitted commercial use. The residential component of any mixed use development cannot be permitted or occupied prior to the (permitting and/or occupancy of) the commercial component.

**Manufactured Home.**

A single family dwelling constructed after June 15, 1976 and in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, recreational vehicle or other similar vehicles.

**Manufactured Housing Community or Subdivision.**

A parcel (or contiguous parcels) of land divided into two or more manufactured housing lots for rent or sale.

**Mobile home.**

A factory built dwelling fabricated prior to June 15, 1976, to standards other than the Housing and Urban Development (HUD) Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the HUD Manufacture Home Construction and Safety Standards Act. *See Manufactured Home.* For flood plain management purposes, the term "mobile home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "mobile home" does not include park trailers, travel trailers, recreational vehicle or other similar vehicles.

**Mobile home park.**

*Mobile home park* means an area under one (1) ownership designed to accommodate ten (10) or more manufactured homes.

**Moderate risk waste.**

*Moderate risk waste* means those wastes defined in Chapters 173-303 and 173-350 WAC as moderate risk wastes. This may include any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under Chapter 70.105 RCW solely because the waste is generated in quantities below the threshold for regulation, and any household waste which is generated from the disposal of substances identified by the Department of Ecology as hazardous household substances.

**Modular home.**

*Modular home* means a single-family dwelling constructed in a factory and shall be constructed and installed in accordance with applicable provisions of the International Building Code, the International Residential Code, or other applicable building codes, and shall bear the appropriate insignia indicating compliance with those codes. This definition includes "prefabricated," "panelized," and "factory built" units.

**Motel, including hotel and motor hotel.**

*Motel, including hotel and motor hotel*, means a building or group of buildings comprising individual sleeping or living units for the accommodation of transient guests for compensation.

**Motor vehicle.**

*Motor vehicle* means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, or any other vehicle required to be registered under the laws of this state, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

**Multifamily.**

Multifamily Dwelling means a dwelling containing three or more dwelling units stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. Multifamily dwellings include dwellings located within a vertically mixed-use building and residences commonly referred to as apartments, garden apartments, apartment buildings, or condominiums.

**Multiplex.**

A detached 2- 2 ½ story structure consisting of up to 6-8 units with the appearance of a medium-to-large single unit home.

**Natural or native areas.**

*Natural or native areas* means all or portions of a parcel of land undisturbed by development and maintained in a manner which preserves the indigenous plant materials.

**Net acreage.**

*Net acreage* means the buildable area after the area of street rights-of-way has been subtracted.

**New Construction Structures.**

Structures for which the "start of construction" commenced on or after the date of this ordinance.

**New Manufactured Housing Community or Subdivision.**

A manufactured housing community or subdivision for which the construction of facilities for servicing the lots on which the manufactured housing units are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood damage prevention ordinance.

**New manufactured home.**

*New manufactured home* means any manufactured home required to be titled under RCW Title 46, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2).

**Nonconforming lot of record.**

*Nonconforming lot of record* means any validly recorded lot which at the time it was recorded fully complied with the applicable laws and ordinances but which does not fully comply with the lot requirements of this title.

**Nonconforming sign.**

*Nonconforming sign* means any sign legally established prior to the effective date of this title or subsequent amendments thereto, which is not in full compliance with the regulations of this title.

**Nonconforming use.**

*Nonconforming use* means the use of land, a building or a structure lawfully existing prior to the effective date of this title or subsequent amendments thereto, which does not conform with the use regulations of the district in which it is located on the effective date of such use regulations.

**Nonconformity.**

*Nonconformity* means any land use, structure, lot of record or sign legally established prior to the effective date of this title or subsequent amendment to it which would not be permitted by or is not in full compliance with the regulations of this title.

**Non-transient.**

*Non-transient* means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to residents for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to residents for periods of at least 30 days or 1 calendar month.

**Northern lot line.**

*Northern lot line* means a lot line or lines less than forty-five (45) degrees southeast or southwest of a line drawn east-west and intersecting the northernmost point of the lot. If the northern lot line adjoins any unbuildable area (e.g., streets, alleys, public rights-of-way, parking lots, common areas) other than a required yard area, the northern lot line shall be that portion of the northerly edge of the unbuildable area which is due north from the actual northern lot line of the applicant's property.

**North-south lot dimension.**

*North-south lot dimension* means the average distance between lines from the corners of the northern lot line south to a line drawn east-west and intersecting the southernmost point of the lot.

**Occupancy.**

*Occupancy* means the purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

**Office, General.**

Means buildings from which professional, administrative, financial, clerical, brokering, real estate, and limited technical services are provided. The phrase includes, but is not limited to, the following types of businesses:

1. Accounting, auditing and bookkeeping;
2. Advertising and graphic design (but not mailing services, which are classified as "business services");
3. Architectural, engineering, and surveying services;
4. Attorneys and court reporters;
5. Banks, savings and loans, credit agencies, and investment companies;



6. Brokering of motor vehicles, commodities, and other items where the thing brokered is not stored on-site for any length of time;
7. Business incubators (unless the businesses being incubated are classified as another type of use, such as light industry);
8. Computer programming and data recovery services;
9. Corporate headquarters;
10. Data processing and word processing services;
11. Detective agencies;
12. Government offices;
13. Insurance;
14. Interior design;
15. Real estate sales and off-site rental offices;
16. Research and development (not including on-site manufacturing or fabrication, and not including marijuana uses);
17. Retail catalog, internet, and telephone order processing, but not warehousing; and
18. Virtual office services.

**Office, Medical.**

Defines office space used for the examination or treatment of patients on an outpatient basis (with no overnight stays by patients), generally by appointment, by such professionals as:

1. Chiropractors, licensed massage therapists, and acupuncturists;
2. Dentists;
3. Medical doctors (physicians, pediatricians, obstetricians, gynecologists, radiologists, geriatricians, general and specialist surgeons, podiatrists, ophthalmologists, anesthesiologists, etc.);
4. Midwives;
5. Nutritionists and homeopaths;
6. Optometrists;
7. Occupational therapists, physical therapists, or speech therapists;
8. Psychiatrists, clinical psychologists, clinical social workers, and marriage and family therapists;
9. Psychiatrists, physiotherapists, orthotics, prosthetics, recreational therapists, audiologists, respiratory therapists, rehabilitation counselors, prosthetic technicians, and personal care assistants; and
10. Other comparable health care professionals.

The phrase "Medical Office" includes medical laboratories to the extent necessary to carry out diagnostic services for the medical office's patients.

**Official map.**

*Official map* means maps showing the designation, location and boundaries of the various districts which have been adopted and made a part of this title.

**Open green area.**

*Open green area* means landscaped areas and areas of natural or native vegetation.

**Outside storage.**

*Outside storage* means all or part of a lot which is used for the keeping of materials or products in an open, uncovered yard or in an unwallled building. Such materials shall not be for general public consumption or viewing. Such materials shall include tractors, backhoes, heavy equipment, construction materials and other similar items which detract from the appearance of the zone in which they are located.

**Overlay district.**

*Overlay district* means a defined geographic area where a set of development regulations are established to achieve a specific public purpose. These regulations are in addition to those of the underlying zoning district. Where a conflict exists between the regulations of the overlay district and the underlying zoning, the regulations of the overlay district shall apply.

**Owner occupied**

*Owner occupied* is defined as the property owner as reflected in title records, who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and actually resides at the site more than six months out of any given year.

**Parking space or parking stall.**

*Parking space or parking stall* is any off-street space intended for the use of vehicular parking, with ingress or egress to the space easily identifiable.

**Parking, temporary.**

*Temporary Parking* means parking facilities specifically designed to accommodate not less than fifty-one (51) vehicles and intended for public use for a period of not more than five (5) years, subject to annual maintenance review by the public works department.

Temporary parking shall not be in lieu of specified off-street parking as required in EMC Chapter 19.05 pertaining to off-street parking and loading requirements. See page 116.

**Pedestrian-oriented use.**

*Pedestrian-oriented use* means a commercial use whose customers commonly arrive on foot, or where signage, advertising, window display and entry ways are oriented toward pedestrian traffic on a public sidewalk. Pedestrian-oriented businesses may include restaurants, retail shops, personal service businesses, travel services, banks, (except drive-through windows), and similar establishments.

**Performance standards.**

*Performance standards* means regulations for the control of dangerous or objectionable elements, as defined in EMC 19.08.050(A).

**Personal Services.**

Is a business that is engaged in the provision of informational, instructional, personal improvement, personal care, or similar services within an enclosed building, including but not limited to:

1. Art or music schools;
2. Beauty and barber shops;
3. Boxing or kickboxing instruction;
4. Cooking instruction;
5. Driving schools;
6. Fitness centers;
7. Handicraft or hobby instruction;
8. Laundry and dry-cleaning retail outlets;
9. Martial arts instruction;
10. Portrait shops or photography studios;
11. Shoe repair;
12. Swim instruction;
13. Tailor/alterations shops; or
14. Yoga instruction.

**Preempted facility.**

*Preempted facility* means any hazardous waste facility defined as a preempted facility in RCW 70A.300.010 or in Chapter 173-303 WAC. This may include any facility that includes as a significant part of its activities any of the following hazardous waste operations: (a) landfill, (b) incineration, (c) land treatment, (d) surface impoundment to be closed as a landfill, or (e) waste pile to be closed as a landfill.

**Preschool.**

*Preschool* means establishments providing exclusively educational programs for prekindergarten or preschool children, but excluding day-care uses as defined in this chapter

**Public area.**

*Public area* means public or private roadways, pedestrian paths, parks, open spaces, or other common spaces.

**Recreational vehicles.**

A. *Recreational vehicles* mean motorized vehicles that include a cabin for living accommodations and are commonly used for recreational travel and touring. Vehicles included in this category come in several forms: travel trailers, tent trailers, and camping trailers, all of which must be towed by a car; and truck campers, motor homes, and camper vans, all of which have the motor within the body of the vehicle.

B. Recreational vehicles may also include any motorized or non-motorized vehicle, boat, boat trailer, or other vehicle to be used for recreational purposes.

**Recreational Vehicle Lot.**

*Recreational Vehicle Lot* means a designated portion of an RV park designed for the accommodation of one recreational vehicle and its accessory structures.

**Recreational Vehicle Park.**

*Recreation vehicle park* means a lot or portion of a lot designed for exclusive occupancy by recreational vehicles.

**Revegetation.**

*Revegetation* means the planting of vegetation to cover any land areas which have been disturbed during construction. This vegetation shall be maintained to ensure its survival and shall be consistent with planting requirements of the city landscape regulations as set out in Ch. 19.07 EMC.

**Recyclables:**

*Recyclables* means newspaper, uncoated mixed paper, aluminum, glass and metal food and beverage containers, polyethylene terephthalate (PET #1) plastic bottles, high density polyethylene (HDPE #2) plastic bottles, and such other materials that the City and contractor determine to be recyclable.

**Recycling collection and processing center:**

*Recycling collection and processing center* means a facility where collected recyclable items are brought for sorting, compaction, transfer, and/or processing including changing the form of materials.

**Recycling collection station:**

*Recycling collection station* means a container or containers for the collection of secondhand goods and recyclable materials.

**Residential care facility.**

Is a facility, licensed by the state, that cares for at least five but not more than 15 people with functional disabilities, that has not been licensed as an adult family home pursuant to RCW 70.128.050.

**Retail Sales and Services.**

A use involving the sale, lease, or rental of consumer, home, and business goods to consumers. Such uses include but are not limited to department stores, furniture stores, clothing stores, second-hand stores, thrift shops, consignment stores, and establishments providing the following products or services: antiques, appliances, art, art supplies, beauty supplies, bicycles, books, building supplies, magazines and newspapers, craft supplies, copies, costumes, dry goods, electronics, fabric, framing, games, garden supplies, gifts, groceries, hardware, head shops, home improvement goods, household products, jewelry, lumber, music, musical instruments, office supplies, party supplies, pet supplies, pharmaceuticals, phones, photography equipment, produce, sporting goods, stationary, temporary signs, toys, and videos; and new automotive parts and accessories. The phrase also includes services such as charitable donation collection centers, coin laundries, installation of electronics (e.g., audio systems and navigation systems) into motor vehicles, passenger motor vehicle rentals provided that not more than five rental vehicles are stored on-site at any time, picture framing, real estate offices that are open for walk-in traffic; repairs of products sold by the establishment (e.g., a computer store may also repair computers), repairs of consumer electronics, tattoo parlors, and comparable services.

**Risk potential activity or risk potential facility.**

*Risk potential activity or risk potential facility* means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques or other religious facilities and places of worship, public libraries, and others identified by the department following the hearings on a potential site required in RCW 71.09.315. The term *school bus stops* does not include bus stops established primarily for public transit.

**Roadside stand.**

*Roadside stand* means a temporary structure designed or used for the display or sale of agricultural products primarily produced on the premises upon which such a stand is located.

**Secure community transition facility.**

*Secure community transition facility* means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under Chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to RCW 71.09.250 and any community-based facilities established under Chapter 71.09 RCW and operated by the Secretary of the State of Washington Department of Social and Health Services or under contract with the Secretary.

**Seismic hazard areas.**

A. *Class 1 seismic hazard areas.* Class 1 seismic hazard areas means all areas of the city other than class 2 or 3 seismic hazard areas. These areas are areas where no development limitations are deemed necessary, except where described under Ch. 19.04 EMC pertaining to district regulations.

B. *Class 2 seismic hazard areas.* Class 2 seismic hazard areas means those areas where soils are characterized by moderately well-drained alluvium of moderate density.

C. *Class 3 seismic hazard areas.* Class 3 seismic hazard areas means those areas subject to severe risk of earthquake damage due to soils of low density, due to poorly drained or impervious alluvium, due to highly saturated organic material or due to slopes greater than fifteen (15) percent.

**Service uses or activities.**

*Service uses or activities* means a business which sells the knowledge or work of its people rather than a tangible product.

**Setback, average.**

The *average setback* is the mean or average depth of yard (setback) measured from the property line to the building. The average setback is computed along the full length of the property line, utilizing a designated property depth.

**Shopping center.**

*Shopping center* means a retail shopping area designed as a unit, which utilizes a common parking area.

**Short Term Vacation Rental.**

*Short Term Vacation Rental* means an attached or detached, transient dwelling rented or leased as a unit that has five or less guest rooms, a maximum occupant load of ten (10) occupants, and a maximum guestroom occupancy of two occupants per room. Guestroom occupancy may include additional children under the age of six. Short term vacation rentals do not contemplate food services other than a standard residential kitchen for guest use. The property owner shall obtain a city business license prior to operation of the Short Term Vacation Rental facility.

**Sign.**

*Sign* means any structure, device, letter, figure, character, poster, picture, trademark, or reading matter which is used or designed to announce, declare, demonstrate, display, or otherwise identify or advertise, or attract the attention of the public. However, a sign shall not include the following:

- A. Official notices authorized by a court, public body, or public officer.
- B. Direction, warning, or information sign authorized by federal, state, or municipal authority.
- C. The official flag, emblem, or insignia of a government, school, or religious group or agency.
- D. A memorial plaque or tablet, or cornerstones indicating the name of a building and date of construction, when cut or carved into any masonry surface or when made of bronze or other incombustible material and made an integral part of the building or structure.

**Sign area.**

*Sign area* means the total area of all faces of a sign expressed in square feet. Area is measured from the outside perimeters, including backup, molding, framing, decorative scrollwork, etc. The area of a group of individual mounted letters or figures shall be the area of the geometric form necessary to enclose the group of letters or figures.

**Sign height.**

*Sign height* means the distance from ground level to the highest point on the sign structure.

**Sign, abandoned.**

*Abandoned sign* means any sign which has been deserted and its effective use terminated, and which no longer fulfills the purpose for which it was constructed.

**Sign, advertising.**

*Advertising sign* means a sign which directs attention to a business, commodity, or service or entertainment sold or offered elsewhere than on the premises and only incidentally on the premises.

**Sign, business.**

*Business sign* means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered on the premises.

**Sign, canopy.**

*Canopy sign* means a sign attached to the underside of a canopy.

**Sign, construction.**

*Construction sign* means a temporary sign placed in advance of occupancy of a building or structure indicating the name of the building or structure, the architects, the contractors, and other information regarding the building or structure.

**Sign, directional or informational.**

*Directional or informational sign* means a sign designated to guide or direct pedestrians or vehicles.

**Sign, flashing.**

*Flashing sign* means an illuminated sign with action or motion, or light or color changes.

**Sign, freestanding.**

*Freestanding sign* means a sign standing directly upon the ground or having one (1) or more supports standing directly upon the ground, and being detached from any building or structure.

**Sign, gate or entrance.**

*Gate or entrance sign* means a sign attached or adjacent to an entranceway of a residential site or subdivision, which identifies the site or subdivision.

**Sign, identification.**

*Identification sign* means a sign used only for the purpose of identifying the occupancy of a building, structure, or property.

**Sign, illuminated.**



*Illuminated sign* means a sign designed to give forth any artificial light or reflect such light from an artificial source.

**420 Sign, indirectly illuminated.**

*Indirectly illuminated sign* means an illuminated non-flashing sign whose illumination is derived entirely from an external artificial source and which is so arranged that no direct rays of light are projected from such artificial source into residences or the street.

**Sign, institutional.**

*Institutional sign* means a sign used only for the purpose of identifying an institution.

**Sign, off-premises.**

*Off-premises sign* means a sign that contains a message or directs attention to a business, profession, product, activity, or service that is not related to a use or activity conducted or offered on the premises or at the location where the sign is located, excluding road directional signs, and is generally available by means of rental or lease to persons other than the owner of the sign. An off-premises sign includes the sign face(s) that contains the message or direction noted above, as well as the pole or other structure upon which the sign face is attached.

**Sign, on-premises.**

*On-premises sign* means a sign identifying a business, product, service, or activity conducted or sold on the same premises as that on which the sign is located.

**Sign, painted.**

*Painted sign* means a sign which is painted on any office, wall, window, fence, or structure of any kind.

**Sign, political.**

*Political sign* means a sign advertising a candidate for political office or a measure scheduled for election.

**Sign, portable.**

*Portable sign* means a sign which is not permanently affixed to the ground or to a building or structure and which may be easily moved.

**Sign, projecting.**

*Projecting sign* means a sign affixed to the exterior wall of a building or structure with the exposed faces perpendicular to the plane of such wall.

**Sign, roof.**

*Roof sign* means a sign attached to a building which projects above the structure of the building. This definition refers to the architectural unity of a building or structure.

**Sign, rotating.**

*Rotating sign* means a sign containing moving parts.

**Sign, subdivision.**

*Subdivision sign* means a sign erected and maintained within the boundaries of a recorded subdivision and indicating the name of the subdivision, the name of the contractor or subdivider, and the name of the owner or agent, and giving information regarding directions, price, or terms.

**Sign, temporary.**

*Temporary sign* means a sign intended to advertise community or civic projects, construction projects, real estate for sale or lease, or other special events on a temporary basis.

**Sign, wall.**

*Wall sign* means a sign affixed to the exterior wall of a building or structure with the exposed face of the sign on a plane parallel to the plane of such wall.

**Sign, window.**

*Window sign* means a sign painted on, affixed to, or placed in an exterior window with the exposed face of the sign on a plane parallel to the plane of such window.

**Single-family zoning district.**

A *single-family zoning district* is a zoning district with any of the following designations: single-family residential (R-1), small lot single family residential (R-3) and suburban-residential (S-R).

**Site coverage.**

*Site coverage* means that portion of a lot covered by buildings or structures.

**Slope line.**

*Slope line* is defined as the line perpendicular to the contour lines crossing the property. The precise bearing or heading of the slope line shall be determined by the planning department

**Small Cell Wireless Facility.**

Is a wireless communications facility where each antenna is located inside an enclosure of no more than three cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are not larger than seventeen cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, backup power systems, grounding equipment, power transfer switch, and cut-off switch.

**Solid waste incinerator.**

*Solid waste incinerator* means the processing of solid wastes by means of pyrolysis, refuse-derived fuel, or mass incineration within an enclosed structure. These processes may include the recovery of energy resources from such waste or the conversion of the energy in such wastes to more useful forms or combinations thereof. This definition refers to citywide or regional-scale operations and does not include solid waste incineration which is accessory to an individual principal use.

**Special life safety measures.**

*Special life safety measures* means upper story rescue windows accessible from the front and rear of a home, or a fire department-approved automatic fire suppression system.

**Special use.**

*Special use* means use permitted in a district provided such use meets specific development standards as outlined in EMC 19.08.020.

**Special trees.**

*Special trees* means trees significant due to their size, age, species and variety, or historical importance.

**Specified anatomical areas.**

*Specified anatomical areas* means:

A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areolae; or

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified sexual activities.**

*Specified sexual activities* means:

A. The caressing, touching, fondling, or other intentional or erotic touching of male genitals, female genitals, pubic region, buttocks, anus, or female breasts of oneself or of one person by another; or

B. Sex acts, normal or perverted, actual or simulated, including masturbation, intercourse, oral copulation, flagellation, sodomy, bestiality, or any sexual acts which are prohibited by law; or

C. Human genitals in a state of sexual stimulation, arousal, or tumescence or visual state of sexual stimulation, arousal, or tumescence, even if completely and opaquely covered; or

D. Excretory functions as part of or in connection with any of the activities set forth in subsections (A) through (C) of this section.

**Stacking space.**

*Stacking space* means the space specifically designated as a waiting area for vehicles whose occupants will be patronizing a drive-in business. Such space is considered to be located directly alongside a drive-in window, facility, or entrance used by patrons and in lanes leading up to and away from the business establishment.

**Start of Construction**

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvements was within 180 days of the permit date. The actual start date means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Stadium.**

*Stadium* means a large oval, round, or U-shaped open structure, as for football, baseball, track events, etc., surrounded by tiers of seats.

**Structure**

Anything constructed or erected which requires a location on the ground or that is attached to something having a location on the ground, but not including fences seven (7) feet or less in height. For flood plain management purposes, a structure is any walled and roofed building including a gas or liquid storage tank that is principally above ground.

**Story.**

*Story* means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused underfloor space is more than six (6) feet above grade for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade at any point, such basement, cellar, or unused underfloor space shall be considered as a story.

**Street.**

*Street* means a public way thirty (30) feet or more in right-of-way width which affords a primary means of access to property.

**Substantial Damage**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement**

Any repair, reconstruction, or improvement of a structure where the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local

health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Townhouse.**

*Townhouse* means a multifamily residential dwelling unit which is attached to other dwelling units along one (1) or both sides and which occupies the building area from ground level to the roof with no dwelling units located above or below.

**Townhouse with ownership interest.**

*Townhouse with ownership interest* means real property formed as a townhouse, where portions are designated for separate ownership and the remainder is designated for common ownership solely by the owners of those portions, with an undivided interest in the common elements vested in the unit owners. Real property is not considered a townhouse with ownership interest until after a declaration encompassing and outlining the above requirements is recorded.

**Trade, retail.**

*Retail trade* means the sale or rental of goods and merchandise for final use or consumption.

**Transient.**

*Transient* means the right to use, occupy or possess, or the use, occupancy, or possession of, a dwelling unit or a habitable unit for a period of twenty-nine (29) consecutive calendar days or less.

**Transitional housing.**

*Transitional housing* means a facility operated publicly or privately to provide housing for individuals or families who are otherwise homeless and have no other immediate living options available to them. Transitional housing shall not exceed a twenty-four (24) month period per family or individual.

**Undeveloped land.**

*Undeveloped land* means a parcel of land which does not have an inhabitable building or where the inhabited buildings occupy no more than three (3) percent of the total parcel area.

**Unique and fragile area.**

*Unique and fragile area* means an area of special environmental significance for wildlife habitat, threatened plant communities or natural scenic quality.

**Urban separators.**

*Urban separators* are low-density lands that define community or municipal identities and boundaries, protect adjacent resource lands, rural areas, and environmentally sensitive areas, and create open space corridors within and between urban areas which provide environmental, visual, recreational, and wildlife benefits.

**Use.**

*Use* means an activity for which land or premises or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

**Use, change of.**

A *change of use* shall be determined to have occurred when it is found that the general character of the operation has been modified. This determination shall include review of but not be limited to: (1) hours of operation, (2) materials processed or sold, (3) required parking, (4) traffic generation, (5) impact on public utilities, (6) clientele, and (7) general appearance and location.

**Use, temporary.**

*Temporary use* means any activity or structure permitted under the provisions of EMC 19.08.205 which is intended to exist or operate for a limited period of time and which does not comply with the development standards and requirements set out in this title as specified for the zoning district in which it is located.

**Used.**

The word "*used*" in the definition of the term "adult entertainment or adult entertainment business" in this chapter describes a continuing course of conduct of exhibiting specific sexual activities and specified anatomical areas in a manner which appeals to a prurient interest.

**Variance**

An adjustment, which requires review by the hearing examiner, in the specific regulations of this ordinance regarding a piece of property where the strict application of the development standards would cause undue hardship to the owner as a result of existing physical constraints on the property. For flood plain management purposes, a variance is a grant of relief from the requirements of the flood damage prevention ordinance permitting construction in a manner that would otherwise be prohibited by that ordinance.

**Vegetative aid.**

*Vegetative aid* means bark mulch, gravel and other nonvegetative materials which promote vegetative growth by retaining moisture or preventing weeds. These materials are not a substitute for vegetative cover.

**Veterinary clinic.**

*Veterinary clinic* means any premises to which animals are brought, or where they are temporarily kept, solely for the purpose of diagnosis or treatment of any illness or injury, which does not have outdoor runs.

**Veterinary hospital.**

*Veterinary hospital* means any premises to which animals are brought, or where they are temporarily kept, solely for the purpose of diagnosis or treatment of any illness or injury, which may have outdoor runs.

**Water Dependent**

A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

**Yard.**

*Yard* means the land unoccupied or unobstructed, from the ground upward, except for such encroachments as may be permitted by this title, surrounding a building site.

**Yard, front.**

*Front yard* means an open space, other than a court, on the same lot with the building, between the front line of the building (exclusive of steps) and the front property line, including the full width of the lot to its side line.

**Yard, rear.**

*Rear yard* means an open space on the same lot with the building between the rear line of the building (exclusive of steps, porches, and accessory buildings) and the rear line of the lot, including the full width of the lot to its side lines.

**Yard, side.**

*Side yard* means an open space on the same lot with the building between the side wall line of the building and the side line of the lot and extending from front yard to rear yard.

**Zoning.**



*Zoning* means the regulation of the use of private lands or the manner of construction related thereto in the interest of implementing the goals and policies of the comprehensive plan. Zoning includes both the division of land into separate and distinct zoning districts, and the specific use and development standards which regulate development. Such regulation shall also govern those public and quasi-public land use and buildings which provide for government activities and proprietary type services for the community's benefit, except as prohibited by law. State and federal governmental activities are encouraged to cooperate under these regulations to secure harmonious city development.

**Zoning districts redefined.**

Any references in the Ephrata Municipal Code to the former zoning districts R-R shall mean the zoning districts designated as follows:

Former Zone	Current Zone
R-1	LDR

**Zoning lot.**

*Zoning lot* means a tract of land occupied or to be occupied by a principal building and its accessory facilities, together with such open spaces and yards as are required under the provisions of this title, having not less than the minimum area required by this title for a zoning purpose in the district in which such land is situated, and having its principal frontage on a public street of standard width and improvement. A zoning lot need not necessarily coincide with the record lot, which refers to land designated as a separate and distinct parcel on a legally recorded subdivision plat or in a legally recorded deed filed in the records of the county.

**Zoning permit.**

*Zoning permit* means a certificate, issued prior to a building permit, stating that the proposed use is in accordance with the requirements and standards of this title.

**Correctional Facility**

*Correctional Facility* means any prison, penitentiary, penal facility, jail, detention unit, or other facility in which persons are incarcerated by government officials.

**High Intensity computer operations.**

*High Intensity computer operations* means the operation of specialized computer equipment with High Density Load (HDL) electricity use, a high Energy Use Intensity (EUI) where the operating square footage as determined by the Utility is above 250kWh/f/hour and with a high load factor in addition to the use of equipment to cool the hardware and operating space. For the purposes of the associated regulations, high intensity computer operations do not include the exchange of cryptocurrency or any other type of virtual currency nor does it encompass the use, creation, or maintenance of all types of peer-to-peer distributed ledgers.

**Data Center, Server Farm and Clusters.**

A network of computer(s) and or server(s) typically used by organizations for the remote storage, processing, or distribution of large amounts of data. This includes the operation of specialized computer equipment for the primary purpose of mining one or more blockchain based cryptocurrencies such as Bitcoin. This activity typically involves the solving of algorithms as part of the development and maintenance of a blockchain which is a type of distributed ledger maintained on a peer-to-peer network. Typical physical characteristics of cryptocurrency mining include specialized computer hardware; High Density Load (HDL) electricity use; a high Energy Use Intensity (EUI) where the operating square footage as determined by the Utility is above 250kWh/ft<sup>2</sup>/year and with a high load factor in addition to the use of equipment to cool the hardware and operating space. For the purposes of the associated regulations, cryptocurrency mining does not include the exchange of cryptocurrency or any other type of virtual currency nor does it encompass the use, creation, or maintenance of all types of peer-to-peer distributed ledgers.

(Ord. 10-09 2010; Ord. 13-12 2013; Ord. 18-09 2018; Ord. 18-13 2018; Ord 18-28 2018; Ord 19-05 2019; Ord 21-05 2021; Ord 23-10, 2023)

**Chapter 19.03**  
**ESTABLISHMENT OF ZONES AND OVERLAY ZONES**

Sections:

19.03.010 Establishment of Zones

19.03.020 Ephrata Overlay Zones

**19.03.010 Establishment of Zones.**

A. The City is divided into the zones set forth in Table 19.03.010, Ephrata Zones.

**Table 19.03.010 Ephrata Zones**

Zone Classification	Abbreviation	Purposes
<b>Residential Districts</b>		
<b>Low Density Residential</b>	LDR	Provides for low-density residential development in neighborhoods already characterized by one and two-family dwellings or is not suited to more intense residential development.
<b>Mixed Density Residential</b>	MDR	Provides for moderate density residential uses in a mix of housing types and styles. This zone allows for mixed residential alternatives such as multi-family, townhomes, cottage housing, multiplex units, and mixed housing type uses.
<b>Commercial Districts</b>		
<b>Central Business District</b>	CBD	Downtown district with a mixture of uses including business, commercial, governmental, residential, and mixed use development. This zone is intended to support walkable, pedestrian-scale center for shopping, entertainment, events, dining, and culture.
<b>General Commercial and Business Zone</b>	C-1	This zone is intended to be used for a full range of retail sales and commercial services, serving both residents and visitors.
<b>Industrial Districts</b>		
<b>Light Industrial</b>	L-I	Intended to accommodate a variety of light industrial uses including but not limited to manufacturing, warehousing, distribution operations, processing, and fabricating, and to preserve land for such use.
<b>Heavy Industrial</b>	H-I	Intended to accommodate heavy industrial uses and to preserve land for such uses at locations that will permit less restrictive industrial performance standards and bulk regulations than are required in the L-I Zone, thereby providing greater flexibility to accommodate a variety of heavy industrial uses including but not limited to manufacturing, fabricating, processing, warehousing, distribution operations, and assembly.
<b>Public Districts</b>		
<b>Public Facility</b>	PF	Provides for areas for the variety of public uses which are required in a city such as parks, offices, community facilities, and schools. All publicly owned property is to be designated "Public Facility" unless otherwise zoned.
<b>Airport Zone</b>	AZ	This zone provides uses consistent with industrial, commercial, manufacturing and are consistent with development adjacent to an airport.

B. The City overlay zones are set forth in Table 19.03.020, Ephrata Overlay Zones.

**Table 19.03.020 Ephrata Overlay Zones**

Overlay Zone Classification	Abbreviation	Purposes
<b>Mixed Use Transitional Overlay</b>	MUT	Node development for pockets of intense development in specific designated areas of town. The underlying zone will determine what overlay applies. These mixed use transitional zones are applicable in three different categories: <ol style="list-style-type: none"><li>1. Residential Mixed Use Transitional – an area of development where there is a mixture of residential uses, business and light commercial</li><li>2. Commercial Mixed Use Transitional – an area of development for commercial transition between adjacent land uses whether that is residential or industrial. These areas are envisioned to develop as a commercial transition of mixed uses.</li><li>3. Industrial Mixed Use Transitional – transition area between industrial and adjacent land uses such as commercial or residential. Development could include buffering regulations, transitions from commercial, light to heavy industrial uses.</li></ol>
<b>Mobile Home Park Overlay</b>	MH	The Mobile Home Park Overlay zoning classification is intended to promote the retention of mobile home parks as a source of affordable detached single-family and senior housing. This classification is assigned to certain existing mobile home parks which contain rental pads, as opposed to fee simple owned lots, and as such are more susceptible to future redevelopment.
<b>Airport Overlay Zone</b>	AOZ	This zone is intended to protect the viability of the Ephrata Airport as a significant resource to the community by requiring compatible land uses and densities, reducing hazards to lives and properties, and ensuring a safe and secure flying environment, consistent with federal aviation regulations. This overlay zone follows the designations outlined in WSDOT's Airport and Compatible Land Use Guidebook, Appendix F.

(Ord. 13-12, 2013; Ord. 23-10, 2023)

**Chapter 19.04**  
**DISTRICT REGULATIONS**

Sections:

- 19.04.010 Interpretation of land use tables.
- 19.04.020 Residential land uses.
- 19.04.030 Non-residential land uses
- 19.04.040 Prohibited uses
- 19.04.050 Uses that are not listed
- 19.04.060 Residential Building Setback and Intensity Standards
- 19.04.065 Transportation, public, and utilities land use development conditions.
- 19.04.070 Non-Residential Building Setback and Intensity Standards
- 19.04.080 Mixed Use Transitional overlay development standards
- 19.04.090 Mobile Homes Park overlay development standards
- 19.04.100 Airport overlay development standards

**19.04.010 Interpretation of land use tables**

- A. The purpose of this chapter is to establish where categories of land uses may be permitted and whether those uses are allowed outright or by conditional use permit. Land uses not listed are prohibited unless allowed through the process specified in Chapter 17. Land uses are also subject to any footnotes contained within this chapter.
- B. The symbols used in the table represent the following:
  - 1. "P" means "permitted as-of-right." These uses are subject to administrative review for compliance with the general requirements of this UDC.
  - 2. "C" in the box at the intersection of the column and row indicates that the use is allowed by conditional use permit, subject to the conditional use provisions in Chapter 17 and any additional standards specified.
  - 3. "S" means "special uses" subject to review procedures specified in EMC 19.09 and any other zoning district or overlay district regulations.
  - 4. "A" in the box at the intersection of the column and row indicates that the use is an accessory use and permitted in the zoning district subject to the review outlined in EMC 19.09 and any other zoning district or overlay district regulations.
  - 5. No symbol in the box indicates the use is prohibited in the zone.
- C. Procedural requirements for permits are described in EMC 17.01.030.
- D. Uses similar to those listed may be established as allowed or conditionally allowed through the interpretation procedures in EMC 17.01.030. In determining whether a use should be permitted, the Community Development Director shall refer to the establishment of zones outlined in EMC 19.03, and the latest version of the North American Industry Classification System.

### 19.04.020 Residential land uses.

The residential land uses that are allowed in each zone are outlined in table 19.04.020 Residential Land Uses by Zone.

Table 19.04.020 Residential Land Uses by Zone									
Land Use	Zones								Code Standard Reference
	Residential		Commercial		Industrial		Public		
	LDR	HDR	CBD	C-1	L-I	H-I	PF	AZ	
Single family detached dwelling	P	P	A						
Accessory dwelling unit	S	S							19.08.350; 19.08.359
Accessory uses and buildings	A	A	A	A	A	A	A	A	19.08.160; 19.08.090 – 19.08.097.
Duplex	P	P							
Townhouse	C	P	C						
Multiplex <sup>(3)</sup>	C	P							
Multifamily <sup>(3)</sup>		P	C						
Manufactured Homes <sup>(5)</sup>	P	P							19.08.750
Manufactured Housing Communities <sup>(1)</sup>	S	S							19.16
Modular Homes	P	P							
Micro (Tiny) Homes	S	S							
Cluster Housing Developments		P							
Mixed Use Residential Development <sup>(2) (3)</sup>		S	P	P					
Special Residential Land Uses									
Assisted Living or Congregate Care	C	P							
Adult Group Home	S	S	C						19.08.280
Animal accessory uses	A	A	A						19.08.070
Residential Care Facility		C		C					
Home occupations	A	A	A						19.08.040; 19.08.097
Bed and Breakfast	C	C							
Daycare Family home	S	S							
Short term vacation rental	S	S	C	C					19.08.770
Transitional Housing <sup>(4)</sup>		C	C						
Temporary Uses	S	S	S	S	S	S	S	S	19.08.205
Key: “P” = Permitted Use; “C” = Conditional Use; “S” = Special Uses									
Foot Notes: <sup>(1)</sup> Overlay district requirements – Mobile Home Overlay Zone <sup>(2)</sup> Overlay district requirements – Mixed Use Transitional (MUT) Zone <sup>(3)</sup> Multifamily residential uses, when established in buildings with commercial or office uses, and not located on the ground floor. <sup>(4)</sup> Transitional housing facilities, limited to a maximum of twenty (20) residents at any one time and four (4) resident staff. <sup>(5)</sup> Supplemental conditions for manufactured homes are outlined in Section 19.08.750									

### **19.04.030 Non-Residential land uses.**

The non-residential land uses that are allowed in each zone are outlined in table 19.04.030 Non-Residential Land Uses by Zone.

Table 19.04.030 Non-Residential Land Uses by Zone									
Land Use	Zones								Code Standard Reference
	Residential		Commercial		Industrial		Public		
	LDR	HDR	CBD	C-1	L-I	H-I	PF	AZ	
Hospitality, Recreation and Entertainment Uses									
Bed and Breakfast	P	P	C						19.08.760
Brew Pub, Distillery Pub or Limited Winery			P	P	P	C			
Campground				C			P		
Commercial Lodging, Business or Tourist			P	P			C	C	
Golf Course	C	C					P		
Indoor Amusement, Recreation and Entertainment			P	P			C		
Indoor Firing or Gun Range					C	C			
Outdoor Commercial Recreation or Amusement			C	P			P		
Outdoor Stadium, Arena, Amphitheatre, or Drive-In Theater				P			P	C	
Parks	P	P	P	P	P	P	P	P	
Restaurant			P	P					
Restaurant, Fast Food (Drive through)				P	P				
RV Park		C					P		
Adult Uses			C	C	C				19.08.270
Zoo					C		C		
	LDR	HDR	CBD	C-1	L-I	H-I	PF	AZ	
Commercial Uses									
Business Services			P	P					
Liquor Store			P	P	P				
Marijuana Retailer				C	C	C			19.17
Office, General		S	P	P	P	P	P	P	
Office, Medical		S	P	P	P	C	P		
Personal Services		S	P	P	P		P		
Recording or TV Studio			P	P	P	C			
Retail Sales and Services		S	P	P	P				
Commercial Equestrian Facilities			C	P	P	P			
Kennel (Indoor) or Pet Stores			P	P	P				
Kennel (Outdoor)				C	C	P			

Veterinarian (Large Animal)				P	P	P			
Veterinarian (Small Animal)			P	P	P	C			
Nursery or Greenhouse, Wholesale	C	C	P	P	P	P	P	P	
	LDR	HDR	CBD	C-1	L-I	H-I	PF	AZ	
<b>Community and Institutional Uses</b>									
Cemetery							P	P	
Crematorium		C	P	P	P				
Community Garden									
Day Care Center, Adult or Child	C	P	P	P					
Funeral Home		C	P	P	P				
Hospital		C	C	P			P		
Place of Assembly	C	C	P	P					
Prison or Jail			C	P			P		
School, Elementary, Middle or High			C				P		
School, Vocational or Trade			C	P			P	P	
Makers Space			P	P			P	P	
University or College			C	P			P		
	LDR	HDR	CBD	C-1	L-I	H-I	PF	AZ	
<b>Industrial Uses</b>									
Composting Facility				C	P	P			
High Intensity Computer Operations					C	C			19.02
Disposal					C	C			
Heavy Industry						P			19.02
Heavy Logistics Center						P			
Light Industry					P	P		P	19.02
Marijuana cultivation, production and processing					C	C			19.17
Recycling Collection Center					C	C			
Salvage Yard						C			
Self-Storage					P	P		P	
Storage Yard						C		P	
Waste Transfer Station						C			
Warehouse and distribution facilities					P	P		P	
	LDR	HDR	CBD	C-1	L-I	H-I	PF	AZ	
<b>Transportation and Motor Vehicle Uses</b>									
Electric vehicle charging stations			P	P	P	P	P	P	19.08.730
Fueling or service stations			C	P	P	C			
Motor vehicle wash			C	P	P	P			
Surface parking <sup>3</sup>			C	P	P	P			
Motor vehicle sales or			C	P	P	P			



rental									
Heavy motor vehicle sales or rental				C	P	P			
Motorcycle, scooter, E-bike, ATV sales or rental			P	P	P	P			
Airport						C		P	
Heliport								P	
Helistop							C	P	
Bus or Taxi Terminal			C	P	P	C			
	LDR	HDR	CBD	C-1	L-I	H-I	PF	AZ	
<b>Utility and Wireless Communication Uses</b>									
Freestanding Communications Tower			C	C	C	C	C		19.08.035
Alternative Tower Structure			C	C	C	C	C		19.08.035
Small Cell Wireless Facility	C	C	C	C	C	C	C	C	19.08.035
Other Wireless Communication Facilities	C	C	C	C	C	C	C	C	19.08.035
<b>Key:</b> <b>“P” = Permitted Use; “C” = Conditional Use; “S” = Special Uses</b> <b>Notes:</b> <sup>(1)</sup> Overlay district requirements – Mobile Home Overlay Zone <sup>(2)</sup> Overlay district requirements – Mixed Use Transitional (MUT) Zone <sup>(3)</sup> Surface parking is an accessory use in downtown or mixed use developments and shall not be a primary use of property.									

#### **19.04.040 Prohibited uses**

- A. **Land uses that are not allowed in any zoning district:** The following land uses are not allowed in any zoning district:
1. Resource extraction;
  2. Storage of hazardous or toxic materials and chemicals or explosive substances.
  3. Prohibited are those manufacturing activities having potentially deleterious operational characteristics, such as initial processing of raw materials (forging, smelting, refining, and forming).

#### **19.04.050 Uses that are not listed**

- A. If a proposed use is not listed in the Land Use by Zone table, then the Director or his/her designee shall determine whether the proposed use is functionally comparable to a use that is listed in Tables 19.04.020 and 19.04.030. A proposed use is functionally comparable to a use that is allowed if it is reasonably comparable to the use. The proposed use has no greater impact and is reviewed against Decision Criteria of Subsection B.
- B. The following decision criteria shall be evaluated when the Director determines whether a proposed use is functionally comparable to an allowed use:
1. Parking demand;
  2. Average daily and peak hour trip generation;
  3. Noise;
  4. Vibration;
  5. Lighting;

6. Dust;
7. Odors;
8. Potentially hazardous conditions, such as projectiles leaving the site;
9. Secondary impacts on the community (e.g., increased crime or threats to public health, or degradation of historic resources);
10. Design of buildings and structures;
11. Character of operation; and
12. Implementation of the Comprehensive Plan.

C. Determinations:

1. If the Director finds that an unlisted use is most closely functionally comparable to a permitted or conditional use, then an application for approval of the unlisted use at a particular location shall be processed with the same restrictions as the listed use that is functionally comparable.
2. If the Director determines that an unlisted use is most closely functionally comparable to a prohibited use, or is not functionally comparable to any listed use, then the unlisted use is a prohibited use.

#### **19.04.060 Residential Building Setback and Intensity Standards**

<b>Table 19.04.060 Residential Building Setback and Intensity Standards</b>							
	<b>LDR</b>		<b>MDR</b>				
	<b>Single Family</b>	<b>Duplex</b>	<b>Single Family</b>	<b>Duplex/ Row housing</b>	<b>Cottage cluster<sup>(3)</sup></b>	<b>Tiny home cluster<sup>(4)</sup></b>	<b>Multiplex/ Multi-family<sup>(7)</sup></b>
<b>Standards</b>							
<b>Maximum density</b>	8 du/ac	12 du/ac	10 du/ac	14 du/ac	14 du/ac	16 du/ac	18 du/ac
<b>Minimum lot area</b>	5,000 sq.ft.	5,500 sq.ft.	4,000 sq.ft.	Duplex: 8,000 sq.ft. <sup>(1)</sup> Row housing: 2,500 sq.ft. per building	12,500 sq.ft. <sup>(1)</sup>	7,500 sq.ft.	3-unit building: 8,000 sq.ft. 4-unit building: 10,000 sq.ft. 5-unit(+) building: 12,000 sq.ft.
<b>Minimum lot width</b>	60 ft	80 ft <sup>(2)</sup>	50 ft	Duplex: 70 ft <sup>(2)</sup> Row housing: 25 ft. per unit	125 ft <sup>(2)</sup>	75 ft <sup>(2)</sup>	3-unit building: 50 ft 4-unit building: 75 ft 5-unit(+) building: 120 ft
<b>Maximum site building coverage</b>	40%	45%	45%	50%	40%	40%	60%
<b>Front yard setback<sup>(6)</sup></b>	20-25 ft	20 ft	15 ft	20 ft	15 ft	15 ft	20 ft
<b>Side yard setback</b>	5 ft	5 ft	5 ft	5 ft	10 ft.	10 ft.	10 ft
<b>Side yard on street or corner lot</b>	15 ft	15 ft	15 ft	10 ft	10 ft.	10 ft.	15 ft
<b>Rear yard setback<sup>(5)</sup></b>	5 ft	5 ft	5 ft	5 ft	10 ft.	10 ft.	20 ft
<b>Building separation</b>	10 ft	10 ft	10 ft	10 ft	15 ft. front to front and 10 ft. all other sides		20 ft.
<b>Maximum height</b>	30 ft	30 ft	30 ft	30 ft	25 ft	20 ft	35 ft
<b>Accessory Building height</b>	20 ft	20 ft	20 ft	20 ft	20 ft	15 ft	25 ft
<b>Accessory Building front setback</b>	20 ft	20 ft	15 ft	20 ft	15 ft	15 ft	20 ft
<b>Accessory Building side setback</b>	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft

Accessory building rear setback	5 ft	5 ft	5 ft	5 ft	10 ft	10 ft	20 ft
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**Footnotes:**

- (1) Minimum area of subject property in which multiple unit development is proposed.
- (2) Setback or width is for the development as a whole, relating to adjoining properties. Minimum width of subject property for development being proposed. If more than one housing type is proposed in the development, the largest minimum width applies and shall be determined at platting.
- (3) Building footprint of 900 sf. or less
- (4) Building footprint of 400 sf. or less
- (5) No rear yard setback is required in residentially zoned districts when property abuts an alley. In no case shall any portion of the structure extend beyond the property line.
- (6) At least twenty (20) linear feet of driveway shall be provided between any garage, carport, or other primary parking area and the street property line with the exception of an alley property line.
- (7) Two (2) story multifamily structures shall maintain a 25 foot buffer from an adjacent single family residential lot lines to exterior wall of multifamily dwelling. A three (3) story multifamily structures shall maintain a 50 foot buffer from an adjacent single family residential lot lines to exterior wall of the multifamily dwelling.

**Additional development reference standards:**

- The sign regulations of Ch. 19.06 EMC shall apply.
- The off-street parking requirements of Ch. 19.05 EMC shall apply.
- The landscaping requirements of Ch. 19.07 EMC shall apply.
- The requirements of EMC 19.08.215 shall apply in any multifamily transition area, which includes any portion of a multifamily district within one hundred (100) feet of a single-family district or within one hundred (100) feet of a public street right-of-way.
- The requirements of EMC 19.09.045 for multifamily design review shall apply to any multifamily dwelling of three (3) or more units.
- Outdoor storage areas as defined in Chapter 19.02 EMC are prohibited.

#### **19.04.070 Non-Residential Building Setback and Intensity Standards**

**Table 19.04.070 Non-Residential Building Setback and Intensity Standards**

	CBD <sup>1</sup>	C-1	L-I	H-I	PF	AZ
Minimum lot area	3,500 sq.ft.	5,000 sq.ft.	5,000 sq.ft.	5,000 sq.ft.	5,000 sq.ft.	5,000 sq.ft.
Maximum site building coverage	100%	90%	90%	90%	50%	60%
Front yard setback	0 ft	10 ft	10 ft	10 ft	5 ft	10 ft
Side yard setback	0 ft	0 ft	5 ft	5 ft	5 ft	5 ft
Side yard on street or corner lot	0 ft	5 ft	5 ft	10 ft	5 ft	10 ft
Rear yard	0 ft	0 ft	10 ft	10 ft	5 ft	10 ft
Maximum height	45 ft	40 ft	40 ft	40 ft	40 ft	35 ft

**Footnotes:**

- <sup>1</sup>Outdoor storage areas are prohibited.

**Additional development reference standards:**

- The sign regulations of Ch. 19.06 EMC shall apply.
- The off-street parking requirements of Ch. 19.05 EMC shall apply.
- The landscaping requirements of Ch. 19.07 EMC shall apply.
- Outdoor storage areas as defined in Chapter 19.02 EMC are prohibited.
- The downtown design review requirements of EMC 19.09.046 shall apply.
- The performance standards as provided in EMC 19.08.050 shall apply.

g. Development plan approval is required as provided in EMC 19.09.010.

#### **19.04.080 Mixed Use Transitional (MUT) overlay standards.**

A. Table 19.04.080 outlines the overlay standards, requirements and flexibility for properties designated on the Ephrata zoning map and as approved in the Ephrata Comprehensive Plan.

<b>Table 19.04.080 Mixed Use Transitional (MUT) overlay standards</b>			
	<b>Residential Mixed Use Transitional</b>	<b>Commercial Mixed Use Transitional</b>	<b>Industrial Mixed Use Transitional</b>
<b>Applicability</b>	Applies to Mixed Use Transitional overlay areas with underlying residential zones and uses where there is existing or potential for commercial or business mixed uses	Applies to Mixed Use Transitional overlay areas with commercial zoning and uses as the underlying zone	Applies to Mixed Use Transitional overlay areas with any designated area adjacent or including underlying industrial or airport zoned land
<b>Buffering</b>	<ul style="list-style-type: none"> <li>Visual screened landscape buffering between residential uses and commercial, business, or mixed uses</li> <li>Standards in Chapter 19.07 apply</li> </ul>	<ul style="list-style-type: none"> <li>Visual screened landscape buffering between residential uses and commercial, business, or mixed uses</li> <li>Solid and visual landscape buffers are required between any industrial and commercial uses</li> <li>Standards in Chapter 19.07 apply</li> </ul>	<ul style="list-style-type: none"> <li>Solid and visual buffer required between adjacent uses</li> <li>Landscaping is a mixture between evergreen and deciduous trees and solid barrier fencing or masonry wall</li> <li>Landscape setback is increased to 20 feet and shall be designated a Type III in all instances for this overlay zone (Reference 19.07)</li> </ul>
<b>Land use transitions</b>	Existing residential uses shall be protected by adjacent mixed use or commercial developments. Developments are required address impacts relating to: <ul style="list-style-type: none"> <li>Lighting</li> <li>Parking lot orientation</li> <li>Building orientation</li> </ul>	Considerations between land uses shall address: <ul style="list-style-type: none"> <li>Pedestrian access</li> <li>Proximity to CBD and downtown oriented design</li> <li>Transportation and access</li> <li>Building orientation</li> <li>Parking lot orientation</li> <li>Best use of property relative to adjacent uses and existing developments</li> </ul>	<ul style="list-style-type: none"> <li>Heavy industrial developments shall have a minimum of a 50 foot buffer between any structure on any residential development or public facility zones or developed uses</li> <li>Light industrial or airport developments shall have a minimum of 35 feet buffer between any structure on any residential or public facility zones or developed uses</li> </ul>
<b>District standards flexibility</b>	The Director shall have the flexibility for increased density, reduction in setbacks, and open space for developments that address these heightened standards and provide a community need as designated in the Ephrata comprehensive plan. The Director has up to a 15% district flexibility before seeking Council approval.		
<b>Permitted Land Uses</b>	The Director shall utilize Table 19.04.020 Residential Land Uses by Zone and Table 19.04.030 Non-Residential Land Uses by Zone for underlying uses as well as additional mixed use transitional zone permitted uses. In order to determine uses based on the zoning overlay, the Director shall utilize flexible zoning uses within each similar district. <ul style="list-style-type: none"> <li><b>Residential Mixed Use Transitional Zone</b> applies to areas with underlying residential zoning. Permitted uses align with the applicable residential zone and those permitted in the C-1 Zone</li> </ul>		

	<p>as applicable under the Director’s discretion relating to commercial and business uses under the guidance of 19.04.080.</p> <ul style="list-style-type: none"> <li>• <b>Commercial Mixed Use Transitional Zone</b> applies to areas with underlying commercial zoning (C-1 or CBD). Permitted uses align with the applicable commercial zone and those permitted zoning uses in the adjacent zones to the transitional overlay under the guidance of 19.04.080.</li> <li>• <b>Industrial Mixed Use Transitional Zone</b> applies to areas with underlying industrial zoning. Permitted uses align with the L-I Zone and those applicable under the Director’s discretion compatible with lighter industrial uses under the guidance of 19.04.080.</li> </ul>		
<b>Access/ Parking</b>	Access and parking shall minimize impacts to adjacent residential unit uses, and be located behind the principal building	Parking shall be located behind the principal building	<ul style="list-style-type: none"> <li>• Access shall not adversely impact adjacent uses</li> <li>• Pedestrian amenities are prioritized</li> </ul>
<b>Additional standards to be included in development</b>	Connections and pedestrian oriented amenities such as detached sidewalks and multi-modal pathways	Review of design standards relating to the Central Business District if site is located in proximity	

#### **19.04.090 Mobile Home Park Overlay**

- A. The Mobile Home Park Overlay zoning classification is intended to promote the retention of mobile home parks as a source of affordable detached single-family and senior housing. This classification is assigned to certain existing mobile home parks which contain rental pads, as opposed to fee simple owned lots, and as such are more susceptible to future redevelopment. The Mobile Home Park Overlay zoning classification limits development to mobile home parks unless and until a comprehensive plan amendment for another type of land use is requested, considered and adopted.
- B. This overlay does not apply to any new or proposed Manufactured Housing Communities. Any proposed development shall meet the supplementary standards outlined in Chapter 19.16 and Section 19.08.750 EMC.

#### **19.04.100 Airport Overlay Zone**

- A. **Airport Clear Zones:** To carry out the provisions of this chapter, there are created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the airport. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are established and defined as follows:
  1. Runway larger than utility visual approach zone – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
  2. Runway larger than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach zone – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach

zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

3. Precision instrument runway approach zone – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
4. Transitional zones – The transitional zones are the areas beneath the transitional surfaces.
5. Horizontal zone – The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

B. **Airport Clear Zone Height Limitations:** Except as otherwise provided in this chapter, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are established for each of the zones in question as follows:

1. Runway larger than utility visual approach zone – Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. Runway larger than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach zone – Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
3. Precision instrument runway approach zone – Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
4. Transitional zone - Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach

surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

5. Horizontal zone – Established at 150 feet above the airport elevation.
  6. Conical zone – Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 above the airport elevation and extending to a height of 350 feet above the airport elevation.
  7. Accepted height limitations – Nothing in this chapter shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to 35 feet above the surface of the land.
- C. **Use Restrictions:** Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, take off or maneuvering of aircraft intended to use the airport. Further, all new constructions and developments shall use the current Best Management Practices as defined in the most current Storm Water Management Plan for Eastern Washington adopted by the Washington State Department of Ecology. Open water retention/detention ponds are prohibited outright within 3000 feet of the centerline of all runways at the port of Ephrata.
- D. **Future Uses:** Except as specifically provided in this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit to the planning commission shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with this chapter.
1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet in height.
  2. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet in height except when such tree or structure would extend above the height limit prescribed for such approach zones.

3. In the areas lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet in height.
- C. **Existing Uses:** No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance codified in this chapter or any amendments thereto or than it is when the application for a permit is made.
- D. **Conflicting Regulations:** Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, the more stringent limitation or requirement shall govern and prevail.
- E. **Variances:** Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this chapter, may apply to the Hearing Examiner for a variance from such regulations. The application for a variance must be accompanied by a determination from the Federal Aviation Administration and the Port of Ephrata as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. The applicant shall demonstrate that the findings contained in Section 19.09.040 can be met and shall additionally demonstrate that granting relief from a literal application or enforcement of the regulations would not be contrary to the public interest, would not create a hazard to air navigation and would be in accordance with the spirit of the Airport Clear Zone regulations.
- F. **Obstruction Marking and Lighting:** The owner of any structure or tree permitted to exceed height limitations shall install, operate and maintain such markings and lights as necessary to ensure the obstruction's visibility to pilots.  
(Ord. 18-09, 2018; Ord. 20-10, 2023)



**Chapter 19.05**  
**OFF-STREET PARKING AND LOADING REQUIREMENTS\***

Sections:

19.05.010 Purpose.

19.05.020 Categories of uses and conditions of uses covered by chapter.

19.05.030 Location of off-street parking.

19.05.040 Parking standards for specific activities.

19.05.050 Drive-in businesses.

19.05.060 Loading space.

19.05.070 Off-street parking regulations for central business zone.

19.05.080 Size and design standards.

19.05.090 Overhang exception, landscaping, paving, wheel stops, drainage, lighting and curbing.

19.05.100 Off-street parking plans.

**19.05.010 Purpose.**

A. It is the purpose of this chapter to specify the off-street parking and loading requirements for all uses permitted in this title, and to describe design standards and other required improvements.

B. The community development director shall have the authority to waive or modify specific requirements of this chapter or to impose additional off-street parking requirements in unique circumstances to ensure that the intent of this chapter is met and to allow for flexibility and innovation in design. Unique circumstances may include, but are not limited to the following:

1. Proximity to transit stations, transfer points, or transit stops;
2. Flexible work hour scheduling for employees;
3. Documentation of parking patterns and demand of employees and patrons;
4. Physical circumstances of the site such as topography, lot size/shape, and environmentally sensitive areas.

**19.05.020 Categories of uses and conditions of uses covered by chapter.**

A. *New construction.* New construction is covered by this chapter as follows:

1. Buildings constructed or enlarged.

2. Other structures or use areas constructed or enlarged.

3. Parking lots constructed or enlarged as follows:

a. If new or adding the equivalent of fifty (50) percent or more of the existing parking lot area, the entire parking facility must meet the standards of this title.

b. If adding less than fifty (50) percent of the existing parking lot area, only the new portion must meet the standards of this title.

B. *Change in use.* When the occupancy of any land use, structure or building, or any part of a building, structure or land use, is changed to another use, parking shall be provided to meet the parking requirements of the new use.

**19.05.030 Location of off-street parking.**

A. *Single-family dwellings.* Required parking for a single-family dwelling shall be located on the same lot as the building it is to serve.

B. *Multifamily dwellings.* Required parking for multifamily dwellings may be on a contiguous lot if located within five hundred (500) feet of the dwelling units. The lot shall be legally encumbered by an easement or other appropriate means to ensure continuous use of the parking facilities. Documentation shall require review and approval of the city attorney.

C. *Other uses.* For uses other than those described in subsections (A) and (B) of this section, required parking may be in areas other than on the premises if the required amount of parking area is set aside for a particular use in such a lot and such area is not located more than five hundred (500) feet from the premises. The lot or area to be utilized shall be legally encumbered by an easement or other appropriate means to ensure continuous use of the parking facilities. Documentation shall require review and approval of the city attorney.

**19.05.040 Parking standards for specific activities.**

A. Standards for the number of parking spaces for specific activities are indicated in the following chart:

<b>SPECIFIC LAND USE</b>	<b>PARKING SPACE REQUIREMENT</b>
<b>Living activities</b>	
Single-family	Two (2) parking spaces per single-family dwelling.
Duplex	Two (2) parking spaces per dwelling unit.
Multifamily 1	One (1) parking space per unit for efficiency apartments in all sized developments; two (2) parking spaces for each dwelling unit for developments with forty-nine (49) or less dwelling units; one and eight-tenths (1.8) parking spaces per dwelling unit for developments of fifty (50) or more dwelling units. For developments of fifty (50) or more dwelling units, one (1) parking space for each fifteen (15) dwelling units for recreation vehicles.
Multiple dwellings for low-income elderly	One (1) parking space for each two (2) dwelling units.
Accessory dwelling unit	One off-street parking space per accessory unit is required in addition to the required parking for the single-family home. The community development director may waive this requirement where there are special circumstances related to the property and its location. The surface of a required ADU off-street parking space shall comply with EMC <u>19.05.090(C)</u> .
Boardinghouses, Bed and Breakfast facilities and lodging houses	One (1) parking space for the proprietor, plus one (1) space per sleeping room for boarders or lodging use, plus one (1) additional space for each four (4) persons employed on the premises.
Mobile and manufactured home parks	Two (2) parking spaces for each mobile home site, plus one (1) screened space for each ten (10) lots for recreation vehicles.
Recreational vehicle park	One (1) parking space for each site.
Hotels/Motels	One (1) parking space for each guest room, plus two (2) parking spaces for each three (3) employees.
<b>Commercial Activities</b>	
Banks	One (1) parking space for each two hundred (200) square feet of gross floor area, except when part of a shopping center.
Professional and business offices	One (1) parking space for each two hundred fifty (250) square feet of gross floor area, except when part of a shopping center.
Shopping centers	Four and one-half (4.5) spaces per one thousand (1,000) square feet of gross leaseable area (GLA) for centers having GLA of less than four hundred thousand (400,000) square feet, and five (5.0) spaces per one thousand (1,000) square feet of GLA for centers having a GLA of over four hundred thousand (400,000) square feet.
Restaurants, nightclubs, taverns and lounges	One (1) parking space for each one hundred (100) square feet of gross floor area, except when part of a shopping center.
Take out Restaurants	Five (5) parking spaces for each one thousand (1,000) square feet of gross floor area, except when part of a shopping center.
Retail stores, supermarkets, department stores and personal service shops	One (1) parking space for each two hundred (200) square feet of gross floor area, except when located in a shopping center.

<b>SPECIFIC LAND USE</b>	<b>PARKING SPACE REQUIREMENT</b>
Other retail establishments; furniture, appliance, electronics, hardware stores, household equipment service shops, clothing or shoe repair shops	One (1) parking space for each five hundred (500) square feet of gross floor area, except when located in a shopping center.
Drive-in business	One (1) parking space for each one hundred (100) square feet of gross floor area, except when located in a shopping center.
Uncovered commercial area, new and used car lots, plant nursery	One (1) parking space for each five thousand (5,000) square feet of retail sales area in addition to any parking requirements for buildings, except when located in a shopping center.
Motor vehicle repair and services	One (1) parking space for each four hundred (400) square feet of gross floor area, except when part of a shopping center.
Industrial showroom and display	One (1) parking space for each five hundred (500) square feet of display area.
Bulk retail stores	One (1) parking space for each three hundred fifty (350) square feet of gross floor area.
<b>Industrial Activities</b>	
Manufacturing, research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops	One (1) parking space for each one thousand (1,000) square feet of gross floor area. For parking requirements for associated office areas, see "Professional and business offices".
Warehouses and storage buildings	One (1) parking space for each two thousand (2,000) square feet of gross floor area. Maximum office area of two (2) percent of gross floor area may be included without additional parking requirements.
Speculative warehouse and industrial buildings with multiple use or tenant potential	One (1) parking space for each one thousand (1,000) square feet of gross floor area if building size is less than one hundred thousand (100,000) square feet, or one (1) parking space for each two thousand (2,000) square feet of gross floor area for buildings which exceed one hundred thousand (100,000) square feet gross of floor area. This is a minimum requirement and valid for construction permit purposes only. Final parking requirements will be based upon actual occupancy.
<b>Recreation-Amusement Activities</b>	
Auditoriums, theaters, places of public assembly, stadiums and outdoor sports areas	One (1) parking space for each four (4) fixed seats, or one (1) parking space for each one hundred (100) square feet of floor area of main auditorium or of principal place of assembly not containing fixed seats, whichever is greater.
Bowling alleys	Five (5) spaces for each alley, except when located in a shopping center.
Dance halls and skating rinks	One (1) parking space for each two hundred (200) square feet of gross floor area, except when located in a shopping center.
Golf driving ranges	One (1) parking space for each driving station.
Miniature golf courses	One (1) parking space for each hole.

<b>SPECIFIC LAND USE</b>	<b>PARKING SPACE REQUIREMENT</b>
Recreational buildings, whether independent or associated with a multifamily complex	One (1) parking space for each two hundred (200) square feet of gross floor area. Such spaces shall be located adjacent to the building and shall be designated for visitors by signing or other special markings.
<b>Educational Activities</b>	
Senior high schools, public, parochial and private	One (1) space for each employee plus one (1) space for each ten (10) students enrolled. In addition, if buses for the transportation of students are kept at the school, one (1) off-street parking space shall be provided for each bus, of a size sufficient to park each bus. One (1) additional parking space for each one hundred (100) students shall be provided for visitors in the vicinity of or adjacent to the administration portion of the building or complex. Such parking spaces shall be so designated by signing or other special marking as approved by the public works director.
Colleges and universities and business and vocational schools	Two and one-half (2 1/2) parking spaces for each employee, plus one (1) space for each three (3) students residing on campus, plus one (1) space for each five (5) day students not residing on campus. In addition, if buses for transportation of students are kept at the school, one (1) off-street parking space shall be provided for each bus, of a size sufficient to park each bus. One (1) additional parking space for each one hundred (100) students shall be provided for visitors in the vicinity of or adjacent to the administration portion of the building or complex. Such parking spaces shall be so designated by signing or other special marking as approved by the public works director.
Elementary and junior high	Two and one-half (2 1/2) parking spaces for each employee. In addition, if buses for transportation of students are kept at the school, one (1) off-street parking space shall be provided for each bus, of a size sufficient to park each bus. One (1) additional parking space for each one hundred (100) students shall be provided for visitors in the vicinity of or adjacent to the administration portion of the building or complex. Such parking spaces shall be so designated by signing or other special marking as approved by the public works director.
Libraries and museums	One (1) parking space for each two hundred fifty (250) square feet in office and public use.
Day-care centers	One (1) parking space for each employee, plus loading and unloading areas.
<b>Medical Activities</b>	
Medical and dental offices	One (1) parking space for each two hundred (200) square feet of gross floor area, except when located in a shopping center.
Convalescent, nursing and health institutions	One (1) parking space for each two (2) employees, plus one (1) parking space for each three (3) beds.
Hospitals	One (1) parking space for each three (3) beds, plus one (1) parking space for each staff doctor, plus one (1) parking space for each three (3) employees.
<b>Religious Activities</b>	
Churches	One (1) space for each five (5) seats in the main auditorium; provided, that the spaces for any church shall not be less than ten (10). For all existing churches enlarging the seating capacity of their auditoriums, one (1) additional parking space shall be provided for each five (5) additional seats provided by the new construction. For all existing churches making structural alterations or additions which do not increase the seating capacity of the auditorium, no additional parking need be provided.
Mortuaries or funeral homes	One (1) parking space for each one hundred (100) square feet of floor area of assembly rooms.
Other uses	For uses not specifically identified in this section, the amount of parking required shall be determined by the planning department, based on staff experience, parking required for similar uses, and, if appropriate, documentation provided by the applicant.

(1) Recreational vehicle parking spaces shall be in defined, fenced and screened areas with a minimum of a six (6) foot high sight-obscuring fence or landscaping as determined by the planning department, or the developer may provide areas of usable open space equal to that area that would be required for recreational vehicle parking. A vehicle less than twenty (20) feet long that is used as primary transportation is not subject to recreational vehicle parking regulations. If open space in lieu of recreational vehicle parking is provided, its appropriateness will be determined at the time of development plan review by the planning department. Where enclosed garages are utilized to provide parking required by this title, an eighteen (18) foot stacking space shall be provided in front of such garage units. Provided, however, the Community development director shall have the authority to approve alternative plans where the developer can assure that such garage units will continue to be available for parking purposes and will not cause onsite parking or circulation problems. These assurances include but are not limited to:

(a) covenants that run with the land or homeowners' association that require garages to be utilized for the storage of vehicles,

(b) maintenance of drive aisle widths of twenty-six (26) feet in front of each garage unit, and

(c) maintenance of minimum clearances for fire lanes on the site.

A. Exceptions for senior citizen apartments in multifamily buildings in the central business district:

a. Approved building plans must show one and eight-tenths (1.8) spaces per dwelling unit and also shall show which spaces are not to be initially installed. The additional spaces, plus any required landscaping, shall be installed if at any time the structure is not used for senior citizen apartments or if the facility shows a continued shortage of parking.

b. The requirement of one (1) space per dwelling unit may be reduced to no less than one (1) space for every two (2) dwelling units plus employee parking as determined by the Community development director. The Community development director shall base his decision on the following:

- (1) Availability of private, convenient, regular transportation services to meet the needs of the tenants;
- (2) Accessibility to and frequency of public transportation;
- (3) Pedestrian access to health, medical and shopping facilities;
- (4) Minimum age requirement to reside in subject apartments;
- (5) Special support services offered by the facility.

c. Special parking for recreational vehicles will not be required as long as the facility does not permit recreational vehicles other than campers or vehicles that will fit into a normal-sized parking stall. If recreational vehicles are to be permitted on the development, they must be screened and fenced.

d. Compact stalls will not be permitted except for one-third (0.33) of the required employee parking.

B. *Mixed occupancies or mixed use if one (1) occupancy.* In the case of two (2) or more uses in the same building, the total requirements for off-street parking facilities shall be the sum of the requirements for the several uses computed separately; except in shopping centers, and except as provided in the mixed use overlay EMC 19.04.200. Off-street parking facilities for one (1) use shall not be considered as providing required parking facilities for any other use, except as permitted in subsection (C) of this section pertaining to joint use.

C. *Joint use.* The minimum amount of off-street parking required by EMC 19.05.040(A) may be reduced by the Community development director when shared parking facilities for two (2) or more uses are proposed if:

1. The total parking area exceeds five thousand (5,000) square feet;
2. The parking facilities are designed and developed as a single onsite common parking facility, or as a system of onsite and offsite facilities if all facilities are connected with improved pedestrian facilities and located within five hundred (500) feet of the buildings or use areas they are intended to serve;
3. The amount of reduction in off-street parking does not exceed ten (10) percent per use unless it is documented that the peak parking demand hours of two (2) or more uses are separate by at least one (1) hour;

4. The subject properties are legally encumbered by an easement or other appropriate means which provide for continuous joint use of the parking facilities. Documentation shall require review and approval by the city attorney; and

5. The total number of parking spaces in the shared parking facility is not less than the minimum required by any single use.

D. *Employee parking.* Where employee parking will be maintained separately and in addition to parking for the general public, the regulations of this subsection shall apply:

1. Minimum parking stall sizes, aisle widths and percentage of compact car stalls shall be as per other requirements in this chapter.

2. Employee parking must be clearly identified as such and not become parking for the general public.

3. If the employee parking is changed to parking for the general public, the normal regulations for off-street parking shall be in force.

4. Employee parking shall not be in lieu of parking requirements per activity as stated in this section.

E. *Temporary parking facilities.* Temporary parking facilities may be permitted by the Community development director when it has been shown that:

1. The existing use of the subject property has adequate legal nonconforming parking or that existing parking conforms to the applicable standards of this title.

2. The temporary parking facility is primarily intended to serve the public at large and not the existing use on the property.

3. The temporary parking facility serves a public need.

4. The temporary facility meets the following minimum standards:

a. There shall be a minimum of two hundred eighty-five (285) square feet gross area per stall.



- b. The pavement section shall be a minimum of four (4) inches of five-eighths (5/8) inch minus C.R. crushed rock with bituminous surface treatment, subject to public works department review.
- c. Onsite drainage control and detention shall be provided per the Eastern Washington Storm Water Manual.
- d. Ingress and egress and interior circulation and perimeter control shall be subject to public works director approval.

**F. *Compact car parking.***

- 1. Parking stall size shall be a minimum of eight (8) feet by seventeen (17) feet. Aisle width shall be per the requirements of EMC 19.05.080 and diagram No. 1 following this chapter.
- 2. Compact car parking spaces shall be clearly identified by signing or other marking as approved by the city public works director.
- 3. Compact car parking spaces shall not exceed thirty (30) percent of the total required parking, and shall be interspersed equally throughout the entire parking area.
- 4. See EMC 19.05.080 and diagram No. 2 following this chapter for typical compact car stall arrangements.
- 5. No more than four (4) compact car parking stalls shall be placed side-by-side, or eight (8) head-to-head.

**19.05.050 Drive-in businesses.**

Stacking spaces (queue spaces) shall be provided to lessen congestion in the streets and to allow the safe conduct of drive-through transactions without interference by or to other on-site activities.

**A. Applicability.**

Any site with new development, redevelopment, or change in use that uses drive-through facilities for some or all of its transactions shall comply with this section.

**B. Existing Nonconformities**

Existing sites not meeting the requirements contained in this section shall be brought into full compliance under one or more of the following conditions:

1. If an existing use is improved or remodeled in a value of fifty (50) percent or more of the valuation of the existing principal structure as reflected on the Property Appraiser's current records.
2. If an amendment, other than a minor amendment, is required to an existing approved site plan.
3. If a change in use generates a requirement for more or larger loading spaces.

C. Stacking Space Requirements.

1. Stacking spaces shall be provided for any use having a drive-through facility. The following general standards shall apply to all stacking spaces and drive-through facilities:
  - a. Stacking spaces and lanes for drive-through stations shall not impede on- and off-site traffic movements by blocking vehicular or pedestrian circulation. The minimum standards given herein may be adjusted upward if the project vehicle type warrants such adjustment in the review process.
  - b. Drive-through lanes shall be separated from parking areas by distinctly delineating the lane through striping or other means.
  - c. Queuing spaces shall not offset required number of parking spaces.
  - d. Alleys or driveways in residentially zoned areas adjacent to drive-through facilities shall not be used for circulation of customer traffic.
  - e. Stacking lanes for drive-through facilities shall have the following minimum widths:
    - (1) One (1) lane = twelve (12) feet per lane.
    - (2) Two (2) or more lanes = ten (10) feet per lane.
  - f. All drive-through facilities shall be provided with a bypass lane with a minimum width of ten (10) feet if the bypass has no parking spaces or is not a required drive aisle for nondrive-through traffic.
  - g. Each stacking space shall be a minimum of 10' x 20'.

Stacking spaces shall be provided as follows:

a. Financial institutions with drive-through windows:

- (1) Six (6) stacking spaces for the first drive-through window and three (3) stacking spaces for each additional window.

b. Car wash:

- (1) Three (3) stacking spaces per bay/stall for self-service establishments, and four (4) stacking spaces per bay/stall for an automated establishment.

c. Drive-in or fast food restaurant:

- (1) Seven (7) stacking spaces per drive-through window measured from the order board or station to driveway.

d. All other uses:

- (1) Three (3) stacking spaces for each window.

*D. Businesses located in shopping centers.* When located in a shopping center, drive-in facilities shall provide sufficient stacking space to handle peak business demands and shall not in any way obstruct the normal circulation pattern of the shopping center.

**19.05.060 Loading space.**

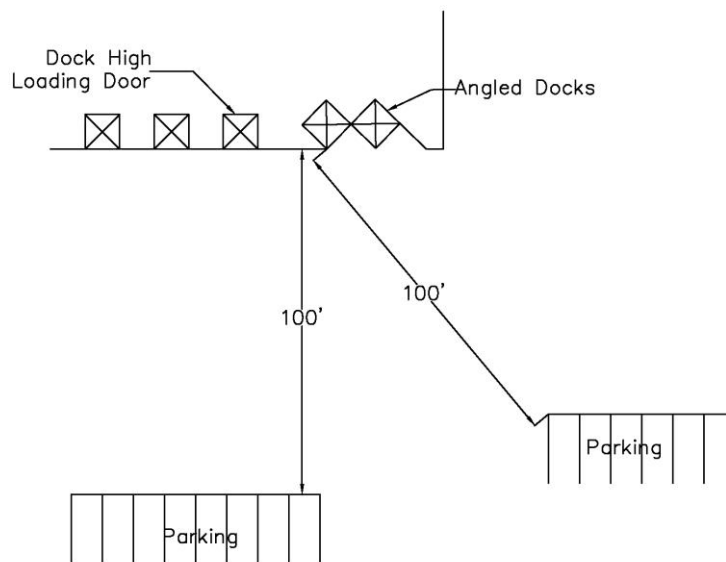
For all buildings hereafter erected, reconstructed or enlarged, adequate permanent off-street loading space shall be provided if the activity carried on is such that the building requires deliveries to it or shipments from it of people or merchandise. Such space shall be shown on a plan and submitted for approval by the planning department and the city public works director. No portion of a vehicle taking part in loading, unloading or maneuvering activities shall project into a public street, alley or interior pedestrian area. Loading space or maneuvering areas shall be in addition to required off-street parking spaces.

*A. Relationship of loading space to residential areas.* Loading berths shall be located not closer than fifty (50) feet to any residential district, unless wholly enclosed within a building, or unless screened from such residential area by a wall or uniformly painted fence not less than six (6) feet in height.

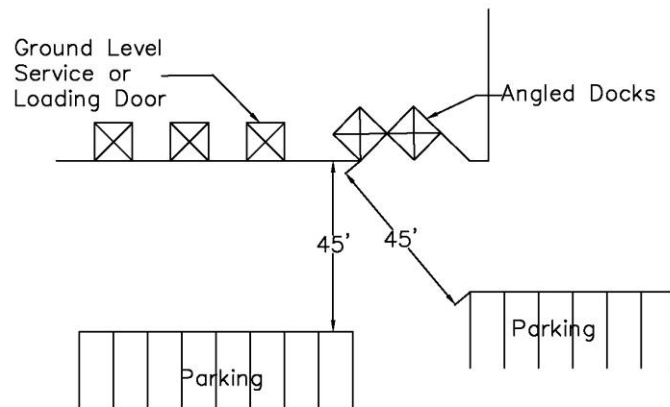
B. *Relationship to open space.* Space for loading berths may occupy all or any part of any required setback or open space as long as the loading berth is uncovered. A covered loading area shall comply with the minimum setback requirements for the district.

C. *Types of uses for which loading space shall be provided.* Loading space shall be provided for the following types of buildings or businesses: warehouses, supermarkets, department stores, office buildings with a floorspace in excess of twenty thousand (20,000) square feet, industrial or manufacturing establishments, freight terminals, railroad yards, mortuaries and such other commercial and industrial buildings which, in the judgment of the Community development director, are similar in nature in regard to loading space requirements.

D. *Maneuvering area for buildings with dock-high loading doors.* Buildings which utilize dock-high loading doors shall provide a minimum of one hundred (100) feet of clear maneuvering area in front of each door. See the following diagram:



E. *Maneuvering area for buildings with ground level loading doors.* Buildings which utilize ground level service or loading doors shall provide a minimum of forty-five (45) feet of clear maneuvering area in front of each door. See the following diagram:



F. *Driveways.* Ingress and egress points from public rights-of-way (driveways) shall be designed and located in such a manner as to preclude offsite or on-street maneuvering of vehicles.

**19.05.070 Off-street parking regulations for the downtown commercial areas.**

The area bounded by 3rd Ave. NW, Alder Street, 3rd Ave. SW and C Street is exempt from the requirements of off street parking on existing or remodeled existing buildings with no increase in building area. New buildings or buildings that are expanded beyond the original footprint of the building within this boundary shall meet at least 50% of the required number of parking spaces delineated in this section.

**19.05.080 Size and design standards.**

A. *Parking stall size.* Parking stall size shall be as follows:

Standard 9 feet by 19 feet (1) (3)

Compact 8 feet by 17 feet (2) (3)

Employee 8-1/2 feet by 18 feet (3)

Parallel 9 feet by 23 feet

Notes:

1. Dimensions may include overhang. See EMC 19.05.090(F) for exceptions.
2. See diagram No. 2 following this chapter for typical compact stall placement with required landscape area.

3. Parking stall length may be reduced by a maximum of two (2) feet with corresponding increases in aisle width.

B. *Minimum design standards and typical parking stall arrangements.* For minimum design standards and typical parking stall arrangements, see the diagrams at the end of this chapter.

C. *Units of measurement.*

1. *Benches.* In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty (20) inches of width of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under this title.

2. *Fractions.* When a unit of measurement determining the number of required parking spaces results in the requirement of a fractional space, any fraction up to but not including one-half (1/2) shall be disregarded and fractions one-half (1/2) and over shall require one (1) parking space.

**19.05.090 Overhang exception, landscaping, paving, wheel stops, drainage, lighting and curbing.**

A. *Landscaping generally.* The landscaping requirements of Ch. 19.07 EMC and diagram No. 2 following this chapter shall apply with respect to off-street parking facilities.

B. *Landscape islands.* Landscape islands with a minimum size of one hundred (100) square feet shall be located in the following areas to protect vehicles and to enhance the appearance of parking areas:

1. At the ends of all parking rows.
2. Where loading doors or maneuvering areas are in close proximity to parking areas or stalls.

C. *Paving.* All vehicular maneuvering areas, including but not limited to off-street parking areas, truck and mobile equipment loading, unloading, storage and maneuvering areas, and related accesses to and from public right-of-way shall be paved with asphalt or equivalent material, to be approved by the public works director or his/her designee. The Community development director may waive the paving requirement in the following instances:

1. Areas used primarily for the storage and operation of heavy equipment, tracked vehicles, trucks and other large-tire vehicles, where such areas are not generally used for regular deliveries or access by the general public; and

2. Driveways for single-family residential development, except that at least the first twenty (20) feet of the drive way shall be paved.

D. *Wheel stops.* Wheel stops, a minimum of two (2) feet from any obstruction or the end of the parking stall, shall be required in the following locations:

1. Where the parking stall abuts a building or where vehicles may overhang a property line.
2. Where the parking stall abuts a pedestrian walkway of less than six (6) feet in width, or a walkway which is not raised creating its own barrier.
3. Where a parking stall abuts any physical object which may be impacted (i.e., light standards, fire hydrants, fences, power vaults, utility poles, etc.).
4. Where a hazardous grade difference exists between the parking area and the abutting property.
5. Where other hazardous situations may exist as determined by the public works director.

E. *Lighting.* Any lighting of a parking lot or storage area shall illuminate only the parking lot or storage area. All lighting shall be designed and located so as to avoid undue glare or reflection of light onto adjoining properties or public rights-of-way.

Light standards shall not be located so as to interfere with parking stalls, maneuvering areas, or ingress and egress areas.

F. *Vehicle overhang exception.* Where sufficient area is available to allow safe and efficient overhang of a vehicle, the planning department may permit the standard parking stall length to be reduced by two (2) feet with corresponding increase in adjacent walkway or landscaping width. (See diagram No. 2 following this chapter.)

G. *Concrete curb placement.* In addition to wheel stop requirements as provided in subsection (D) of this section, all landscape areas within or abutting parking areas shall be separated from the paved area by concrete curbing or other acceptable method as approved by the community development director and the public works director.

H. *Parking structures.* Multiple level parking structures, developed either as a single use structure or as parking incorporated into a structure, shall be designed and laid out in accordance with the dimensional and numeric requirements of this chapter.

**19.05.100 Off-street parking plans.**

A. Off-street parking plans shall be subject to review and approval by the planning department and public works director or his/her designee. The planning department shall review plans for compliance with the requirements of this title. The public works director shall review plans based upon the following criteria:

1. Safety and efficiency of interior circulation.
2. Safety of ingress and egress points.
3. Effects of access on public streets with regard to street capacity, congestion and delay.
4. Compliance with construction standards relating to storm water runoff.

B. All plans must be complete with the information as requested by the Community development director. (Ord. 13-12, 2013)

A	B	C	D	E	F	G1	G2	H	I	J
						Aisle Width				
Angle	Stall Width (feet)	Stall Depth (feet)	Curb Length (feet)	Starting Loss (feet)	Depth to Wall (feet)	One-Way (feet)	Two-Way (feet)	Depth to Inter-lock (feet)	Setback (feet)	Gross Stall Area (square feet)
0°	9.0	23.0	23.0	0.0	9.0	12.0	20.0	9.0	23.0	207
10°	8.0	17.0	46.1	61.4	10.8	12.0	20.0	6.9	16.7	499
	9.0	19.0	51.8	69.0	12.2	12.0	20.0	7.7	18.7	630
20°	8.0	17.0	23.4	36.6	13.3	12.0	20.0	9.6	16.0	312
	9.0	19.0	26.3	41.1	15.0	12.0	20.0	10.7	17.9	394
30°	8.0	17.0	16.0	26.7	15.4	12.5	20.0	12.0	14.7	247
	9.0	19.0	18.0	30.0	17.3	12.0	20.0	13.4	16.5	311
36.9°	8.0	17.0	13.3	22.1	16.6	13.5	20.0	13.4	13.6	221
	9.0	19.0	15.0	24.8	18.6	13.5	20.0	15.0	15.2	279
40°	8.0	17.0	12.4	20.3	17.1	13.5	20.0	14.0	13.0	212



A	B	C	D	E	F	G1	G2	H	I	J
						Aisle Width				
Angle	Stall Width (feet)	Stall Depth (feet)	Curb Length (feet)	Starting Loss (feet)	Depth to Wall (feet)	One-Way (feet)	Two-Way (feet)	Depth to Inter-lock (feet)	Setback (feet)	Gross Stall Area (square feet)
	9.0	19.0	14.0	22.8	19.1	13.5	20.0	15.7	14.6	268
45°	8.0	17.0	11.3	17.7	17.7	14.5	20.0	14.8	12.0	200
	9.0	19.0	12.7	19.8	19.8	14.5	20.0	16.6	13.4	252
50°	8.0	17.0	10.4	15.2	18.2	15.5	20.0	15.6	10.9	190
	9.0	19.0	11.7	17.1	20.3	15.5	20.0	17.4	12.2	239
53.1°	8.0	17.0	10.0	13.8	18.4	16.5	20.0	16.0	10.2	184
	9.0	19.0	11.3	15.5	20.6	16.5	20.0	17.9	11.4	232
60°	8.0	17.0	9.2	10.8	18.7	17.0	20.0	16.7	8.5	173
	9.0	19.0	10.4	12.1	21.0	17.0	20.0	18.7	9.5	218
70°	8.0	17.0	8.5	6.8	18.7	20.0	22.0	17.3	5.8	159
	9.0	19.0	9.6	7.6	20.9	20.0	22.0	19.4	6.5	200
80°	8.0	17.0	8.1	5.0	18.1	23.0	24.0	17.4	3.0	147
	9.0	19.0	9.1	5.0	20.3	23.0	24.0	19.5	3.3	185
90°	8.0	17.0	8.0	5.0	17.0	24.0	24.0	17.0	0.0	136
	9.0	19.0	9.0	5.0	19.0	24.0	24.0	19.0	0.0	171

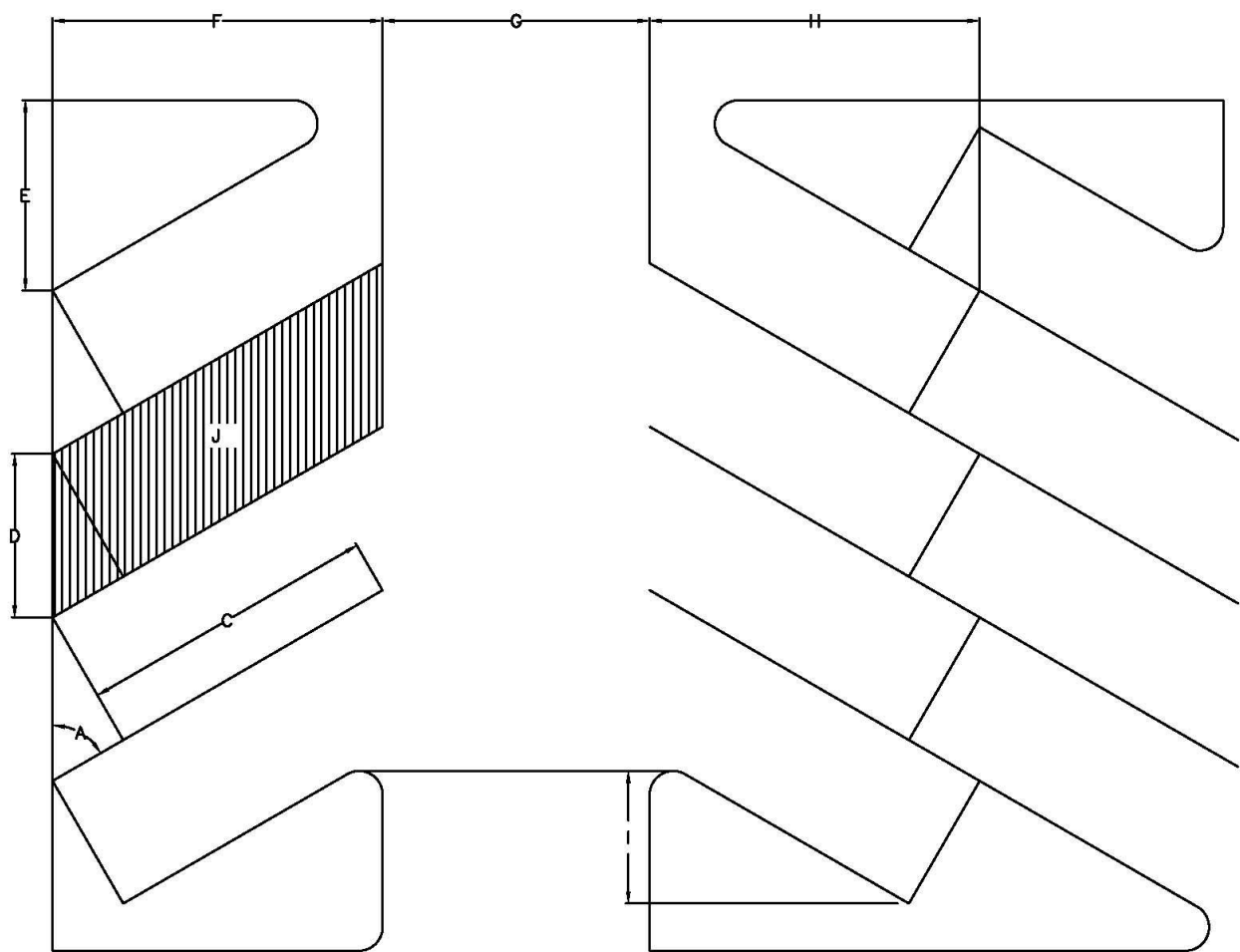


DIAGRAM 1. MINIMUM PARKING DESIGN STANDARDS

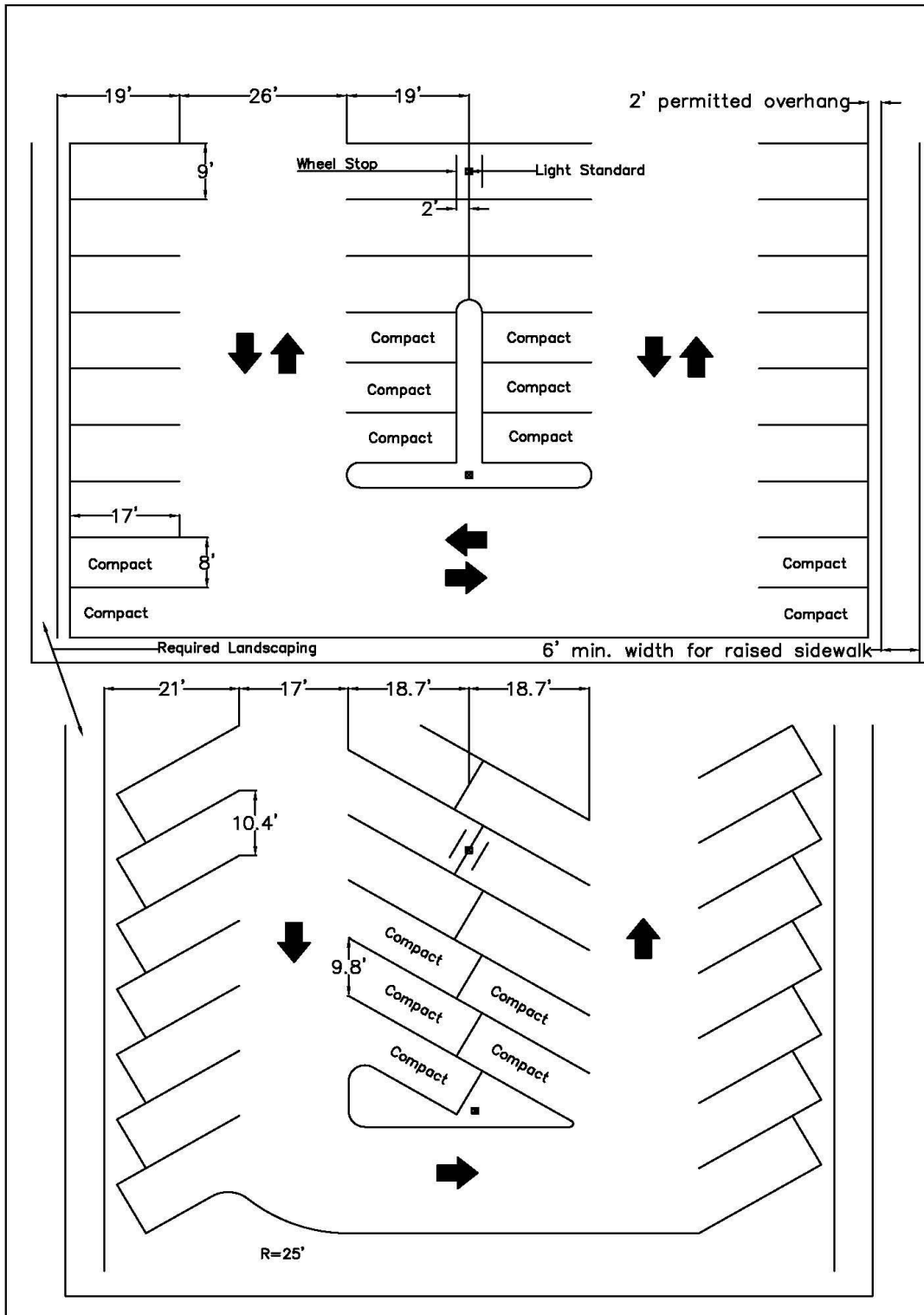


DIAGRAM 2

(Ord. 13-12, 2013)

## **Chapter 19.06 SIGN REGULATIONS**

Sections:

19.06.010 Purpose.

19.06.020 Scope.

19.06.030 Prohibited signs.

19.06.040 General restrictions and limitations for all districts.

19.06.050 Regulations for specific districts.

19.06.070 Structural safety and maintenance of signs.

19.06.075 Nonconforming Signs

19.06.080 Administrative procedures.

### **19.06.010 Purpose.**

A. The purpose of this chapter is to establish regulations for signs in order to promote the public health, safety and general welfare. It is further the intention of this chapter to harmonize the legitimate private purposes of signs, that is, the identification and promotion of the seller to the buyer, with public purposes. Public purposes include considerations of traffic safety and economic and aesthetic welfare. Unregulated signs may divert the driver's attention from the road, causing a traffic hazard. In addition, conflicts between private signs and traffic control signs result in unsafe traffic conditions. The economic base of the city is, to some extent, dependent upon maintaining an attractive area, both as to natural and manmade features, in which to visit, live and work.

B. Regulation of signs also serves to promote the private purposes of signs. Signs have become larger, more numerous and more expensive as a result of competition for attention. This competition of signs has, in some cases, defeated the very purposes for which they were created. The elimination of destructive competition between signs thus enhances the private purposes of signs as well as promotes the public health, safety and general welfare.

### **19.06.020 Scope.**

This chapter applies to all existing and future signs within the corporate boundaries of the city, but does not apply to signs located within a building or structure.

### **19.06.030 Prohibited signs.**

The following signs are prohibited in all districts within the municipal boundaries of the city, except as specifically allowed as temporary signs:

A. Banners, streamers, pennants and balloons (See EMC 19.06.040.Q.4).

- B. Any sign using the words “stop,” “look” or “danger,” or any other word, symbol or character which might confuse traffic or detract from any legal traffic control devices.
- C. Stationary motor vehicles, trailers and related devices used to circumvent the intent of this chapter.
- D. Signs which are pasted or attached to utility poles, trees or other signs, or to natural features.
- E. Signs within seventy-five (75) feet of the public right-of-way which are revolving more than eight (8) revolutions per minute, blinking or flashing, except public service signs such as those which give the time, temperature and humidity.
- F. Roof signs.
- G. All lighted signs which are adjacent to and directed toward a residential district and which detract from the welfare of the residential district.
- H. Portable signs, except temporary signs as permitted under EMC 19.06.040(Q).

**19.06.040 General restrictions and limitations for all districts.**

- A. *Signs in street right-of-way or future street right-of-way.* No sign shall be located in or project into the present or future right-of-way of any public street unless such location or projection is specifically authorized by other provisions of this section. No sign except approved safety or emergency signs shall be placed within the right-of-way of a state highway (SR-28 or SR-282) without prior written consent of the Washington State Department of Transportation.
- B. *Signs interfering with sight distance.* No sign shall be so designed or constructed as to interfere with the sight distance of motorists proceeding on or approaching adjacent streets, alleys, driveways or parking areas, or of pedestrians proceeding on or approaching adjacent sidewalks or pedestrian ways.
- C. *Signs over driveways.* No sign suspended over or projecting into the area above a driveway located on private property shall be situated at a height of less than fifteen (15) feet above the surface of the driveway.
- D. *Signs over public sidewalks and pedestrian ways.* No sign suspended over or projecting into the area above a public sidewalk or pedestrian way shall be situated at a height of less than eight and one-half (8 1/2) feet above the surface of the sidewalk or pedestrian way, and no sign may project more than seventy-five (75) percent of the distance between the property line and the curb-line except for signs attached to the underside of a canopy or other architectural projection.

E. *Directional signs.* Directional signs and signs indicating entrances, exits, service areas and parking areas shall be excluded from the sign provisions of this title, and may be erected on private property upon approval of the building official, public works director and planning director. These signs shall not contain advertising or promotional information, and may be restricted in size.

F. *Removal of signs on closure of business.* Upon the closure and vacation of business or activity, the owner of the business or activity shall have one hundred twenty (120) days from the date of closure to remove all signs related to the business or activity.

G. *Window signs.* The total surface area of all window signs shall not exceed 15 square feet, or 10 percent of the window area. Such signs shall not be included in determining the number of primary signs, nor in determining the permissible sign area for each façade.

H. *Painted signs.* Signs advertising the associated business painted on exterior wall or structure of any kind shall be computed as part of the aggregate sign area and number of signs.

I. *Barber poles.* In addition to any other signs authorized by the provisions of this chapter, any barbershop shall be entitled to display a barber pole. The design of the pole and its location and manner of erection shall be subject to the approval of the building official.

J. *Credit card signs.* Signs indicating credit cards honored may be displayed in window areas only. Such signs are not computed as part of the aggregate sign area and do not require a permit.

K. *Institutional signs.* For churches, schools, hospitals, public facilities and institutional uses, one (1) double-faced freestanding or wall identification sign is permitted for each street frontage. The sign may have an aggregate area of one (1) square foot for each ten (10) lineal feet of street frontage. However, each use is guaranteed a minimum sign area of eight (8) square feet per display face regardless of street frontage. The sign shall not exceed a height of ten (10) feet above the surface of the nearest street. The sign may be illuminated. Freestanding symbols of sculpture used as identification may be permitted with the approval of the planning department. Wall signs, lettering or symbols may also be approved by the planning department. Institutional signs located adjacent to State Highway SR-28, SR-282 and SR-283 shall comply with those standards required in RCW 47.42 and WAC 468-66.

L. *Gate or entrance sign.* Gate or entrance signs may be permitted, and may be located in public rights-of-way when not found to create a sight obstruction for the traveling public, if approved by the public works director and shall conform to the following requirements:

1. Signs shall not exceed five feet in height and 25 square feet in surface area.

M. *Community bulletin board.* Subdivisions and residential communities may be allowed to erect a permanent structure as a community bulletin board if approved by the building official and public works director when the public works director finds that the proposed location will not create a sight obstruction to the traveling public.

N. *Business hours signs.* Signs stating business hours shall be excluded from the provisions of this title, and may be erected upon private property upon the approval of the building official and planning director. These signs shall not contain advertising or promotional information. Maximum number permitted shall be one (1) per entrance, with a maximum size of four (4) square feet.

O. *Public service signs.* Non-advertising or non-promotional signs may be erected as a public service to the community by public service clubs or other nonprofit organizations. Such signs may be located in any zone upon approval by the building official and public works director when the public works director finds that the proposed location will not create a sight obstruction to the traveling public.

P. *Real estate agent/agency signs (For sale signs).* Real estate signs are permitted as follows. No sign permit is required.

1. *Residential uses.*

a. *Single-family dwellings and duplexes.* One (1) real estate sign shall be permitted for each street frontage of a lot. The sign may have two (2) faces, shall not exceed a height of five (5) feet above the surface of the street unless placed in a window, shall not exceed an area of four (4) square feet per face, and shall be unlighted.

b. *Multiple-family dwellings.* One (1) real estate sign shall be permitted for each street frontage of a development. The sign shall not exceed an area of twelve (12) square feet, shall be attached flat against a principal building, shall not project above the eave of the roof or the top of the parapet of the building, and shall be unlighted.

2. *Commercial and industrial uses.* One (1) real estate sign shall be permitted for each public entrance, but there shall not be more than four (4) signs per lot. The sign shall not exceed an area of thirty-two (32) square feet, shall be attached flat against the building or freestanding, shall not project above the eave of the roof or the top of the parapet of the building, and shall be unlighted.

3. *Unimproved acreage.* One (1) real estate sign shall be permitted for each lot. The sign shall not exceed an area of one-fourth (1/4) square foot for each foot of lot frontage and shall not in

any event exceed fifty (50) square feet. The sign shall not exceed a height of ten (10) feet above the surface of the nearest street, and shall be unlighted.

Q. *Temporary signs.* Temporary signs may be authorized by the planning department for a time period specified for each type of temporary sign.

1. *Temporary subdivision or apartment signs.* A temporary real estate sign declaring a group of lots, dwellings or occupancies within a subdivision or apartment complex for sale or rent shall be permitted subject to the following conditions:

- a. One (1) such sign shall be permitted for each street frontage of the premises being sold or leased. The sign shall be located on the premises being sold or leased.
- b. The area of such signs shall not exceed an area of twenty-five (25) square feet each.
- c. The signs shall not exceed a height of ten (10) feet above the level of the street.
- d. The signs shall be unlighted.
- e. The signs shall not interfere with the sight distance of pedestrians and motorists proceeding on or approaching adjacent streets.
- f. The signs may remain as long as the project remains unsold or unleased, or for one (1) year, whichever period shall be lesser; provided, however, that the planning director shall have the authority to extend the time period one (1) year.

2. *Nonpolitical campaign signs.* Temporary nonpolitical signs announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization may be allowed upon any lot. Such signs may be posted thirty (30) days prior to the event, drive, campaign, etc. Such signs shall be removed within seven (7) days after the event, drive, campaign, etc.

3. *Construction signs.* One (1) sign identifying a project under construction shall be permitted for each street frontage of the building or structure under construction. The sign may contain the name of the building contractor and his subcontractors, the architect and the engineer. The sign shall be permitted during the period of construction, and shall not exceed a total of fifty (50) square feet for all faces.

4. *Grand openings and special events signs.* Special permits may be issued by the planning department for a period not to exceed thirty (30) days for banners, streamers and temporary or



portable signs for special events such as carnivals, outdoor affairs and sales, grand openings and events of a similar nature.

R. *Off-premises signs.*

1. *Districts where permitted.* Off-premises signs are permitted in H-I districts. Off-premises signs not in one of the above zones shall be categorized as legal nonconforming signs.

2. *Standards.*

a. *Maximum size.* As of the effective date of the ordinance codified in this subsection, the maximum size per sign face is two hundred (200) square feet.

b. *Maximum height.* Maximum height is twenty-five (25) feet.

c. *Distance from any intersection.* Off-premises signs shall be located a distance of three hundred (300) feet from any intersection.

d. *Double-faced signs.* An off-premises sign structure may contain up to two (2) sign faces arranged either back-to-back or in a V-shape arrangement. The use of tri-vision panels on a sign face shall not in itself constitute attached sign faces.

e. *Spacing.* Not more than four (4) sign structures per one thousand (1,000) lineal feet are permitted.

3. *Permits.* Off-premises signs shall not be altered with regard to size, shape, orientation, height, or location without the prior issuance of a building permit. Ordinary maintenance shall not require building permits. Off-premises sign copy replacement may occur at any time and is exempt from the requirement for building permits.

4. *Hazard or nuisance.* All off-premises signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of preservation and safety. If an off-premises sign is determined by the Ephrata building official to be in a state of disrepair so as to constitute a safety hazard or a nuisance as defined by the building code or Ephrata Municipal Code, the building official may initiate enforcement proceedings pursuant to the EMC.

5. *Enforcement.* Any violation of the provisions of this subsection (R) shall be subject to enforcement pursuant to the EMC.

S. *Portable A-frame sandwich board signs.*

1. A portable A-frame or similarly designed sign which is no greater than thirty-six (36) inches wide by forty-two (42) inches tall.

a. Not more than two (2) sandwich board signs may be utilized by retail uses in the CBD, C-1, L-I and H-I districts. They are not permitted in any other districts.

b. Portable A-frame sandwich board signs are permitted to be placed on the business premises only. These signs may be placed within the right-of-way but shall be located behind the curb line. No sign placed on the sidewalk/frontage shall limit free passage of pedestrians and there shall be no less than four (4) feet of unobstructed walkway remaining as shown in Figure 1 below.

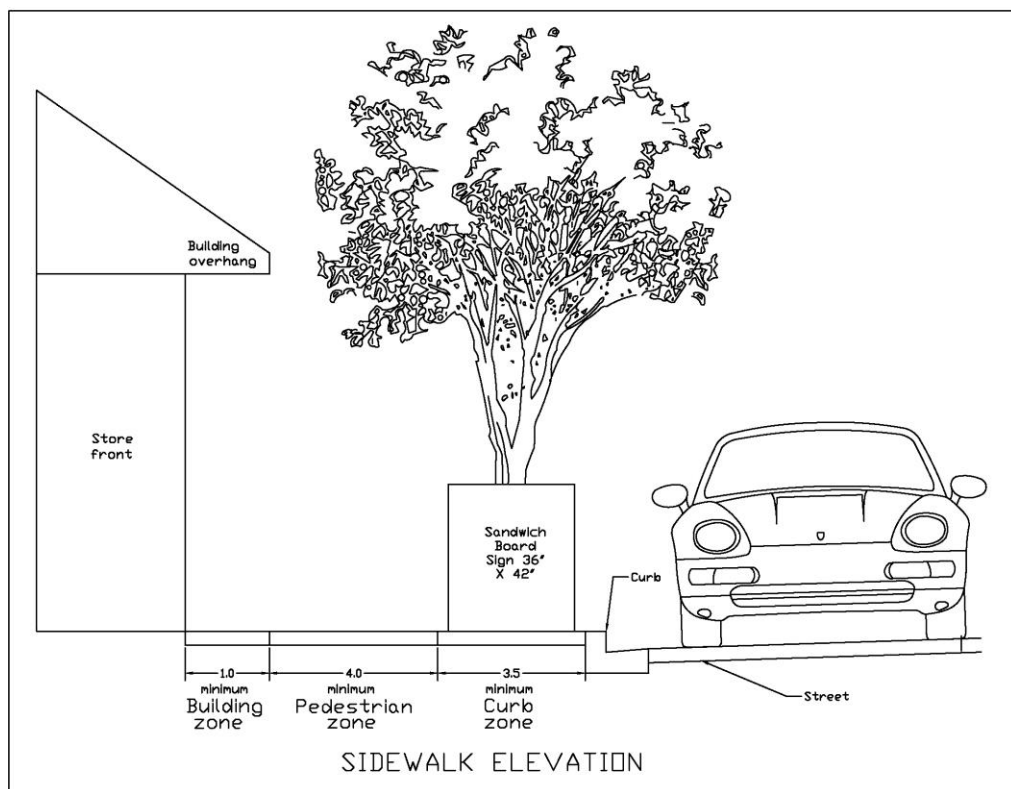


FIGURE 1

T. Any signs other than those approved by the Manual on Uniform Control Devices (MUTCD) and are visible to a state highway shall comply with the Washington State Department of Transportation (WSDOT) Manual 22-95 titled Washington State Revised Code and Administrative rules for Highway Advertising Control.

U. *Permanent Subdivision or Neighborhood Designation Signs.* Permanent subdivision or neighborhood designation signs shall conform with the following requirements:

1. Signs shall not exceed five feet in height and 25 square feet in surface area.
2. Signs shall be located between the building line and the property line unless a location on excess city right-of-way is approved by the public works director.

**19.06.050 Regulations for specific districts.**

In all districts the building official shall have the option to waive sign type requirements in unique and special cases where due to building design or other special circumstance the development is unable to conform to stated standards.

*A. Signs permitted in residential districts.*

1. *Identification signs for single-family dwellings and duplexes.* One (1) identification sign shall be permitted for each occupancy. The sign shall not exceed an area of two (2) square feet, shall not exceed a height of six (6) feet above the surface of the street, shall be attached directly to a building, fence, standard, or mailbox, and shall be unlighted or provided with indirect illumination. Home occupations shall not be allowed additional sign area.

2. *Identification signs for multifamily dwellings.* One (1) identification sign shall be permitted for each development, except that multiple-family dwellings with more than one (1) street frontage may be allowed an additional sign for each street frontage of such lot. Each sign shall not exceed an area of twenty-five (25) square feet, may be a wall or freestanding sign, shall be unlighted or indirectly lighted, and shall not exceed a height of six (6) feet above the ground if freestanding.

*B. Signs permitted in general commercial, industrial and airport-enterprise districts.* The aggregate sign area for any lot shall not exceed one and one-half (1 1/2) square feet for each foot of street frontage. Aggregate sign area for corner lots shall not exceed one (1) square foot for each foot of street frontage. Lots with less than thirty-five (35) feet of frontage shall be allowed an aggregate sign area of no less than fifty (50) square feet. The permitted signs enumerated in this subsection shall be subject to the total aggregate sign area.

1. *Identification signs for occupancies.* Each business establishment may have one (1) freestanding sign as defined below in 19.06.050(B.1.a) for each street frontage if not located in a shopping center, and no more than three (3) attached signs.

a. *Freestanding sign.* The freestanding sign shall not exceed a height of twenty-five (25) feet. The maximum sign area permitted is two hundred (200) square feet for the total of all faces. No one (1) face shall exceed one hundred (100) square feet. The sign may be illuminated. When calculating aggregate sign area only one side of a free standing sign shall be counted against said allowance.

b. *Attached signs.* Three (3) attached signs shall be permitted subject to the following restrictions:

i. The total area of all signs, graphics, or other advertising shall not be more than ten (10) percent of the building facade to which they are attached or on which they are displayed when the lot frontage on a public street is more than thirty (35) feet. When the lot frontage (width) is less than thirty-five (35) feet in length, the total area of signs, graphics or other advertising shall not be more than twenty five (25) percent of the building façade to which they are attached or on which they are displayed.

ii. On properties where a pole sign cannot be erected due to setback requirements or building placement, a projecting sign may be allowed in lieu of the permitted freestanding sign. The projecting sign may not exceed fifteen (15) square feet in outside dimension.

3. *Automobile service station signs.* The aggregate sign area for any corner lot shall not exceed one (1) square foot for each foot of lot frontage, and the aggregate sign area for any interior lot shall not exceed one and one-half (1 1/2) square feet for each foot of lot frontage; and the permitted signs enumerated in this subsection shall be subject to the total aggregate sign area.

a. *Freestanding signs.* One (1) freestanding lighted double-faced identification sign, not exceeding two hundred (200) square feet for the total of all faces, with no such face exceeding one hundred (100) square feet, is permitted. Such sign shall not exceed a height of thirty (30) feet. If on a corner lot, two (2) monument signs not exceeding one hundred (100) square feet per sign for the total of all faces are permitted. Such monument signs shall not exceed a height of fifteen (15) feet. Freestanding signs shall be lighted during business hours only.

b. *Attached signs.* Three (3) attached signs shall be permitted subject to the following restrictions: the total area of all signs, graphics, or other advertising shall not be more than

ten (10) percent of the building facade to which they are attached or on which they are displayed.

c. *Fuel price signs.* Fuel price signs shall be included in the aggregate sign area.

C. *Signs permitted in central business district (CBD).* The aggregate sign area for any lot shall not exceed one and one-half (1 1/2) square feet for each foot of street frontage. The aggregate sign area for corner lots shall not exceed one (1) foot for each foot of street frontage. Lots with less than thirty-five (35) feet of frontage (width) shall be allowed an aggregate sign area of no less than fifty (50) square feet. The permitted signs enumerated in this subsection shall be subject to the total aggregate sign area.

1. *Identification signs for multitenant buildings.*

a. *Attached Signs.* Each multitenant building may have one (1) identification wall sign for the building's identification for each street frontage. The sign shall not exceed a total of five (5) percent of the facade to which it is attached. Aggregate sign area shall apply. A multitenant building will have the option of the sign described in this subsection (C)(1)(a) or the identification sign described in subsection (C)(2) of this section.

i. The total area of all signs, graphics, or other advertising shall not be more than ten (10) percent of the building façade to which they are attached or on which they are displayed when the lot frontage on a public street is more than thirty-five (35) feet. When the lot frontage (width) is less than thirty-five (35) feet in length, the total area of signs, graphics or other advertising shall not be more than twenty-five (25) percent of the building façade to which they are attached or on which they are displayed.

ii. On properties where a pole sign cannot be erected due to setback requirements or building placement, a projecting sign may be allowed in lieu of the permitted freestanding sign. The projecting sign may not exceed fifteen (15) square feet in outside dimension.

b. *Freestanding sign.* Each building may have one (1) freestanding sign on each street frontage. The sign may not exceed fifteen (15) feet in height. The maximum sign area permitted for the freestanding sign is one hundred (100) square feet for the total of all faces. No one (1) face shall exceed fifty (50) square feet. When

calculating aggregate sign area, only one side of a free standing sign shall be counted against said allowance.

2. *Identification signs for occupancies.* Each occupant of a multitenant building shall be permitted two (2) wall signs. Such signs shall not exceed ten (10) percent of the facade of the individual business unit. Aggregate sign area shall not apply.

3. *Identification signs for single-tenant buildings.*

a. Each building may have one (1) freestanding sign for each street frontage. The sign may not exceed a height of fifteen (15) feet. The maximum sign area permitted for the freestanding sign is one hundred (100) square feet for the total of all faces. No one (1) face shall exceed fifty (50) square feet.

b. Three (3) attached signs shall be permitted. All signs are subject to the aggregate sign area allowed. The total area of all signs, graphics, or other types of signs shall not exceed ten (10) percent of the facade to which they are attached or on which they are displayed.

D. *Signs permitted in office and service commercial district (C-1).*

1. *Generally.* One (1) freestanding double-faced identification sign shall be permitted for each lot. The sign shall not exceed a maximum area of fifty (50) square feet for the total of all faces. No one (1) face shall exceed twenty-five (25) square feet. A freestanding sign shall not exceed a height of fifteen (15) feet and shall be unlighted or provided with indirect illumination.

2. *Identification signs for buildings.* One (1) identification sign shall be permitted for each principal building. The sign shall not exceed an area of five (5) percent of the facade to which it is attached, shall be attached flat against the building, shall not project above the eave of the roof or the top of the parapet, and shall be unlighted or provided with indirect illumination. Such signs shall not advertise or name individual tenants of the building.

3. *Identification signs for occupancies.* Signs not exceeding a total of five (5) percent of the facade of the business unit to which they are attached shall be permitted for each occupancy in a multitenant building when the occupancy has outside frontage.

F. *Signs permitted in planned unit developments, and for conditional uses.* All signs in planned unit developments, and mobile home parks and for conditional uses shall be incorporated as part of the developmental plan and approved with the developmental plan.

Subsequent changes which conform to the adopted signing program may be granted by the planning director.

*G. Signs permitted in shopping centers.* The aggregate sign area for each occupant of a shopping center shall not exceed twenty (20) percent of the front facade of the unit. Wall signs are permitted on each exterior wall of the individual business unit. A minimum of thirty (30) square feet shall be permitted for any occupancy. No combination of signs shall exceed ten (10) percent of the facade to which they are attached. If there is an attached canopy or overhang, a ten (10) square foot sign may be attached to the canopy or overhang in addition to the other permitted signs. Such sign shall be at least eight (8) feet above any pedestrian walkway.

*Identification signs for shopping centers.* One (1) freestanding identification sign, which may list the names of the occupants of the shopping center, shall be permitted for each street frontage of each shopping center. The maximum sign area permitted for a freestanding sign is two hundred (200) square feet for the total of all faces. No one (1) face shall exceed one hundred (100) square feet. A freestanding sign shall not exceed a height of thirty (30) feet, and may be illuminated.

#### **19.06.070 Structural safety and maintenance of signs.**

All parts, portions, units, and materials composing a sign, together with the frame, background, supports, or anchorage thereto, shall be maintained in a proper state of safety and repair and a proper state of preservation. The surface of all signs shall be kept neatly painted.

#### **19.06.075 Nonconforming signs.**

- A. Any sign lawfully existing under all codes and ordinances in effect at the time this Chapter is enacted or amended may continue to be maintained and operated as a legal nonconforming sign so long as it remains otherwise lawful, provided that:
1. No sign shall be changed in any manner that increases its noncompliance with the provisions of this Code; and
  2. If the sign is structurally altered or moved, its legal nonconforming status shall be voided, and the sign will be required to conform to the provisions of this Code.
  3. The sign is not a hazardous or abandoned sign.

#### **19.06.080 Administrative procedures.**

- A. *Permits.*

1. To ensure compliance with the regulations of this chapter, a permit shall be required for all signs hereafter installed or altered within the corporate boundaries of the city, except those signs enumerated in subsection (A)(2) of this section. No sign shall be erected, installed, applied, affixed, altered, or relocated without a permit from the building department and the planning department. The sign permit shall certify that the sign, as represented by plans, drawings, or statements, is in conformance with the regulations of this chapter.

2. The following signs must conform with the regulations of this chapter but may be erected, installed, affixed, altered, or relocated without a sign permit:

- a. For sale, lease, or rent signs.
- b. Residential signs for single-family dwellings.

3. The following information must be provided as part of the application for a sign permit:

- a. Name, address, and phone number of the applicant.
- b. Name, address, and phone number of the owner of the property.
- c. Name and address of the activity for which the sign is intended, parcel number of land on which it is to be placed, and necessary lot dimensions as required to calculate allowable sign area.
- d. Two (2) copies of a diagram, plan or illustration clearly depicting the sign dimensions and design, indicating the colors of the proposed sign, materials to be used, anchoring or mounting system, and type of illumination, if applicable.
- e. Two (2) copies of a site plan clearly indicating the location of the proposed sign relative to existing signs, buildings, and other structures and to streets/rights-of-way and property lines.
- f. If required, proof of compliance with State Electrical Code for illuminated and electrical signs shall be submitted with the application.
- g. Attached building permit, if required, with construction details, including attachment and footing details, wind load calculations, ULI number, point of electrical



connection and/or location of associated electrical fixtures and structural engineer's wet stamp.

h. Include such other information as may be required by the Building Official to ensure compliance with this Code and other applicable ordinances.

B. *Fees and deposits.* Fees shall be governed by the fee schedule contained in the building code adopted by the city.

C. The building official shall make the final decision on a sign permit application submitted pursuant to Ch. 19.06 EMC. Any appeal from the final decision of the building official shall be to the hearing examiner pursuant to the requirements of Ch. 19.06 EMC and the appeal provisions of Ch. 17.01 EMC.

D. Violations – Nuisance *Abatement and Civil Infractions.*

1. Any sign that violates the provisions of this chapter shall be deemed a public nuisance and shall be in lien against the property on which the sign was maintained and a personal obligation against the property owner. The property owner shall first be served with a notice to abate the nuisance, except in the case of portable signs. Illegal portable signs may be immediately removed by the city, and the owner shall be given notice that the sign will be destroyed if not claimed within ten (10) days. Appeal of the abatement notice may be made to the hearing examiner. If, after such a hearing, the hearing examiner orders agents of the city to remove the nuisance, they shall have authority to enter upon private property to remove the nuisance.
2. In addition, any violation of this chapter shall be deemed a civil infraction subject to a penalty as provided in Chapter 1.22.

E. *Variances.*

1. A sign variance is categorized as a Process III application and shall be subject to the requirements of Ch. 17.01 EMC. Variances from the terms of this chapter may be granted by the hearing examiner upon proper application. Variances may be granted when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict interpretation of the regulations of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

2. The variance shall not constitute a grant of special privilege inconsistent with a limitation upon uses of other properties in the vicinity and zone in which such property is situated.

(Ord. 13-12, 2013, Ord. 23-10, 2023)

**Chapter 19.07**  
**LANDSCAPING REGULATIONS**

Sections:

- 19.07.010 Purpose and intent.
- 19.07.020 Applicability.
- 19.07.030 General requirements.
- 19.07.040 Specific requirements.
- 19.07.050 Landscape buffers—Types and descriptions.
- 19.07.060 Submittal requirements.
- 19.07.070 Approval of landscape plan and installation of landscaping.
- 19.07.090 Maintenance requirements.
- 19.07.100 Prohibited plants.
- 19.07.110 Alteration of landscape requirements.
- 19.07.120 Deviations.
- 19.07.130 Enforcement.

**19.07.010 Purpose and intent.**

The purpose of this chapter is to establish landscaping provisions to achieve the following:

- A. Provide a smooth transition between adjacent properties and buffer different intensities of land uses.
- B. Maintain and enhance the character and appearance of the city.
- C. Soften the visual impact of paved surfaces and blank building walls.
- D. Reduce the effects of light, noise, glare, exhaust fumes, heat, wind, dust, all forms of erosion, and other adverse effects.
- E. Provide shade.

**19.07.020 Applicability.**

- A. Other than the exceptions listed in subsection (b) of this section, the requirements of this chapter shall apply to all of the following:
  - 1. New development.
  - 2. Any change in the use of a property requiring a land use permit.

3. Any change in the use of a property requiring a change of occupancy permit.
4. Any addition, remodel, alteration, or repair of a structure that increases the gross floor area by more than fifty percent or where the cost of the addition, remodel, alteration, or repair exceeds fifty percent of the existing assessed value of the structure.

B. Exceptions.

1. This chapter does not apply to any use or development in the C-1 zone and the Bomanite Paving District area, other than parking lots.
2. An individual one- or two-family dwelling unit on an individual lot that is not part of a subdivision or planned development district application is only required to comply with the following sections of this chapter:
  - a. Section 19.07.040(c)(1), residential front yard setbacks;
  - b. Section 19.07.090, Maintenance requirements;
  - c. Section 19.07.100, Prohibited plants.

**19.07.030 General requirements.**

All required landscaped areas shall comply with the following:

- A. Landscaping shall consist of combinations of trees, shrubs, and ground cover. Nonliving natural features may also be incorporated.
- B. Required landscape plantings shall be suited to the climate, location, and physical conditions of the site. The use of drought-tolerant species is encouraged.
- C. All landscaped areas shall be graded to prevent erosion and to facilitate the installation, growth, and maintenance of the landscaping. All turf areas located in public rights-of-way shall have a grade of no greater than 4(h):1(v).
- D. Trees and shrubs shall be chosen and located to avoid interference with underground and overhead utility lines or public improvements.
- E. Landscaping shall be designed to ensure adequate visibility and safety of vehicular traffic, bicyclists, pedestrians, and other users, on and off the

proposed site. Height and/or spacing of landscaping may be modified to accommodate sight distances.

- F. Other than a fence around an individual one-or two-family dwelling, all fences shall be placed on the inward side of any required perimeter landscaping.
- G. Minimum Plant Sizes at Installation:

Type of Plant	Minimum Size at Installation
Street trees and other deciduous trees	Two-inch caliper
Multi-stemmed trees, e.g., vine maple	Six feet tall
Evergreen trees	Six feet tall
Small shrubs	Twelve inches tall
Medium and tall shrubs	Eighteen inches tall

- H. Living ground covers shall provide at least fifty percent coverage at the time of planting and one hundred percent coverage within three years, except that grass sod areas shall provide one hundred percent coverage at installation.
- I. If approved by the city, required street frontage landscaping may be placed in city right-of-way. This area shall be maintained by the owner of the property that abuts the right-of-way. The city and other public services shall have the right to remove landscaping placed on city right-of-way for repair, replacement, or installation of utility services. The city will not accept liability for damages to said landscaping from future street expansion, meter reading, or utility installation, inspection, or repair.
- J. All required landscaping shall be served by irrigation systems appropriate for the plants.
- K. The incorporation of existing vegetation, especially healthy trees, is strongly encouraged. Where existing trees and associated vegetation serve the same or similar function as the required landscaping, they may substitute for the required landscaping, provided trees are healthy, not included in the prohibited species list and appropriate for the site at mature size. When

necessary, existing vegetation shall be supplemented with new plantings to accomplish the specific intent and purpose of this chapter.

- L. In the event of a conflict between the content of this chapter and other regulations, the more restrictive regulations shall apply.
- M. All trash containers shall be screened from abutting properties and streets by a one hundred (100%) percent sight-obscuring fence or wall and appropriate landscaping. (Ord. 18-09, 2018)

**19.07.040 Specific requirements.**

- A. Buffers. When adjacent to the uses listed, the subject property shall provide the type and width of landscaping listed in the table below along the entire property line between the subject property and the adjacent use, except for vehicular and pedestrian access points.

ADJACENT USE	SUBJECT PROPERTY USE				
	1 & 2 Family Subdivision	Multifamily	Manufactured Home Park	Commercial/ Institutional	Industrial
Highway	Type I 20 feet wide	Type I 20 feet wide	Type I 20 feet wide	Type II 10 feet wide	Type II 10 feet wide
Street frontage	Type III 5 feet wide	Type III 5 feet wide	Type I 5 feet wide	Type III 10 feet wide	Type II 20 feet wide
1 & 2 Family or vacant land zoned LDR		Type II 5 feet wide	Type I 10 feet wide	Type II 10 feet wide	Type I 15 feet wide
Multifamily or vacant land zoned MDR	Type II 10 feet wide	Type III 5 feet wide	Type II 10 feet wide	Type II 10 feet wide	Type I 15 feet wide
Manufactured Home Park	Type I 10 feet wide	Type III 5 feet wide		Type II 10 feet wide	Type I 15 feet wide
Commercial/Institutional or vacant land zoned CBD or C-1	Type II 10 feet wide	Type II 5 feet wide	Type II 10 feet wide		Type II 10 feet wide
Industrial or vacant land zoned L-I or H-1	Type II 10 feet wide	Type I 5 feet wide	Type II 10 feet wide	Type II 10 feet wide	
*Heightened standards for buffering and transitions for Mixed Use Transition Overlay Districts (EMC 19.04.080)					

- B. All parking areas of over twenty thousand (20,000) square feet shall have a minimum of ten (10) percent of the parking area, maneuvering area, and loading space landscaped as a means to reduce the barren appearance of the lot and to reduce the amount of stormwater runoff. Perimeter landscaping, required adjacent to property lines, shall not be calculated as part of the ten (10) percent figure.
- C. Residential Landscaping.

1. Front Yard Setback. The required front yard setback of all residential uses shall be landscaped within one year of occupancy and maintained. For the purposes of this section, “landscaping” shall be defined as the addition of lawn, trees, plants, shrubs, and other natural and decorative features.
  2. Multifamily Structures. Multifamily residential uses shall also landscape the required open space areas so that they are usable for outdoor recreation.
  3. Manufactured Home Parks. All areas not in hardscape, hardscape meaning built structures, roadways, paved and gravel pathways and utility facilities, within the boundaries of the manufactured home park shall be landscaped. All lawns, trees, landscaping, occupied and unoccupied manufactured home spaces, recreation areas, and open space areas shall be continually maintained. A permanent irrigation system shall be installed and maintained for planted common areas.
- D. Building Facade Landscaping. Blank building facades more than twenty feet in height or fifty feet in width or length shall be landscaped with Type III landscaping to provide visual relief and soften the effect of the new building on the surrounding area.

**19.07.050 Landscape buffers—Types and descriptions.**

	<u>Type I Solid Screen</u>	<u>Type II Visual Screen</u>	<u>Type III Visual Buffer</u>
<u>Purpose</u>	<u>Type I landscaping is intended to provide a solid sight barrier to totally separate incompatible uses.</u>	<u>Type II landscaping is intended to create a visual separation that is not necessarily one hundred (100) percent sight-obscuring between incompatible uses.</u>	<u>Type III landscaping is intended to provided visual separation of uses from streets and main arterials and between compatible uses so as to soften the appearance of streets, parking lots and building facades.</u>
<u>Description</u>	<u>Type I landscaping shall consist of evergreen trees or tall shrubs with a minimum height of six (6) feet at planting, which will provide a one hundred (100) percent sight-obscuring screen within two (2) years from the time of planting; or a combination of evergreen and deciduous trees and shrubs backed by one hundred (100) percent sight-obscuring fence.</u>	<u>Type II landscaping shall be evergreen or a mixture of evergreen and deciduous trees with large shrubs and ground cover interspersed with the trees. (See also A, B, and C below)</u>	<u>Type III landscaping shall be evergreen and deciduous trees planted not more than thirty (30) feet on center interspersed with large shrubs and ground cover. Where used to separate parking from streets, plantings must create a visual barrier of at least forty-two (42) inches in height at time of planting and form a solid screen two (2) years after planting. (See also A, B, and C below)</u>
<u>Additional requirements for Types II, and III are as follows:</u>			

(A) Evergreen trees shall be an average height of six (6) feet at planting. Deciduous trees shall be the following sizes based on their spacing:

(1) One (1) inch caliper: Ten (10) feet on center.

(2) Two (2) inch caliper: Twenty (20) feet on center.

(3) Three (3) inch caliper: Thirty (30) feet on center.

(4) Three and one-half (3 1/2) to five (5) inch caliper: Forty (40) feet on center.

(B) Ground cover shall be of sufficient size and spacing to form a solid cover within two (2) years from the time of planting.

(C) The plantings and fence must not violate the sight area safety requirements at street intersections.

#### **19.07.060 Submittal requirements.**

A landscape plan shall be prepared by a person experienced in the selection and installation of plants. For multifamily projects with five or more units and nonresidential projects with more than twenty thousand square feet of gross floor area, the landscape plan shall be prepared by one of the following: licensed landscape architect, Washington State Certified Nurseryman, or Washington State Certified Landscaper. A landscape plan shall accompany all development applications and shall contain the following information at a minimum:

- A. Name and address or location of project.
- B. Date of the plan.
- C. North arrow and scale (one inch equals fifty feet or larger).
- D. All property lines, rights-of-way, streets, walks, vehicular drives, parking lots, curbing, existing and proposed structures, building entrances, overhead and underground utilities, freestanding lights, service or loading areas, signs, open spaces, plazas, and recreation amenities, with materials noted.
- E. Proposed location of all trees, shrubs, ground cover, and any proposed or existing physical elements, such as fencing, walls, curbing, or benches, that may affect the overall landscape.
- F. A plant schedule which indicates the common names, quantities, spacing, and sizes at planting and maturity for all plants in the landscape plan.
- G. Areas with existing vegetation that will be retained should be marked and described.
- H. A legend which shows symbols and types of plant.
- I. Location and details of irrigation system. The source of water and type of irrigation system shall be noted.

#### **19.07.070 Approval of landscape plan and installation of landscaping.**



- A. After receipt of a complete landscape plan, all development applications shall be reviewed by the planner for compliance with this chapter concurrently with and as a part of the review process of the principal use or structure and prior to issuance of any grading, building, or land use permit or approval.
- B. No certificate of occupancy, or final inspection approval if no certificate of occupancy is required, shall be issued until one of the following occurs:
  - 1. The required landscaping is installed.
  - 2. A bond or some other form of cash surety acceptable to the city is submitted at a value of one hundred fifty percent of the estimated cost to complete the landscaping according to the approved landscape plan. Upon completion of the landscape installation, the city shall promptly release the surety. If the required landscaping improvements are not made within six months of occupancy of the building, the city may use the surety to install the landscaping.

**19.07.090 Maintenance requirements.**

- A. Required. Whenever landscaping is or has been required in accordance with the provisions of this title or any addition or amendments to this title, or in accordance with the provisions of any previous code or ordinance of the city, the landscaping shall be permanently maintained in such a manner as to accomplish the purpose for which it was initially required, to include:
  - 1. Plant Maintenance. The property owner shall maintain all landscape plant material for the life of the project. All unhealthy or dead plant materials shall be replaced within the next planting season, not to exceed one hundred eighty days from the date of loss. Trees and shrubs shall only be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent a safety hazard. Planted areas shall be maintained free of trash and weeds.
  - 2. Irrigation Maintenance. All portions of any irrigation system shall be maintained in order to perform its original function. Uncontrolled emission of water from any pipe, valve, head, emitter or other irrigation device shall be considered evidence of lack of maintenance and a violation of this chapter.

3. Hardscape Maintenance. Maintenance of all landscape areas shall also include the painting, repairing, reconstruction, and restoration of landscape structures such as fences, walls, trellises, etc.

#### **19.07.100 Prohibited plants.**

- A. The following trees are prohibited within public right-of-way, including planter strips: poplar, willow, cottonwood, sumac, fruit trees other than ornamental, nut trees, Siberian or Chinese elm, or any other tree species that may be declared a nuisance by the city for reasons of disease, exotic characteristics, or impairing or destroying property necessary to the health, welfare, and safety of the citizens of the city.
- B. The following trees are prohibited within one hundred feet of a public sewer: poplar, willow, elm, cottonwood, or any other tree species with invasive roots.
- C. Any plant listed by the Grant County Weed District as a noxious weed is prohibited.

#### **19.07.110 Alteration of landscape requirements.**

The applicant may submit for consideration a landscaping plan that differs from the specific criteria set forth in this chapter. The applicant shall clearly and in detail state what adjustments of requirements are being requested and the reasons that such adjustments are warranted. The application shall be accompanied by supplemental data, such as sketches, surveys, and statistical information, as is deemed necessary to support the adjustment. The planning commission may approve, modify, or deny the requested adjustment. In approving the alteration, the planning commission shall make the following findings:

- A. The alteration would be in keeping with and preserve the intent of this chapter; and
- B. The alteration would not be contrary to the public interest; and
- C. The alteration is justified based on at least one of the following:
  1. The requirements of this chapter would result in more than fifteen percent of the site area being landscaped. In such cases the planning commission may modify those requirements so that not more than

fifteen percent of the site must be landscaped; provided, that the landscaping and corresponding setbacks required are those most beneficial to the public. More intensive landscaping may be required if the reduction in area would reduce the effectiveness of landscaping to a point where the intent of the landscaping type cannot be satisfied.

2. The inclusion of significant existing vegetation located on the site would result in as good as or better satisfaction of the purposes of this chapter.
3. Three-foot berms or six-foot architectural barriers are incorporated into the landscape design. Adjacent to the berm or barrier, the width of the perimeter landscaping strip may be reduced up to twenty-five percent if the landscaping materials are incorporated elsewhere on site.
4. Existing conditions on or adjacent to the site, such as significant topographic differences, vegetation, structures, or utilities would render application of this chapter ineffective.
5. An existing or proposed structure precludes installation of the total amount of required perimeter landscaping. In such cases, the landscaping material shall be incorporated on another portion of the site.
6. The proposed landscaping represents a superior result or is more effective than that which would be achieved by strictly following requirements of this section.

#### **19.07.120 Deviations.**

A deviation from the regulations of this chapter may be obtained through the hearing examiner in compliance with the provisions of Chapter 19.12 entitled "Hearing Examiner."

#### **19.07.130 Enforcement.**

All violations of this chapter shall be deemed to constitute a public nuisance and shall be enforced by the Community Development Director or his/her designee in the same manner as violations of Ephrata Municipal Code Chapter 6.30. (Ord. 15-07, 2015, Ord 23-10, 2023)

## Chapter 19.08

### GENERAL AND SUPPLEMENTARY PROVISIONS

Sections:

- 19.08.010 Applicability.
- 19.08.030 General conditional uses.
- 19.08.035 Wireless telecommunications facilities.
- 19.08.040 Home occupations.
- 19.08.050 Performance standards.
- 19.08.070 Animals in residential districts.
- 19.08.090 Residential Vehicle Storage.
- 19.08.095 Storage of Certain Vehicles and Components.
- 19.08.097 Vehicle and Equipment Repair on Residential Premises.
- 19.08.100 Nonconforming development.
- 19.08.110 Reduction of lot area.
- 19.08.120 Irregular-shaped lots.
- 19.08.130 Visibility at intersections in residential districts.
- 19.08.160 Accessory buildings.
- 19.08.170 Projections into required yards.
- 19.08.180 Structures to have access.
- 19.08.190 Exceptions to height regulations.
- 19.08.205 Temporary use regulations.
- 19.08.270 Adult uses.
- 19.08.280 Group homes class II and III.
- 19.08.350 Accessory dwelling unit regulations.
- 19.08.359 Accessory living quarters.
- 19.08.510 Utility Installations.
- 19.08.730 Electric vehicle infrastructure.
- 19.08.740 Building on multiple lots.
- 19.08.750 Manufactured Home Conditions
- 19.08.760 Bed and Breakfast
- 19.08.770 Short Term Rentals

#### **19.08.010 Applicability.**

The provisions of this chapter are of general application to several or all zoning districts unless otherwise noted.

### **19.08.030 General conditional uses.**

*A. Purpose.* It is the purpose of this section to identify certain types of land uses that usually require relatively greater freedom of location than other uses restricted to certain districts by this title. General conditional uses may be allowed in the various zoning districts following the procedures in this section. General conditional uses may have one (1) or all of the following characteristics:

1. Public necessity requires such use in all or several districts.
2. Their technical, operating, or service characteristics are such as to make it impractical to restrict their location only to certain districts.
3. Although they fit the description in subsections (1) and (2) of this section, their impact or effect on the immediate neighborhood or vicinity in which they are located may be detrimental in the absence of adequate performance standards, development controls, or good site planning.

It is, therefore, the purpose of this section to reconcile potential conflicts between public necessity of certain uses and their possible detrimental effects on other uses.

*B. Types of uses identified.* The uses identified for the purpose of this section will generally fall into several broad categories, as follows:

1. *Utility, transportation, and communication facilities.* Includes electrical substations, pumping or regulating devices for the transmission of water, (including public water treatment facilities), gas, steam, petroleum, etc., bus stops, transit stations, etc.
2. *Public facilities.* Includes firehouses, police stations, libraries, and administrative offices of governmental agencies.
3. *Open space uses.* Includes cemeteries, parks, playgrounds, golf courses, and other recreation facilities, including buildings or structures associated therewith.
4. *Welfare facilities.* Retirement homes, convalescent homes, and other welfare facilities (excluding group homes class I, II, and III as defined in 19.02), whether privately or publicly operated, facilities for rehabilitation or correction, private clubs, fraternal lodges, etc. (Ord. 23-10, 2023)
5. *Schools.* Primary and secondary schools, vocational schools, and colleges, whether privately or publicly operated. (Ord. 15-08, 2015)

### **19.08.035 Wireless telecommunications facilities.**

*A. Purpose and goals.* The purpose of this section is to establish general guidelines for the siting of wireless telecommunications facilities (WTCFs), specifically including, without limitation, towers and antennas, in light of the following goals:

1. Protecting residential areas from potential adverse impacts;
2. Enhancing the ability of the providers of wireless telecommunications services to provide those services quickly, effectively, and efficiently;
3. Encouraging location in nonresidential areas;
4. Minimizing the total height of towers within the community;
5. Encouraging the joint use of new and existing sites;
6. Encouraging service providers to locate and configure facilities to minimize adverse impacts through careful design, siting, landscaping, screening, and innovative camouflaging techniques; and
7. Considering potential adverse impacts to the public health and safety from these facilities except where preempted by other laws, rules, and regulations.

In furtherance of these goals, the city shall give due consideration to the city's comprehensive plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of WTCFs, including towers and antennas.

*B. Definitions.* As used in this section only, the following terms shall have the meanings set forth below:

*Abandon or abandonment* means:

1. To cease operation for a period of one hundred eighty (180) or more consecutive calendar days; or
2. To reduce the effective radiated power of an antenna by seventy-five (75) percent for one hundred eighty (180) or more consecutive calendar days unless new technology or the construction of additional cells in the same locality allows reduction of effective radiated power by more than seventy-five (75) percent, so long as the operator still serves essentially the same customer base.

*Antenna* means any exterior transmitting or receiving device used in communications that radiates or captures electromagnetic waves.

*Backhaul network* means the lines that connect a provider's WTCFs/towers/cell sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

*Camouflage* means to disguise, hide, or integrate with an existing or proposed structure or with the natural environment so as to be significantly screened from view.

*Co-locate* means use of a WTCF by more than one (1) service provider.

*COW* means cell on wheels or Cellular on Wheels.

*EIA* means Electronic Industries Association.

*FAA* means the Federal Aviation Administration.

*FCC* means the Federal Communications Commission.

*Guyed tower* means a wireless communication support structure which is typically over one hundred (100) feet tall and is steadied by wire guys in a radial pattern around the tower.

*Height* means, when referring to a tower or other WTCF, the distance measured from the finished grade of the parcel at the base of the WTCF to the highest point on the tower or other WTCF, including the base pad and any antennas.

*Lattice tower* means a support structure which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

*Monopole tower* means a support structure which consists of a single pole sunk into the ground and/or attached to a foundation.

*Non-whip antenna* means an antenna that is not a whip antenna, such as dish antennas, panel antennas, etc.

*Preexisting WTCF* means any WTCF for which a building permit has been properly issued including permitted WTCFs that have not yet been constructed, so long as that permit or approval has not expired.

*Telecommunications* means the transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information as sent and received.

*Telecommunications service* means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

*Tower* means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telecommunications, telephone, radio, and similar communication purposes. The term includes the structure, all structural supports, and all related buildings and appurtenances.

*Whip antenna* means an omni-directional dipole antenna of cylindrical shape that is no more than six (6) inches in average diameter.

*Wireless telecommunications facility* or *WTCF* includes "personal wireless service," "personal wireless service facilities," and "facilities" as defined in Title 47, United States Code, Section 332(c)(7)(C), including all future amendments, and also includes facilities for the transmission and reception of radio or microwave signals used for communication, telecommunication, cellular phone personal communications services, enhanced specialized mobile radio, and any other services licensed by the FCC, and also includes any other unlicensed wireless services.

#### *C. Applicability.*

1. *New uses.* All WTCF proposals made in the city, whether for new construction or for modification of existing facilities, shall be subject to the regulations set forth in this code, except as provided in subsection (D) of this section.

*D. Exemptions.* The following are exempt from the provisions of this section and are allowed in all zoning districts.

1. *Existing uses.* WTCFs that currently exist, or for which a valid building permit has been obtained, except this exemption does not apply to modifications of existing facilities.
2. *Industrial/scientific equipment.* Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.



3. *Amateur radio station operators or receive-only antennas.* Any tower or antenna that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.

4. *Home satellite services.* Satellite dish antennas less than 7 feet in diameter, including direct-to-home satellite services, when used as a secondary use of the property.

5. *COW.* A COW or other temporary WTCF, but its use anywhere in the city cannot exceed thirty (30) days, unless extended by permit issued by the Community development director or unless the city has declared an area-wide emergency.

6. *Public safety WTCFs and equipment.* Public safety WTCFs and equipment, including, but not limited to, the regional 911 system.

E. *General.*

1. *Principal or accessory use.* WTCFs may be considered either principal or accessory uses. A different use of an existing structure on the same lot shall not preclude the installation of WTCFs on that lot.

2. *Not essential services.* WTCFs shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential public services.

F. *General requirements.*

1. *Siting.* Anyone who applies to construct a WTCF or to modify or add to an existing WTCF shall demonstrate to the city's satisfaction that the proposed facility is located at the least obtrusive and the most appropriate available site to function in the applicant's grid system.

2. *FCC licensing.* The city will only process WTCF permit applications upon a satisfactory showing of proof that the applicant is an FCC licensed telecommunications provider or that the applicant has agreements with an FCC licensed telecommunications provider for use or lease of the facility.

3. *Compliance with other laws.* Applicants must show, to the satisfaction of the Community development director, compliance with current FCC and FAA rules and regulations and all other applicable federal, state, and local laws, rules, and regulations.

4. *Lot size.* For purposes of determining whether the installation of WTCFs complies with district development regulations including, but not limited to, setback requirements, lot-coverage requirements, and other requirements, the dimensions of the entire lot shall control, even though the WTCFs may be located on leased parcels within that lot.

5. *Height.* Unless further restricted or expanded elsewhere in this section, no WTCFs may exceed the following height and usage criteria:

a. For a single user, up to ninety (90) feet in height; and

b. For two (2) or more users, up to one hundred twenty (120) feet in height.

6. *Security fencing.* WTCFs shall be enclosed, where appropriate, by security fencing not less than six (6) feet in height; provided however, that the Community development director or, where applicable, the hearing examiner may waive these requirements, as appropriate.

7. *Landscaping.* WTCFs shall be landscaped with a buffer of plant materials that effectively screens the view of the WTCF compound; provided, however, that the Community development director or, where applicable, the hearing examiner may waive these requirements if the goals of this section would be better served.

8. *WTCFs mounted on structures or rooftops.* WTCFs mounted on existing structures or rooftops shall be designed and located so as to minimize visual and aesthetic impacts to the adjoining land uses and structures and shall, to the greatest extent practical, blend into the existing environment.

9. *Aesthetics.* WTCFs shall meet the following requirements:

a. WTCFs shall be painted a neutral color so as to reduce visual obtrusiveness.

b. At a WTCF site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend into the existing natural and constructed environment.

10. *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required for any WTCF, the lighting must cause the least disturbance to the surrounding area.

11. *Measurement.* For purposes of measurement, WTCF setbacks and separation distances shall be calculated and applied irrespective of municipal and county jurisdictional boundaries.

12. *Franchises, licenses, and permits.* Owners and/or operators of WTCFs shall certify that they have obtained all franchises, licenses, or permits required by law for the construction and/or operation of a wireless telecommunication system in the city and shall file a copy of all required franchises, licenses, and permits with the Community development director.

13. *Signs.* No signs shall be allowed on an antenna or tower.

14. *Backhaul providers.* Backhaul providers shall be identified and they shall have and maintain all necessary approvals to operate as such, including holding necessary franchises, permits, and certificates. The method of providing backhaul, wired or wireless, shall be identified.

G. *Tower requirements.*

1. *Tower setbacks.* All towers, support structures, and accessory buildings must satisfy the minimum setback requirements for that zoning district.

2. *Support systems setbacks.* All guy wires, anchors, and other support structures must be located within the buildable area of the lot and not within the front, rear, or side yard setbacks and no closer than five (5) feet to any property line.

3. *Monopole construction required.* All towers will be of a tapering monopole construction; however, the Community development director or, where applicable, the hearing examiner may allow another type tower upon a showing that it would cause less impact to the surrounding property than a similar monopole structure or would further the purposes and goals in this section.

4. *Inventory of existing sites.* Each applicant for a tower shall provide an inventory of its existing WTCF sites that are either within the jurisdiction of the city or within one (1) mile of its borders, including specific information about the location, height, and design of each facility.

5. *EIA standards.* Towers shall be constructed so as to meet or exceed the most recent EIA standards. Prior to issuance of a building permit, the building official shall be

provided with an engineer's certification that the tower's design meets or exceeds those standards.

6. *Site selection and height.* Towers shall be located to minimize their number and height and to minimize their visual impacts on the surrounding area in accordance with the following policies:

- a. Ensure that the height of towers has the least visual impact and that the height is no greater than necessary to achieve service area requirements and to provide for potential co-location; and
- b. Demonstrate that the owner or operator has, to the greatest extent practical, selected a new tower site that provides the least visual impact on residential areas. This shall include an analysis of the potential impacts from other vantage points in the area to illustrate that the selected site and design provides the best opportunity to minimize the visual impact of the proposed facility; and
- c. Site so as to minimize being visually solitary or prominent when viewed from surrounding areas, especially residential areas. The facility should be camouflaged to the maximum extent feasible.

7. *Co-location priority.* Co-location of antennas by more than one (1) carrier on existing towers is preferred to construction of new towers; provided, that the co-location is consistent with the following:

- a. *Redesign restrictions.* A tower that is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, or of a less obtrusive design (such as a monopole), if practical.
- b. *Height.* Except as may be modified in subsection (I)(1)(a) of this section, an existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height or one hundred twenty (120) feet, whichever is lower, to accommodate the co-location by another provider or operator of an additional antenna system in any district except C-1 or C-3 districts. This additional height shall not require an additional distance separation.
- c. *Onsite relocation.* A tower that is being rebuilt to accommodate the co-location of an additional antenna may be relocated on its existing site within fifty (50) feet of its existing location. If consistent with the purposes and goals in subsection (A) of this

section, the Community development director or, where applicable, the hearing examiner, may permit the onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands.

8. *Separation distances between towers.* Separation distances between towers shall be measured between the proposed tower and preexisting towers. Measurement shall be from base of tower to base of tower, excluding pad, footing, or foundation. The separation distances shall be measured by drawing or following a straight line between the nearest point on the base of the existing tower and the proposed tower base, pursuant to a site plan of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 1, unless the distance is reduced by the Community development director when administratively approving a WTCF or by the hearing examiner through issuance of a conditional use permit.

Table 1

	Lattice	Guyed	Mono-pole 75 feet in height or greater	Mono-pole less than 75 feet in height
Lattice	5,000 In. ft.	5,000 In. ft.	1,500 In. ft.	750 In. ft.
Guyed	5,000 In. ft.	5,000 In. ft.	1,500 In. ft.	750 In. ft.
Monopole 75 feet in height or greater	1,500 In. ft.	1,500 In. ft.	1,500 In. ft.	750 In. ft.
Monopole less than 75 feet in height	750 In. ft.	750 In. ft.	750 In. ft.	750 In. ft.

H. *Administratively approved WTCFs.* The Community development director may administratively approve the uses listed in this subsection, once each applicant has applied for and provided all necessary information required in this code and in the city's application form. This administrative approval is classified as a Process I application and is subject to the requirements of Ch. 17.01 EMC.

1. *Administratively approved uses.* The following uses may be approved by the Community development director after conducting an administrative review:

a. *Industrial/commercial zones.* Locating WTCFs, including the placement of additional buildings or other supporting equipment used in connection with WTCFs, that do not exceed ninety (90) feet in height for a single user and one hundred twenty (120) feet in height for two (2) or more users in the following districts: I-1, I-2, C-2 and OSR.

b. *Antennas on existing structures.* Locating a WTCF other than a tower as an accessory use by attachment to any building or structure other than a single-family dwelling or multifamily structure of fewer than eight (8) dwelling units in any zoning district provided:

- i. The antenna does not extend more than twenty (20) feet above the highest point of the structure if a whip antenna, or ten (10) feet above the highest point of the structure if a non-whip antenna; and
- ii. The antenna complies with all applicable building codes; and
- iii. All associated equipment is placed either within the same building or in a separate structure that matches the existing building or structure in character and materials.

c. *WTCFs on existing towers.* Locating a WTCF through co-location by attaching the antenna to an existing tower.

d. *WTCFs within allowable building height.* Locating WTCFs, including placement of additional buildings or other supporting equipment used in connection with the WTCF in C-1, L-I and H-I districts, so long as the WTCF does not exceed the allowable building height for that district. (Ord 23-10, 2023)

e. *COWS for greater than thirty (30) day periods.* Upon a proper showing of extreme necessity (for example, if repair or modification of an existing WTCF clearly and legitimately cannot be completed within thirty (30) days), locating a COW at a single location for more than thirty (30) calendar days; however, purely economic convenience shall not be considered a viable factor in making this determination.

2. *Authority to waive certain requirements.* In connection with this administrative approval, the Community development director may, in order to encourage camouflaging and co-location of WTCFs, administratively waive separation distance requirements between WTCFs by up to fifty (50) percent in nonresidential zones. Additionally, the Community development director may, in order to encourage the use of the least obtrusive type of WTCF, administratively allow the reconstruction of an existing WTCF to that less obstructive use.

I. *Conditional use permits.* Applications for conditional use permits under this subsection shall be subject to the procedures and requirements of EMC 19.09.030 and Ch. 17.01 EMC, except as modified by this subsection. If the WTCF is not subject to administrative approval pursuant to subsection (H) of this section, then a conditional use permit shall be required.

1. *Conditional WTCF uses.* Specifically, conditional use permits shall be required for the following WTCFs:

a. *Industrial/commercial zones.* Locating WTCFs that exceed ninety (90) feet in height for a single user or one hundred twenty (120) feet for two (2) or more users or locating antennas on existing structures that exceed the height limitations in subsection (H)(2)(b) of this section in the following districts: C-2, I-1, I-2 and OSR.

b. *Government property.* Locating WTCFs (1) separate from existing structures on property owned, leased, or otherwise controlled by the city or other governmental entity or (2) attached to existing structures on property owned, leased, or otherwise controlled by the city or other governmental entity exceeding the height limitations in subsection (H)(2)(b) of this section, but only on the condition that the total height of the attached WTCF, including the structure, does not exceed one hundred twenty (120) feet, unless permitted under subsection (I)(1)(a) of this section.

c. *WTCFs exceeding allowable building height.* Locating WTCFs that exceed the allowable building height in the following districts: C-1, C-3 and A-E.

d. *Tower construction under allowed separation distances.* Locating towers that do not meet the separation distance requirements in subsection (G)(8) of this section or that do not meet administratively approved separation distance limits.

2. *Factors considered in granting conditional use permits for towers.* In addition to EMC 19.09.030(D), the hearing examiner shall also consider the following factors when considering a CUP application for WTCF towers:

- a. Height of the proposed tower;
- b. Proximity of the tower to residential structures and residential district boundaries;
- c. Nature of uses on adjacent and nearby properties;
- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;
- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- g. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures;



h. Obstruction of or interference with views;

i. Consistency with purpose and goals set forth in subsection (A) of this section.

3. *Availability of suitable existing towers, other structures, or alternative technology.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the hearing examiner that no existing tower, structure, or alternative technology that does not require the use of towers can accommodate the applicant's proposed WTCF. An applicant shall submit information requested by the hearing examiner related to the availability of suitable existing towers, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant's proposed WTCF may consist of any of the following:

a. No existing WTCF is located within the geographic area that meets applicant's engineering requirements.

b. Existing WTCFs are not of sufficient height to meet applicant's engineering requirements.

c. Existing WTCFs cannot practically be reconstructed to provide sufficient structural strength to support applicant's proposed antenna and related equipment.

d. Electromagnetic interference would occur between two (2) or more WTCF systems.

e. The fees, costs, or contractual provisions required by the owner in order to share an existing WTCF or to adapt an existing WTCF for co-location are unreasonable. Fees or costs that exceed new WTCF development shall not be presumed to render sharing facilities unsuitable.

f. Other limiting factors render existing WTCFs unsuitable.

g. An alternative technology that does not require the use of towers or structures would be unsuitable. Costs of alternative technology that exceed new WTCF development shall not be presumed to render the technology unsuitable.

4. *Separation requirements.* The hearing examiner may reduce tower separation distance requirements, including administratively approved separation distance reductions, if the purposes and goals of this section would be better served; however,

development of multiple tower locations on a single site (often referred to as “antenna farms”) are specifically discouraged wherever possible.

*J. Removal of abandoned towers.*

1. *Abandonment and removal.* The owner or operator of any abandoned tower shall notify the city’s Community development director, in writing, of that abandonment and shall remove the same within ninety (90) calendar days. Failure to remove an abandoned tower within ninety (90) calendar days shall be grounds to remove the tower at the owner’s expense. If there are two (2) or more users of a single tower, then the city’s right to remove the tower shall not become effective until all users abandon the tower.

2. *Partial abandonment and removal.* If the antennas on any tower are removed or relocated to a point where the top twenty (20) percent or more of the height of the tower is no longer in use, the tower shall be deemed partially abandoned. The owner or operator of any partially abandoned tower shall notify the city’s Community development director, in writing, of that partial abandonment and shall remove the partially abandoned portion within ninety (90) calendar days. Failure to remove a partially abandoned tower within ninety (90) calendar days shall be grounds to remove the abandoned portion of the tower at the owner’s expense.

3. *Security and lien.* Each applicant, prior to commencement of construction, shall post sufficient security in the form of a bond, assignment of funds, cashier’s check, or cash, in a form acceptable to the city, to cover the estimated cost of demolition or removal of the tower and support structures, including complete site restoration. If for any reason the posted funds are not adequate to cover the cost of removal, then the city may charge the facility owner or operator with the city’s total cost incurred in removing the abandoned structures. If the owner or operator fails to make full payment within thirty (30) calendar days, then the amount remaining unpaid shall become a lien on the facility property.

*K. Nonconforming uses.*

1. *Preexisting towers.* Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted. Any construction other than routine maintenance on a preexisting tower shall comply with the requirements of this section.

2. *Damage or destruction not the fault of owner/occupant.* Bona fide nonconforming WTCFs that are damaged or destroyed without fault attributable to the owner or entity in control may be rebuilt without first having to obtain administrative approval or a conditional use permit and without having to meet separation requirements. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility. Building permits to rebuild the facility shall comply with applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if the permit expires, the tower or antenna shall be deemed abandoned as specified in subsection (J) of this section.

#### **19.08.040 Home occupations.**

A. *Purpose.* It is the purpose of this section to outline general conditions in which home occupations may be permitted in all zoning districts. These conditions have been designed to help preserve the residential character of the city's neighborhoods from commercial encroachment while recognizing that certain selected business activities are compatible with residential uses.

B. *Home occupations permitted.* Home occupations which meet the requirements of this section are permitted in every zone where a dwelling unit was lawfully established. The requirements of this section shall not apply to the following home occupations:

1. Home child care.
2. The sale of agricultural products produced on the premises.

C. *Development standards.* All dwelling units in which a home occupation is located must meet the following minimum development standards:

1. The residential character of the exterior of the building shall be maintained and shall be located within either the primary dwelling or a permitted attached or detached accessory structure.
2. The outdoor storage or display of materials, goods, products, or equipment is prohibited.
3. A home occupation shall not occupy more than three hundred (300) square feet.
4. The sign regulations of Ch. 19.06 EMC shall apply.

5. Home occupations that have state licensing requirements shall provide the community development department proof of state license in good standing prior to issuance of city business license.

D. *Performance standards.* All home occupations must meet the following minimum performance standards:

1. *Employees.* A home occupation may not employ on the premises more than one (1) person who is not a resident of the dwelling unit.

2. *Traffic.* The traffic generated by a home occupation shall be limited to four (4) two (2) way client-related trips per day and shall not create a need for additional onsite or offsite parking spaces.

3. *Sale of goods and services.* The sale of goods and services from a home occupation shall be to one (1) customer at a time, by appointment only, between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday only.

4. *Electrical or mechanical equipment usage.* The use of electrical or mechanical equipment that would change the fire rating of the structure or create visual or audible interference in radio or television receivers or electronic equipment or cause fluctuations in line voltage outside the dwelling unit is prohibited.

5. *Utility demand.* Utility demand for sewer, water, electricity, garbage, or lpg gas shall not exceed normal residential levels.

6. *Other criteria.* There shall be no noise, vibration, smoke, dust, odors, heat, glare, or other conditions produced as a result of the home occupation which would exceed that normally produced by a single residence, or which would create a disturbing or objectionable condition in the neighborhood.

E. *Permit required.* A zoning permit is required as provided in EMC 19.09.020.

F. *Home occupations prohibited.*

1. The following uses, by the nature of their operation or investment, have a pronounced tendency, once started, to increase beyond the limits permitted for home occupations and impair the use and value of zoning districts where dwelling units are lawfully

established. Therefore, the uses listed below shall not be permitted as home occupations:

- a. Repair, body repair, building, or servicing of vehicles.
- b. Kennel
- c. Stables
- d. Animal Hospitals
- e. Pet Grooming
- f. Real Estate Offices
- g. Restaurants
- h. Medical and Dental Clinics
- i. Welding and Metal Work
- j. Cabinet, Carpentry and Paint Shops
- k. Mortuaries
- l. Private or Nursery Schools
- m. Private Clubs

#### **19.08.050 Performance standards.**

*A. Performance standards defined.* Performance standards deal with the operational aspects of land uses. While performance standards shall apply to all land uses within the city, they are primarily concerned with the impact of industrial development upon the environment. Continued compliance with the performance standards shall be required of all uses, except as otherwise provided for in this title. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable condition. The following elements, if created, may become dangerous, injurious, noxious or otherwise objectionable under the circumstances, and are then referred to as dangerous or objectionable elements:

- 1. Noise, vibration or glare.
- 2. Smoke, dust, odor or other form of air pollution.
- 3. Heat, cold or dampness.
- 4. Hazardous substances and wastes.

*B.* Where other relevant provisions of federal, state and local laws and regulations conflict with this chapter those laws and regulations shall apply, and compliance shall be certified by applicants for permits under this title.

*C. Nonconforming uses.* Uses established before the effective date of this title and nonconforming as to performance standards shall be given three (3) years in which to conform therewith.

*D. Locations where determinations are to be made for enforcement of performance standards.* The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the dangerous or objectionable elements and at any points where the existence of such elements may be more apparent (referred to

in the section as "at any point"); provided, however, that the measurement of performance standards for noise, vibration, odors, glare or hazardous substances or wastes shall be taken at the following points of measurement:

1. In all districts: At the property lines or lot lines; or
2. In all districts: At the buffer zone setback line for any hazardous substance land use facility, which must be at least fifty (50) feet from any property line.

*E. Restrictions on dangerous and objectionable elements.*

1. *Noise.* At the points of measurement specified in subsection (C) of this section, the maximum sound pressure level radiated in each standard octave band by any use or facility, other than transportation facilities or temporary construction work, shall not exceed the values for octave bands lying within the several frequency limits given in Table I after applying the corrections shown in Table II. The sound pressure level shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-1944, American Standard Specification for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, or the latest approved revision thereof, American Standards Association, Inc., New York, N.Y., shall be used.)

TABLE I. SOUND PRESSURE LEVELS IN DECIBELS	
Octave Band (cycles per second)	Maximum Permitted Sound Pressure Level (decibels)
20 – 75	75
75 – 150	70
150 – 300	64
300 – 600	59
600 – 1,200	53
1,200 – 2,400	47
2,400 – 4,800	40
4,800 – 10KC	34

TABLE II. CORRECTION IN MAXIMUM PERMITTED SOUND PRESSURE LEVEL IN DECIBELS TO BE APPLIED TO TABLE I	
Type of Operation or Character of Noise	Correction in Decibels
Noise source operates less than twenty (20) percent of any one (1) hour period	Plus 5*
Noise source operates less than five (5) percent of any one (1) hour period	Plus 10*
Noise source operates less than one (1) percent of any one (1) hour period	Plus 15*
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, screech, etc.)	Minus 5
*Apply one (1) of these corrections only.	

2. *Vibration.* No vibration shall be permitted which is discernible without instruments at the points of measurement specified in this section.

3. *Odors.* No emission shall be permitted of odorous gases or other odorous matter in such quantities so as to exceed the odor threshold at the following points of measurement. The odor threshold shall be defined as the concentration in the air of a gas or vapor which will just evoke a response in the human olfactory system.

a. *Industrial park district, I-1.* Odorous matter released from any operation or activity shall not exceed the odor threshold beyond lot lines.

b. *General industrial district, I-2.* Odorous matter released from any operation or activity shall not exceed the odor threshold beyond the district boundary or five hundred (500) feet from the lot line, whichever distance is shortest.

4. *Glare.* No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the points of measurement specified in subsection (C) of this section shall be permitted. This restriction shall not apply to signs or floodlighting of buildings for advertising or protection otherwise permitted by the provisions of this title.

5. *Radioactivity or electrical disturbance.* The regulations of the federal occupational safety and health standards shall apply for all radioactivity and electrical disturbance unless local codes and ordinances supersede this federal regulation.

6. *Fire and explosion hazards.* The relevant provisions of federal, state and local laws and regulations shall apply.

7. *Smoke, fly ash, dust, fumes, vapors, gases and other forms of air pollution.* The standards of the Washington State Department of Ecology, or those regulations as may be subsequently amended, shall apply.

8. *Liquid or solid wastes.* No discharge of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, except in accord with standards approved by the State Department of Ecology or other appropriate state agencies.



9. *Hazardous substances or wastes.* No release of hazardous substances or wastes as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements shall be permitted at any point into any public sewer, private sewage disposal system, watercourse or water body, or the ground, except in accordance with standards approved by the State Department of Ecology or other appropriate state or federal agency. The following site development standards shall apply:

a. Hazardous waste facilities shall meet the location standards for siting dangerous waste management facilities adopted pursuant to Chapter 70.105 RCW;

b. Hazardous substance land use facilities shall be located at least:

(1) Five Hundred (500) feet from public parks, public recreation areas, or natural preserves, or state or federal wildlife refuges; provided, that for purposes of this section public recreation areas do not include public trails;

(2) Fifty (50) feet from any property line to serve as an on-site hazardous substance land use facility buffer zone;

(3) Five hundred (500) feet and one hundred (100) feet from a residential zone and a legal conforming residential use respectively; and

(4) Five hundred (500) feet from a public gathering place or agricultural land or zone, in the case of a nonagricultural hazardous substance land use facility;

c. Hazardous substance land use facilities shall not be located in a one hundred (100) year floodplain;

d. Hazardous substance land use facilities which are not entirely enclosed within a building shall provide a type I solid screen landscaping of a width of at least ten (10) feet in the hazardous substance facility buffer zone required by subsection (9)(b)(4) of this section;

e. Aboveground hazardous substance land use facilities shall be constructed with containment controls which will prevent the escape of hazardous substances or wastes in the event of an accidental release from the facility, and shall meet federal, state and local design and construction requirements;

f. Underground hazardous substance land use facilities shall meet federal, state, and local design and construction requirements;

g. Hazardous substance land uses shall comply with adopted fire codes;

h. Hazardous substance land uses shall provide for review and approval by the city fire department of a hazardous substance spill contingency plan for immediate implementation in the event of a release of hazardous substances or wastes at the facility;

i. Hazardous substance land uses should use traffic routes which do not go through residential zones;

j. Hazardous substance land uses in the C-1, C-2 and C-3 zones shall be entirely enclosed within a building; and

k. Without limiting the application of the adopted fire codes to diesel fuel tanks, above and below ground diesel fuel storage tanks exclusively intended for use on stationary, on-site, oil burning equipment (such as electrical power generator systems) in all nonresidential zoning districts shall be exempt from the hazardous substance regulations of this section, and above and below ground diesel fuel tanks of up to six thousand (6,000) gallons intended exclusively for use on stationary, on-site, oil burning equipment (such as electrical power generator systems) in residential zones shall be exempt from the hazardous substance regulations of this section for essential governmental facilities only. The hazardous substance zoning code regulations, including the existing five hundred (500) gallon limit for hazardous substances for residential uses, shall otherwise remain in force and effect. Additionally, all aboveground diesel fuel tanks over five hundred (500) gallons exempted by this subsection are required to have a five (5) foot minimum landscape buffer surrounding the tank to buffer the visual impacts of these tanks. Moreover, the Community development director shall have the discretion to increase or modify this landscape buffer requirement depending upon the specific circumstances posed by any particular tank location.

In case of conflict between any of these site development standards and the development standards of specific zoning districts or other requirements of this title, the more restrictive requirement shall apply.

#### **19.08.070 Keeping of animals.**

**A. Purpose and Intent** - The keeping or raising of sheep, goats, swine, horses, cattle, fowl, rabbits, birds, bees, reptiles or any animal, except domestic household pets, or except when kept in a bona fide veterinary clinic, or except as provided in the S-R Suburban Residential zone, or except those that are exempt from the provisions of this section, is prohibited within the city limits of Ephrata. The purpose of this section is to define the conditions under which the keeping of livestock shall be permitted within the City of Ephrata. The intent is to ensure that negative impacts, including but not limited to, noise, odor, destruction of property, unsightliness or damage to natural resources, are minimized while still permitting Ephrata residents to keep, raise or breed a modest number of livestock on appropriately sized and located parcels of land.

**B. Computation of Animal Units** - An animal unit is equivalent to any one of the following: steer, cow, milk cow, horse, mule/donkey, llama, ox, exotic animal, primate, three goats, three sheep, ten chickens, ten fowl or ten rabbits. For the purpose of this definition, any newborn animal listed above shall be excluded until such time as it is weaned, not to exceed one year. In the case of a particular species of livestock not mentioned above, the City Community Development Director shall determine its value in terms of animal units based on the animal's nature or size.

**C. Standards for the Keeping of Livestock** - Livestock may be kept on residential parcels of land providing the following standards are met:

1. Lots within an area of between one-half acre and one acre may keep from zero to one animal unit. Any lot of one-half acre or less may not keep an animal unit or fraction thereof.
2. Lots of one acre or more in size may increase the number of animal units at the rate of one additional animal unit per half-acre in excess of one acre.

Lot Size	Number of Permitted Animal Units
Less than ½ acres	0
½ acres – less than 1 acre	1
1 acre – less than 1½ acre	2
1½ acre – less than 2 acres	3
2 acres – less than 2½ acres	4
2½ acres – less than 3 acres	5

Note: Permitted animal units increase at the rate of one per each one-half acre increase in lot size.

3. The keeping of bulls and stallions over six months of age, the keeping of mink, foxes, or other non-domestic fur-bearing animals, the keeping of bees or beehives, the keeping of pigeons other than registered homing pigeons, the keeping of roosters and the keeping of inherently dangerous animals shall be prohibited.
4. The keeping of endangered, exotic or threatened species, as defined by the Department of Fish and Wildlife, shall be prohibited.
5. All livestock shall be kept on private property.
6. No shelter, barn or other structure associated with the keeping of livestock shall be located within any required front, side or rear building setback.
7. Any enclosure for the livestock shall be surrounded by an adequate and sufficient containment system to confine the animals therein.
8. All stables and other animal-related buildings and enclosures upon property where livestock is kept shall be maintained in a clean, healthful and sanitary condition.
9. The keeping of swine shall be prohibited.

The keeping of bees, small domesticated animals, large domesticated animals, and domesticated fowl, is permitted in all zones as an accessory use to any principal use permitted or to a permitted conditional use, subject to the standards and restrictions of this section.

D. ***Small domesticated animals.*** Up to three (3) small domesticated animals may be kept accessory to each business establishment or dwelling unit on a lot, except as follows:

1. In no case is more than one (1) miniature potbelly pig allowed per business establishment or dwelling unit. Said miniature potbelly pig being defined as the swine commonly known as the Vietnamese, Chinese, or Asian potbelly pig (*Sus scrofa bittatus*). This small domesticated animal may be kept in accordance with section provided, the swine is neither greater than twenty-two (22) inches in height at the shoulder nor more

than one hundred fifty (150) pounds in weight. In the event the swine exceeds either of these limitations, it must be relocated outside city limits.

2. More than three (3) small domesticated animals are permitted on lots of at least twenty thousand (20,000) square feet, subject to the provisions of Ch. 8.05 EMC.

3. In no case shall a structure that restrains or houses small domesticated animals, such as a kennel or other accessory structure, be located closer than ten (10) feet from any other residential lot.

**E. Domesticated fowl.** Up to three (3) domesticated fowl may be kept on any lot that is at least five thousand (5,000) square feet, subject to the provisions of Ch. 8.05 EMC. These domesticated fowl are in addition to the small domesticated animals that may be permitted on a lot in accordance with subsection (A) of this section. One (1) additional domesticated fowl is permitted for each one thousand (1,000) square feet of land in excess of the minimum five thousand (5,000) square foot threshold. In no case shall a coop or other accessory structure that restrains or houses domesticated fowl be located closer than ten (10) feet from any other residential lot.

**F. Large domesticated animals.** Large domesticated animals are permitted only on lots of at least twenty thousand (20,000) square feet subject to the provisions of Ch. 8.05 EMC. The keeping of swine is prohibited, except for a single miniature potbelly pig maintained in accordance with subsection (B) of this section.

1. One (1) large domesticated animal for every twenty thousand (20,000) square feet of lot area is permitted.

2. Large domesticated animals and structures housing them must be kept at least fifty (50) feet from any other lot in a residential zone.

#### **19.08.090 Residential Vehicle Storage.**

Definitions: For the purpose of this chapter the following words shall have the following meanings:

- A. "Designated Driveway" means the clearly defined roadway leading from the street that is surfaced by asphalt, concrete, gravel, bricks, pavers, or similar material not to exceed thirty feet (30') in width, or otherwise as shown on approved site plans. Where there is curb and gutter at the street, the driveway must have an approved curb cut.

- B. "Improved Parking Surface" means a parking surface such as concrete, asphalt, pavers, brick or other similar surface. Gravel or crushed rock may be used in the side or rear yards, and the front yard as it extends from the side yard. The parking surface shall be continuous from a designated driveway. Gravel or crushed rock shall be contained and shall not be allowed to migrate and shall be vegetation free. Material used for the improved parking surface shall be a minimum of two inches (2") in thickness and shall be at least the same area as the drip edge of the vehicle.

**19.08.095 Storage of Certain Vehicles and Components:** Storage of vehicles on residential properties (LDR and MDR) shall be allowed as follows:

- A. Vehicles may be kept or located in or under any lawfully permitted building such as a garage, carport, or an enclosed and properly licensed utility or cargo type trailer so long as the utility or cargo type trailer is parked properly under the requirements of this chapter.
- B. Vehicles may be parked or stored on a designated driveway, or an abutting improved parking surface no wider than the permitted designated driveway, in a front yard provided they are stored in the following manner:
1. The following types of vehicles shall be permitted to be parked in the front yard:
    - a. Passenger cars and pick-up trucks
    - b. Motorcycles
    - c. Recreational vehicles
    - d. Trailered vehicles
    - e. Trailered boats
    - f. One enclosed utility or cargo type trailer with dimensions of no more than six feet (6') wide by twelve feet (12') long
    - g. Alternative vehicles as defined in Chapter 10.80 EMC
  2. All vehicles parked in the front yard shall be currently licensed for use on public roads.

3. A trailer other than an enclosed utility or cargo type trailer attached to a car or pickup truck may be temporarily parked for a period of twenty-four (24) hours in a front yard as set forth in the ordinance so long as it remains attached to the car or pickup truck.
- C. Vehicles parked in a side yard or in a rear yard shall be parked on an improved parking surface. Any and all trailers, loaded or unloaded, except as otherwise allowed in this chapter, or vehicles that are not licensed for use on public roads, may be stored only in a side yard or rear yard of the property on an improved parking surface.
- D. Inoperable vehicles outside a structure that are entirely intact, not considered a junk vehicle nor a public nuisance, shall not be stored on property for a period exceeding thirty (30) days. Any maintenance or equipment repair shall comply with Section 19.08.097.
- E. Commercial vehicles over one ton or semi-tractors and/or semi-tractor trailer combinations shall not be parked, deliveries excepted, or stored on any residential property unless otherwise allowed by law.
- F. No vehicles or recreational vehicles shall be parked or stored on vacant property unless allowed by law.
- G. Vehicles used in a demolition derby may be stored or parked only in totally enclosed, permitted structures.

(Ord 23-10, 2023)

**19.08.097 Vehicle and Equipment Repair on Residential Premises:** All servicing, repairing, assembling, wrecking, modifying, restoring, or otherwise working on any vehicle on any residential premises shall be subject to the following terms:

- I. Work shall be limited to the repair and maintenance of vehicles, equipment, or other conveyance currently registered as specified in the Washington Vehicle Code to the occupant or a member of the occupant's family. This limitation precludes auto repair on residential premises by any commercial entity.
- II. Work on inoperable vehicles shall be limited to no more than one (1) vehicle at any one time when located outside an enclosed structure.
- III. Work shall only take place within an enclosed structure or in an area screened from public view, except that minor servicing (oil change, filter change, battery

replacement or similar levels of servicing), repairing, or otherwise working on a vehicle may be performed outside an enclosed structure or in an area screened from public view so long as the vehicle is parked on a designated driveway or improved parking surface.

- IV. Work shall take place only after the hour of seven (7) a.m. and before the hour of ten (10) p.m. when done on vehicles or equipment located outside a fully enclosed structure.
- V. Major repair work shall not take place in a public right-of-way.
- VI. Parts, equipment, or other supplies shall be kept within an enclosed structure or in an area that is screened from public view and shall be kept in a manner that is not a violation of EMC Chapter 6.30.
- VII. No work or condition shall create a nuisance as defined in EMC Chapter 6.30.
- VIII. Upon completion of all work allowed by this section, the owner shall clean the property of all debris, oil, grease, gasoline, cloths, rags, equipment, and material used in the work and shall leave the property in such a condition that no hazard to persons or property remain.
- IX. The owner shall dispose of all waste products in accordance with Chapter 19.114 RCW.

#### **19.08.100 Nonconforming development.**

A. *Purpose.* The intent and purpose of this section is to:

- 1. Ensure reasonable opportunity for use of legally created lots which do not meet current minimum requirements for the district in which they are located.
- 2. Ensure reasonable opportunity for use, maintenance and improvement of legally constructed buildings, structures and site development features which do not comply with current minimum requirements for the district in which they are located.
- 3. Ensure reasonable opportunity for continuation of legally established uses which do not conform to use regulations for the district in which they are located.
- 4. Encourage the eventual replacement of nonconforming uses having potentially undesirable impacts on conforming uses.



5. Encourage the eventual upgrading of nonconforming buildings, structures, and site development features which do not comply with current minimum requirements for the district in which they are located.

*B. Applicability.* Nonconforming uses, structures, lots, or signs are not favored by law and this title, and it is to avoid injustice that this title accepts such elements. To benefit from the protection given to nonconforming development, such use, structure, or sign must have been lawfully established pursuant to a county resolution in effect at the time of annexation which rendered it nonconforming, or it must have been lawfully established prior to the effective date of this chapter or subsequent amendments thereto, or lawfully established prior to the purchase or condemnation of right-of-way by the city of Ephrata. This section distinguishes between and defines nonconforming uses, major nonconforming buildings and structures, minor nonconforming buildings and structures, nonconforming lots of record and nonconforming signs. Different requirements are made applicable to each of these categories. The degree of restriction made applicable to each separate category is dependent upon the degree to which that category of nonconformance is a nuisance or incompatible with the purpose and requirements of this title.

*C. Nonconforming uses.*

1. *Applicability of restrictions.* Regulations applicable to nonconforming uses are in addition to regulations applicable to nonconforming structures, lots, and signs, and in the event of any conflict the most restrictive provisions shall apply.

2. *Expansion of nonconforming uses.* No existing building, structure, or land devoted to a nonconforming use shall be expanded, enlarged, extended, reconstructed, intensified, or structurally altered unless the use thereof is changed to a use permitted in the district in which such building, structure, or land is located.

3. *Discontinuance of nonconforming use.* When a nonconforming use of land or a nonconforming use of all or part of a structure is discontinued or abandoned for a period of six (6) months, such use shall not be resumed, notwithstanding any reserved intent not to abandon such use. Normal seasonal cessation of use, or temporary discontinuance for purposes of maintenance or improvements, shall not be included in determination of the six (6) month period of discontinuance.

4. *Reversion to nonconforming use.* If a nonconforming use is changed to a permitted use, the nonconforming use shall not be resumed.

5. *Residential exception to nonconforming use status.* Legally established residential uses located in any residential zoning district shall not be deemed nonconforming in terms of density provisions and shall be a legal use.

D. *Nonconforming buildings and structures.*

1. *Applicability of restrictions.* Regulations applicable to nonconforming structures are in addition to regulations applicable to nonconforming uses, lots, and signs, and in the event of any conflict the most restrictive provisions shall apply.

2. *Nonconforming buildings and structures.* No nonconforming structure may be expanded, enlarged, extended, reconstructed, or structurally altered or changed, nor may any nonconforming building, structure, or lot be occupied after discontinuance or change in use, unless the structure, use, and associated grounds and development are brought into compliance with use and minimum development standards of the district in which such structure is located, except as follows:

a. Any nonconforming structure damaged by fire, flood, explosion, wind, earthquake, war, riot, or other natural disaster, may be restored, reconstructed, and used as before; provided, that the work be vested by permit application within twelve (12) months of such happening; any restoration or reconstruction not vested by permit application within twelve (12) months from the date of the fire or other casualty shall be deemed abandoned and not allowed to be restored.

b. Such repairs and maintenance work as required to keep the structure in sound condition may be made to a nonconforming structure, provided no such structural alterations shall be made except such as are required by law or ordinance or authorized by the Community development director.

3. *Community Development Director's authority.* The Community development director may waive specific development standard requirements or impose additional requirements when all the following criteria are met:

a. When owing to special circumstances a literal enforcement of the provisions of this title or other land use regulatory ordinances of the city will result in unnecessary hardship.

b. When the waiver of development requirements is in harmony with the purpose and intent of city ordinances and the comprehensive plan.

- c. When the proposed use, building, and development will function without adverse impact upon adjacent property, development in the area or the city as a whole.
- d. When a conditional use permit is not required.

E. *Nonconforming lots.*

1. *Applicability of restrictions.* Regulations applicable to nonconforming lots are in addition to the regulations applicable to nonconforming uses, structures, and signs, and, in the event of conflict, the most restrictive provisions shall apply.

2. *Nonconforming lots of record.*

a. *Residential districts.*

(1) In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record, notwithstanding limitations imposed by other provisions of this title. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width that are generally applicable in the district; provided, that yard dimensions and requirements other than those applying to area or width of the lot shall conform to the regulations for the district in which such lot is located.

(2) In all single-family zoning districts, if two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record and if all or part of the lots do not meet the minimum requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purposes of this title, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this title, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this title.

(3) In any district in which duplex dwellings are permitted, a duplex dwelling and customary accessory buildings may be erected on any single lot of record with a minimum area of seven thousand two hundred (7,200) square feet, notwithstanding limitations imposed by other provisions of this title. Such lot must be in separate ownership and not of continuous frontage with other lots in

the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width that are generally applicable in the district; provided, that yard dimensions and requirements other than those applying to area or width of the lot shall conform to the regulations for the district in which such lot is located.

b. *Other districts.* In any other district, permitted building and structures may be constructed on a nonconforming lot of record, provided site coverage, yard, landscaping, and off-street parking requirements are met. Such lots must be in separate ownership and not of continuous frontage with other lots in the same ownership and if all or part of the lots do not meet the minimum requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purposes of this title, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this title, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this title.

#### **19.08.110 Reduction of lot area.**

No land may be so reduced in area that it would be in violation of minimum lot size, yard provisions, lot coverage, off-street parking or any other requirements of the zoning district or use.

#### **19.08.120 Irregular-shaped lots.**

On irregular-shaped lots, the average distance from the building line to the lot line shall be no less than the minimum yard provision; provided, however, that no part of the structure shall be located so that one-half (1/2) the minimum yard provision occurs at any point along such averaged alignment.

#### **19.08.130 Visibility at intersections in residential districts.**

On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along the street lines twenty (20) feet from the point of the intersection.

#### **19.08.160 Accessory structures.**

A. An accessory structure can be located anywhere on a lot if it conforms with the setbacks as defined in EMC 19.04.170 and 19.04.190

B. Guesthouse accessory buildings shall be located on the rear half of the building site. There shall be not more than one (1) guesthouse on any one (1) building site, which, together with other accessory buildings, shall not exceed thirty (30) percent of the area of the rear yard on which it is built. No kitchen or cooking facilities shall be permitted in any guesthouse.

**19.08.170 Projections into required yards.**

Certain architectural features may project into required yards or courts as follows: Cornices, canopies, eaves or other architectural features may protrude up to a distance of two (2) feet into any required yard.

**19.08.180 Structures to have access.**

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing and required off-street parking.

**19.08.190 Exceptions to height regulations.**

The height limitations for the various districts shall not apply to spires, flagpoles, belfries, cupolas, noncommercial antennas, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. The height limitations shall not apply to barns and silos provided that they are not located within fifty (50) feet of any lot line. City-owned elevated reservoirs, water tanks, fire or police training towers and standpipes are exempt from height restrictions.

**19.08.205 Temporary use regulations.**

Provisions authorizing temporary uses are intended to permit occasional temporary uses, activities and structures when consistent with the purpose of this title and when compatible with the general vicinity and adjacent uses.

A. *Permitted uses.* The following types of temporary uses, activities and associated structures may be authorized, subject to specific limitations in this section and such additional conditions as may be established by the Community development director:

1. Model homes or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain.
2. Contractor's office, storage yard and equipment parking and servicing on the site of an active construction project.

3. Circuses, carnivals, rodeos, fairs or similar transient amusement or recreational activities.
4. Indoor or outdoor art and craft shows and exhibits.
5. Christmas tree sales lots, fireworks and flower stands, limited to location on lots not used for residential purposes in commercial or industrial zoning districts.
6. Mobile home residences used for occupancy by supervisory and security personnel on the site of an active construction project.
7. Mobile home residential units used for occupancy of security personnel when not otherwise allowed as an accessory use.
8. Indoor or outdoor special sales, including swap meets, flea markets, parking lot sales, warehouse sales or similar activities, limited to locations on lots not used for residential purposes in commercial or industrial districts, and when operated not more than ten (10) days in the same month, unless otherwise permitted by the city.
9. Seasonal retail sales of agricultural or horticultural products raised or produced off the premises, to be permitted in commercial or industrial zoning districts only.
10. Garage sales, moving sales and similar activities for the sale of personal belongings when operated not more than three (3) days in the same week or more than three occurrences in the same calendar year. No permit is required.
11. Fund-raising carwashes. No permit is required.
12. Recreational Vehicles, Portable structures and cargo containers during construction:
  - (a) The Building Official may issue temporary use permits for the following uses:
    - (1) Temporary structures for the housing of equipment or containing supervisory offices, or temporary construction worker housing in connection with major construction projects may be erected and maintained during the progress of such construction projects; provided, that such temporary structures may not be maintained for period exceeding one year except that the Building Official may extend this period based on the individual needs of a specific construction project:

- (A) For any major construction project, a temporary construction worker housing facility may be established within one mile of construction site, with the approval of the Building Official.
  - (B) Temporary construction worker housing facilities shall not be located in any residential zone.
  - (C) The developer or contractor responsible for completing the construction shall provide a written statement of need for a temporary construction worker housing facility.
  - (D) Temporary construction worker housing facilities shall be limited to 39 recreational vehicles.
  - (E) Temporary construction worker housing facilities shall be limited to recreational vehicles only (refer to EMC 19.02) or other portable worker housing units as approved by the Building Official.
  - (F) Adequate provisions for water and sewer, as deemed appropriate by the City of Ephrata and the Grant County Health District, shall be made.
  - (G) Upon completion of the construction project, the temporary construction worker housing facility must be removed and the site restored to a condition that complies with the standards applicable to the zone in which the property is located. The site restoration must be completed within three (3) months of the completion of the construction project as outlined in item (H) below.
  - (H) The construction project shall be considered complete upon final inspection of the site and issuance of the Certificate of Occupancy by the City of Ephrata Building Official or other approved inspection agency.
  - (I) Temporary construction worker housing facilities shall conform to all other applicable portions of the Ephrata Municipal Code.
- (2) Temporary placement of a trailer, mobile home manufactured home, or recreational vehicle to provide temporary housing while constructing a

permanent dwelling on the same lot; provided, that the property owner has an active residential building permit. Such temporary use may not be maintained for a period exceeding one year except that the Building Official may extend this period for no more than one additional year. The temporary use shall be terminated within thirty (30) days of occupancy of the permanent dwelling.

- (3) Temporary placement of a trailer, mobile home, manufactured home, or recreational vehicle adjacent to an existing residence to provide temporary housing for not more than six (6) months while for the care of a terminally ill relative except that the Building Official may extend this period for additional six month terms. The medical condition must be documented by a physician or osteopath that the relative is in hospice care and prognosis is terminal.
- (4) All temporary structures, except for construction pads and foundations intended to support subsequent seasonal temporary structures, shall be removed upon termination of a temporary permit, and the site shall be restored to existing conditions prior to occupancy of the temporary use.
- (5) The Community Development Director may authorize additional temporary uses not listed in this subsection when it is found that the proposed uses are in compliance with the requirements and findings of subsection (C) of this section.

*B. Conditions of temporary use.*

- 1. Each site occupied by a temporary use shall be left free of debris, litter or other evidence of temporary use upon completion or removal of the use.
- 2. A temporary use conducted in a parking facility shall not occupy or remove from availability more than twenty-five (25) percent of the spaces required for the permanent use, except in the Commercial-1 (C-1) zoning district or as approved by the city council.
- 3. Each site occupied by a temporary use must provide or have available sufficient off-street parking and vehicular maneuvering area for customers. Such parking need not comply with the development requirements of Ch. 19.05 EMC, but must provide safe and efficient interior circulation and ingress and egress from the public right-of-way.



4. No temporary use shall occupy or use public rights-of-way, parks or other public lands in any manner unless specifically approved by the city council.

5. No temporary use shall occupy a site or operate within the city for more than ninety (90) days within any calendar year, except as follows:

a. When authorized by the Community development director, a temporary use may operate an additional ninety (90) days if it is found that such an extension will be consistent with the requirements of subsection (C) of this section.

b. When authorized by the hearing examiner, a temporary use may operate an additional one (1) year if it is found that such an extension will be consistent with the requirements of subsection (C) of this section.

6. All signs shall comply with the requirements of Ch. 19.06 EMC, pertaining to sign regulations, except as otherwise specified in this section.

7. All temporary uses shall obtain, prior to occupancy of the site or culmination of activities, all required city permits, licenses or other approvals, e.g., business license, building permit, zoning permit, etc.

8. The Community development director may establish such additional conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include but are not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup following temporary use.

*C. Determinations.* The Community development director may authorize the temporary uses described in subsection (A) of this section after consultation and coordination with all other applicable city departments and other agencies and only when the following determinations can be made:

1. The temporary use will not impair the normal, safe and effective operation of a permanent use on the same site.

2. The temporary use will be compatible with uses in the general vicinity and on adjacent properties.

3. The temporary use will not impact public health, safety or convenience, or create traffic hazards or congestion, or otherwise interrupt or interfere with the normal conduct of uses and activities in the vicinity.
4. The use and associated structures and living quarters will be conducted and used in a manner compatible with the surrounding area.
5. The temporary use shall comply with all applicable standards of the Grant County health department.

*D. Application and authorization.*

1. Application to conduct a temporary use shall be made to the planning department, and shall include such information as the Community development director may require to evaluate the use and to make the determinations required by this section.
2. Application shall be made prior to the requested date for commencement of the temporary use, and the Community development director shall make a determination whether to approve, approve conditionally or deny the temporary use within ten (10) days after the date of application.
3. Authorization of a temporary use shall be by issuance of a zoning permit.
4. A temporary use authorized pursuant to this section shall not be exempted or relieved from compliance with any other ordinance, law, permit or license applicable to such use, except where specifically noted.

**19.08.270 Adult uses.**

A. *Adult uses*, as defined in EMC 19.02, are prohibited within the area circumscribed by a circle which has a radius consisting of the following distances from the following specified uses or zones:

1. Within one thousand (1,000) feet of the perimeter of the grounds of any residential zone (LDR; MDR).
2. Within one thousand (1,000) feet of the perimeter of the grounds of any public or private school or playground.
3. Within one thousand (1,000) feet of the perimeter of the grounds of any church or other religious facility or institution.

4. Within one thousand (1,000) feet of the perimeter of the grounds of any public park, recreation center or recreation facility.
5. Within one thousand (1,000) feet of the perimeter of the grounds of any public library.
6. Within one thousand (1,000) feet of the perimeter of the grounds of any child care center.
7. Within one thousand (1,000) feet of the perimeter of the grounds of any public transit center.
8. Within one thousand (1,000) feet of the perimeter of the grounds of any game arcade admission to which is not restricted to persons aged twenty-one years or older.

B. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property or parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or the land use district boundary line from which the proposed land is to be separated.

C. Violation of the use provisions of this section is declared to be a public nuisance per se, which shall be abated by the city attorney under state law, including procedures set forth in EMC 19.09.090.

D. Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any city ordinance or statute of the state regarding public nuisances, sexual conduct, lewdness, or obscene or harmful matter or the exhibition or public display thereof. (Ord 23-10, 2023)

#### **19.08.280 Group homes class II and III.**

A. *Purpose.* It is the purpose of this section to outline general conditions with which class II and III group homes, as defined in EMC 19.02.172, must comply when applying for a conditional use permit to locate in the city.

B. *Dispersion requirements.* A class II and III group home must locate a minimum of six hundred (600) feet from any other class II or III group home. This distance will be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property or parcel upon which the proposed use is to be located, to the nearest point of the parcel or property or the land use district boundary line from which the proposed use is to be separated.

*C. Separation requirements.* A one thousand (1,000) foot separation requirement will apply to class II and III group homes to separate such facilities from sensitive land uses such as public or private schools, churches, or other religious facilities or institutions, parks and playgrounds, and other such uses that are deemed to be sensitive. In addition to the sensitive uses listed in this subsection, class III group homes must be separated at least one thousand (1,000) feet from all residential areas. This distance would be measured by the same method as that used for the dispersion requirements described in subsection (B) of this section.

*D. Registration and licensing.* Group homes must obtain all licenses necessary for operation by state and federal agencies. Class II and III group homes must also register with the city by supplying information pertinent to the validity, update, and renewal status of the home's state and federal license. Accuracy of all information contained in any state or federal license shall be verified to the extent possible by the city, and any applicant for a group home conditional use permit shall have the responsibility to ensure that any changes made to the license prior to its renewal are immediately provided to the city.

#### **19.08.350 Accessory dwelling unit regulations.**

*A. Intent.* The city provides these accessory dwelling unit (ADU) regulations for the following purposes:

1. To increase the supply of affordable rental units through better use of the existing housing stock, much of which is under-utilized because the baby boom has been followed by an empty nester boom, because there are fewer children per family, because there are more single parent households, and because there are more one (1) and two (2) person elderly households.
2. To make homeownership more affordable because it will be easier to buy both new and existing homes with the help of an accessory apartment.
3. To make it more comfortable for older people to retain their homes because an accessory apartment can provide them with added income, security, companionship, and the opportunity to trade rent reductions for needed services.
4. To make it easier for single parents to meet mortgage payments and hold onto their homes in the wake of a divorce and, as a result, keep their children in the same neighborhood.

5. To increase the opportunity for disabled persons to live independently because accessory units can provide them with both privacy and the proximity to needed support.
6. To reduce the isolation of households that is a result of increased affluence in housing, and/or longer lifespans and periods of frailty, and/or suburban land use patterns that isolate people who cannot drive.
7. To make better use of existing public investment in streets, transit, water, sewer, and other utilities.

*B. Standards and criteria.*

1. One (1) ADU per dwelling unit is allowed out-right within all single-family residential zones, and single-family dwellings within the city.
2. An ADU may be established in a new or existing single-family dwelling by creating the unit within or in addition to the dwelling, or as a detached unit from the principal dwelling.
3. The ADU, as well as the main dwelling unit, must meet all applicable setbacks, lot coverage, and building height requirements.
4. The design and size of an ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When there are practical difficulties involved in carrying out the provisions of this section, the building official may grant modifications for individual cases pursuant to the International Building Code, the International Residential Code, or other applicable building codes, and as subsequently amended or recodified.
5. One (1) of the dwelling units shall be owner occupied as the owner(s) principal residence for at least six (6) months a year. No permit for an ADU will be issued until the owner files a covenant evidencing this use limitation against the property; this covenant must also be recorded in the records of the Grant County Auditor. This covenant shall be in a form acceptable to the city attorney.
6. If both the ADU or the principal unit ceases to be owner occupied for more than six (6) months, the ADU permit shall be deemed revoked and use of the unit as an ADU must cease immediately.

7. The size of an ADU contained within or attached to an existing single-family structure shall be limited by the existing structure's applicable zoning requirements. An ADU incorporated in the construction of a new single-family house shall be limited to forty (40) percent of the principal unit. The size of a detached ADU, for either new construction or an existing home, shall be up to eight hundred (800) square feet or thirty-three (33) percent of the size of the principal unit, whichever is smaller.

8. The owner or developer shall take every effort to avoid additional entrances or other visible changes on the street facade of the house which indicates the presence of an ADU.

9. A permit application must be completed and approved for all ADUs. The planning department shall determine the application form for an ADU permit.

10. Adjacent neighbors of an ADU applicant shall be notified by the city of the ADU zoning permit application. This notification is informational only. The decision by the planning department to grant an ADU zoning permit is nonappealable by the neighbors of the permit holder.

#### **19.08.359 Accessory living quarters.**

A. *Intent.* The city provides these accessory living quarter (ALQ) regulations for the following purposes:

1. To meet the need for onsite dwelling of an owner or employee to provide for security of the business.
2. To reduce the need for commute trips.

B. *Standards and criteria.*

1. One (1) ALQ per commercial or manufacturing establishment, for security or maintenance personnel and their families, when located on the premises where they are employed in such capacity. No other residential use shall be permitted.
2. An ALQ may be established in a new or existing commercial or industrial/manufacturing building by creating the living quarters within or as an addition to the building, or as a detached structure from the principal structure.

3. The ALQ, as well as the main structure, must meet all applicable setbacks, lot coverage, and building height requirements.
4. The design and size of an ALQ shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When there are practical difficulties involved in carrying out the provisions of this section, the building official may grant modifications for individual cases pursuant to the International Building Code, the International Residential Code, or other applicable building codes, and as subsequently amended or recodified.
5. The size of an ALQ contained within or attached to a commercial or manufacturing establishment shall be limited to twenty (20) percent of the commercial or industrial/manufacturing structure in which the ALQ is located. The size of a detached ALQ shall be limited to no more than two thousand (2,000) square feet.
6. A permit application must be completed and approved for all ALQs. The planning department shall determine the applicable form for an ALQ permit.

#### **19.08.510 Utility Installations**

In order to maintain a safe and efficient public or quasi-public utility or municipal service system which benefits the public good, it is necessary at times to install utilities. The purpose of this section is to provide standards for the installation of such needed facilities to improve compatibility with surrounding uses.

- 1) When a lot on which a utility use is located in or adjoins a residential district, it shall be suitably landscaped so as to screen it from view from properties in the vicinity. Such landscaping shall be continually maintained by the utility provider.
- 2) Safety fencing, a minimum of six (6) feet in height, shall be erected and maintained around utility installations and structures in which there is any safety hazard whatsoever for children. All structures shall be located such that the safety fence does not encroach on any yard requirements in the district in which the use is located.
- 3) The utility station shall not be used for offices, servicing of trucks, storage of equipment, or such similar uses unless it is a use permitted outright in the district.
- 4) Lighting shall be directed away from adjacent properties, streets, and sidewalks to eliminate glare to surrounding properties, pedestrians, and drivers.
- 5) No objectionable odor is permitted.
- 6) Noise levels shall conform to the requirements of Washington Administrative Code, Chapter 173-60, (Maximum Environmental Noise Levels) as now enacted or hereafter amended. (Ord 10-09, 2010; Ord 18-09, 2018)

### 19.08.730 Electric vehicle infrastructure

The purpose of this section is to facilitate adequate and convenient electric vehicle infrastructure to serve the needs of the traveling public, provide opportunities for city of Ephrata residents to have safe and efficient access to electric charging stations located at their place of residence and to provide the opportunity for mixed-use, commercial, and industrial developments to supply electrical vehicle infrastructure services to their tenants, customers, and employees. All electric vehicle charging stations and battery exchange stations, permitted in commercial and industrial and multifamily residential zoning districts pursuant to the Use Chart, Chapter 19.04, shall meet the following standards unless otherwise regulated within this code.

- 1) Parking spaces designated for electric vehicle charging may be included in the calculation of the number of off-street parking spaces provided pursuant to Chapter 19.05 EMC.
- 2) Each electric vehicle charging station space should be posted with signage indicating the space is only for electric vehicle charging purposes. Signage should include identifying voltage and amperage levels, time of use, fees, safety or other information. See examples below of typical signage:



- 3) Installation of wayfinding signs should be conveniently located to effectively guide motorists to the charging station space(s). Such signs shall comply with Chapter 19.06 EMC.
- 4) Where charging station equipment is provided adjacent to a pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, charging equipment shall be located so as not to interfere with accessibility requirements of WAC 51-50-005, as amended.
- 5) Battery exchange stations shall store all batteries in an enclosed building. No outdoor storage is permitted. All batteries that are beyond their useful life shall be recycled or disposed of in accordance with requirements established by the State Department of Ecology, State Department of Transportation, and the Environmental Protection Agency.



#### **19.08.740 Building on Multiple Lots**

Whenever a structure is built across one or more adjacent platted lot lines the construction of such building shall act to eliminate the lot line covered by the structure and cause the lots to become a single lot for purposes of the application of this title and titles 16 and 18 of this code. In no instance shall a structure be built upon a lot line easement for public utility or access purposes.

(Ord. 15-08, 2015)

#### **19.08.750 Manufactured Home Conditions**

1. A designated manufactured home is a permitted use with the following conditions:
  - a. A designated manufactured home that is older than 60 months shall not be placed on a lot within the City of Ephrata, unless the structure is located within an approved manufactured home community or mobile home park, in which case the structure shall meet the most recent requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, as it exists now or hereafter amended.;
  - b. The designated manufactured home shall be set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground shall be enclosed by concrete or an approved concrete product that can be either load bearing or decorative with its lowest finished floor no higher than 16" above grade unless in flood hazard area in which case all flood zone requirements found in EMC 19.11 apply;
  - c. The designated manufactured home shall comply with all city design standards applicable to all other single-family homes;
  - d. The designated manufactured home shall be thermally equivalent to the State Energy Code;
  - e. The designated manufactured home shall meet all other requirements for a designated manufactured home as defined in RCW 35.63.160;
  - f. Roof pitch shall not be less than a three (3) foot rise for every 12 feet of horizontal run, and The structure shall have exterior siding and roofing which, in color, material and appearance is similar to the exterior siding and roofing material commonly used in residential dwellings.

#### **19.08.760 Bed and Breakfast & Short term Rental**

1. Conditions for permitting Bed and Breakfasts (B&B) in the Residential zones and Commercial Zones.

a. Intent. The city provides these Bed and Breakfasts (B&B) regulations for the following purposes:

i. To make it more comfortable for people to retain their homes because a limited use Bed and Breakfast allowance can provide them with added income.

ii. To make better use of existing public investment in streets, transit, water, sewer, and other utilities.

b. A maximum of five guest rooms are allowed out-right within all residential zones in the city. A maximum of ten (10) occupants, including children under the age of six are allowed including the owner and their immediate family.

c. A B&B may be established in a new or existing single-family dwelling by creating the unit within the dwelling.

d. Any modifications or additions to the dwelling unit must meet all applicable setbacks, lot coverage, and building height requirements.

e. The design and size of a B&B unit shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.

f. The site/property shall be owner occupied.

g. If the site/property ceases to be owner occupied the B&B unit permit shall be deemed revoked and use of the unit as a Bed and Breakfast must cease immediately.

h. The size of a B&B contained within or attached to an existing single family structure shall be limited by the existing structure's applicable zoning requirements. A B&B incorporated in the construction of a new single-family house shall be limited to 800 square feet.

i. The owner shall take every effort to avoid additional entrances or other visible changes on the street façade of the house which indicates the presence of a B&B.

j. Food services may only be provided to overnight guests of a bed and breakfast facility. The proprietor must contact the local health authority to determine if a food service permit is required.

k. A permit application must be completed and approved for all B&Bs. The planning department shall determine the application form for a B&B permit.

l. Adjacent neighbors of a B&B applicant shall be notified of the B&B zoning permit application. This city notification is informational only. The decision by the planning department to grant a B&B zoning permit is non-appealable by the neighbors of the permit holder.

m. Maximum length of stay under a Bed and Breakfast business license shall be limited to twenty-nine days.

n. A city business license to operate the Bed and Breakfast Facility is required prior to operation.

#### 19.08.770 Short Term Rentals

##### 1. Conditions for permitting Short Term Vacation Rentals

a. Short Term Vacation Rentals shall be permitted in the LDR and MDR zoning district. Short Term Vacation Rentals in the CBD and C-1 and zoning districts may be permitted after a public hearing before the Hearing Examiner. Approval shall be based on findings that:

i. The use will not create traffic congestion or parking problems;

ii. The use will not be harmful to the property values or aesthetics of the surrounding properties or their uses because of appearances, noise, use, or other quantifiable features;

iii. The use will meet all standards and regulations for the zone in which it is to be located, and

iv. The use will not create undesirable environmental problems.

b. Number of Unites – There shall be a maximum of five (5) guestrooms and maximum of ten (10) occupants, including children under the age of six, for Short Term Vacation Rental developments in the allowed zones. The property owner/manager shall be responsible for ensuring that the dwelling unit is in conformance with its maximum occupancy allowance.

c. Maximum Height – shall be limited to height restrictions of underlying zoning district.

d. Food Services – No commercial Food services shall be provided unless allowed by underlying zoning district.

e. Standards and criteria.

i. A Short Term Vacation Rental may be established in a new or existing structure by creating the unit(s) within or in addition to the dwelling, or as an existing detached unit from the principal dwelling.

ii. Any modifications or additions to the dwelling or existing detached unit must meet all applicable setbacks, lot coverage, and building height requirements of the underlying zone.

iii. The design and size of a Short Term Vacation Rental unit shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.

iv. Maximum length of stay under a short term vacation rental business license shall be limited to twenty-nine days or less.

v. The property owner shall obtain a city business license to operate the Short Term Vacation Rental Facility and is required prior to operation. Verification that

appropriate taxes are being paid are also required and shall be the responsibility of the property owner.

f. A permit application must be completed and approved for all Short Term Vacation Rentals. The planning department shall determine the application form for a Short Vacation Rental permit.

g. Local Property Representative: The local representative or property owner shall be responsible for responding to complaints about the rental. The name, address, and telephone contact number of the property owner or local representative shall be kept on file at the Community Development Department. If the local representative changes, the owner of the vacation rental property shall be required to notify the city in writing.

h. Solid Waste Collection: Weekly solid waste collection is required during all months. In the event that normal weekly collection is insufficient for the use, the property owner or local property representative shall make arrangements for additional solid waste removal.

i. Informational sign: A sign shall be posted at all exits of the Short Term Vacation Rental unit and an additional plan shall be posted where it is clearly visible in each guest room to provide information on maximum occupancy, contact information for the property owner or local representative and any alternate representatives, evacuation routes, and the renter's responsibility not to trespass on private property or to create disturbances.

j. Responsible Person: A responsible person (aged eighteen (18) or older) who is an occupant of the vacation rental dwelling and is legally responsible for ensuring that all occupants and/or their guests comply with all laws and regulations during their stay shall be identified for each rental.

k. Inspection: A dwelling unit proposed for a Short Term Vacation Rental shall be inspected prior to the beginning of operation by the Building Official or designee and the Fire Chief or designee to determine its conformance with the Short Term Vacation Rental endorsement, the standards of this chapter, and the basic health and safety elements as required by any applicable code. Any corrective action required shall be completed before the dwelling unit can be rented. The time frame for such inspection is subject to the City's discretion and available resources.

l. Non-Transferability: A Short Term Vacation Rental approval is issued to a specific owner of a Short Term vacation rentals.

m. Violations: Penalties, as specified in subsection 19.04.030(19)(n)(B), may be imposed for one (1) or

i. Advertising, renting, using, or offering for use, occupancy, or rent a Short Term Vacation Rental where the owner does not hold a valid endorsement issued pursuant to this chapter.

ii. Advertising, renting, using, or offering for use, occupancy, or rent a Short Term Vacation Rental in a manner that does not comply with the approval requirements if any as provided in the permit approval.

iii. Failure by the owner to pay the special excise tax required by EMC Chapter 3.14

iv. Failure of the owner's designated contact to respond to tenant, citizen, or city complaints or inquiries within twenty-four hours of the first attempt to contact the designated contact or any listed alternate. "Failure to respond" occurs if City staff is unable to reach the designated contact after three (3) attempts within 24 hours, using the information that the owner has on file with the City. Contact shall be attempted by a minimum of two telephone calls and one site visit with door knocker.

v. Failure of the owner or any occupant to comply with any of the provisions and/or requirements of subsection 19.04.030(19)

2. Enforcement, Penalties, and Appeal:

a. Enforcement: This chapter may be enforced by any authorized representative of the City including, but not limited to, the Police Chief, Building Inspector, Code Enforcement Officer, Community Development Director, City Administrator, or designee.

b. Penalties:

i. For the first two (2) violations within twelve (12) month period, the City shall issue a written warning to the owner. This written warning may also be accompanied by the issuance of a Notice of Violation and/or Notice of Infraction as may be appropriate pursuant to EMC Chapter 1.22.

ii. For the third violation within a twelve (12) month period, the Community Development Director shall revoke the owner's vacation rental dwelling permit approval.

iii. Penalties under this section shall be deemed to be separate from any other applicable penalty provisions including license and tax penalties.

c. Appeal: Any owner wishing to appeal the revocation of the vacation rental dwelling approval may request an appeal to the City Administrator by filing a written notice with the City Administrator within ten (10) calendar days after the date of revocation. Any endorsement that has been revoked cannot be reapplied for or issued for a period of at least one (1) year from the date the endorsement was revoked and shall only be issued after compliance with all applicable code provisions and remittance of any monetary penalty in addition to any other fees necessary for permit issuance.

3. B&B's in the commercial zones are allowed as an accessory use only if the property is an existing residence **being maintained as an existing legally allowed non-conforming use.** (Ord 23-10, 2023)

## **Chapter 19.09**

### **ADMINISTRATION**

Sections:

19.09.010 Development plan review.

19.09.020 Zoning permit.

19.09.030 Conditional use permit.

19.09.040 Variances.

19.09.042 Administrative variances.

19.09.045 Administrative design review.

19.09.046 Downtown design review.

19.09.050 Amendments.

19.09.060 Administrative interpretation generally.

19.09.065 Interpretation of uses.

19.09.070 Appeal of administrative interpretations.

19.09.080 Revocation of permits or variances.

19.09.090 Performance standards procedures.

19.09.300 Responsibility for establishment of lot lines and setback lines.

#### **19.09.010 Development plan review.**

A. Review of development plans shall be carried out by the planning and community development and building department for all buildings and structures hereafter erected, constructed, structurally altered, repaired, or moved within or into any district requiring development plan review and whenever a city permit is required, and for the use of vacant land or for a change in the character of the use of land or buildings, within any district requiring development plan approval.

B. The development plan review is an administrative review, the primary purpose of which is to define and describe the needs of the particular site covered by a development plan in reference to the requirements of this title. The community development director shall make the final decision on development plan review. Development plan review is categorized as a Process I application and shall be subject to the applicable requirements of Ch. 17.01 EMC. Any appeal from the final decision of the community development director shall be to the hearing examiner in accordance with the requirements of Ch. 19.12 EMC and Ch. 17.01 EMC. In addition to the other requirements of this title, the planning and community development department shall approve a development plan only after the following standards, as a minimum, when applicable, have been incorporated into the development plan:

1. Storm drainage must be handled by each proposed development in conformance with existing storm drainage plans and in conformance with city policies for storm drainage.
2. A planned street system is a primary element of any development plan proposed within the city and must be compatible with the city's circulation plans. Development which is proposed in areas of the city which have a planned street system which is a part of the comprehensive plan or the city's six (6) year plan, and any other street plan, shall make provisions for such streets and must not cause implementation of such street plans to become unattainable because the street plan is considered secondary to the development plan.
3. A pedestrian circulation system must become a part of any development plan when the proposed development will generate or attract pedestrians. The planning and community development department shall conduct site plan review to ensure that adequate parking is provided within close proximity to each unit entrance.
4. The proposed development shall be compatible with existing development adjacent to or within five hundred (500) feet of the property line of the proposed development. Compatibility shall not refer to architectural design features, but to siting of building and location of off-street parking.
5. Efforts shall be made to preserve trees, natural vegetation or other environmental amenities.

**19.09.020 Zoning permit.**

- A. Zoning permits shall be required for all grading permits, buildings and structures hereafter erected, constructed, altered, repaired or moved within or into any district established by this title, and for the use of vacant land or for a change in the character of use of land or buildings within any district established by this title.
- B. The zoning permit shall certify that the proposed use is in accordance with the requirements and standards of this title. A zoning permit shall not be issued until the development plan has been approved.
- C. Zoning permits are categorized as Process I applications and shall be subject to the applicable requirements of Ch. 17.01 EMC. Any appeal of the final decision of the community development director shall be to the hearing examiner pursuant to the applicable requirements of Ch. 19.12 EMC and Ch. 17.01 EMC.

### **19.09.030 Conditional use permit.**

#### ***A. Purpose.***

1. Conditional use permits, revocable, conditional or valid for a time period may be issued by the hearing examiner for any of the uses or purposes for which such permits are required or permitted by the terms of this title. The purpose of the conditional use permit is to allow the proper integration into the community of uses which may be suitable only on certain conditions in specific locations in a zoning district, or if the site is regulated in a particular manner. A conditional use permit is categorized as a Process III application and shall be subject to the requirements of Ch. 19.12 EMC and Ch. 17.01 EMC.

2. Any use existing at the time of adoption of this title which is within the scope of uses permitted by a conditional use permit in the district in which the property is situated shall be deemed a conforming use without necessity of a conditional use permit.

3. Any expansion of an existing conditional use may be required to apply for a new conditional use permit if the community development director finds that there is a change in the nature of the use by such expansion.

#### ***B. Application.***

1. The owner or his agent may make application for a conditional use permit, which shall be on a form prescribed by the planning and community development department and filed with the planning and community development department. Applications for conditional use permits shall be filed in accordance with the requirements of Ch. 17.01 EMC.

2. Development plans shall be submitted, drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any, and the location on the lot of the proposed building or alteration. The plans shall show proposed landscaping, off-street parking, signs, ingress and egress and adjacent land uses. The plan shall include other information as may be required by the planning and community development department.

***C. Public hearing.*** The hearing examiner shall hold an open record public hearing on any proposed conditional use, and shall give notice thereof in accordance with the procedures established pursuant to Ch. 19.12 EMC and EMC 17.01.130 and 17.01.140.



D. *Standards and criteria for granting.* A conditional use permit shall only be granted after the hearing examiner has reviewed the proposed use to determine if it complies with the standards and criteria set forth below and in accordance with the requirements for Process III applications under Ch. 17.01 EMC. A conditional use permit shall only be granted if such finding is made.

1. The proposed use in the proposed location will not be detrimental to other uses legally existing or permitted outright in the zoning district.
2. The size of the site is adequate for the proposed use.
3. The traffic generated by the proposed use will not unduly burden the traffic circulation system in the vicinity.
4. The other performance characteristics of the proposed use are compatible with those of other uses in the neighborhood or vicinity.
5. Adequate buffering devices such as fencing, landscaping or topographic characteristics protect adjacent properties from adverse effects of the proposed use, including adverse visual or auditory effects.
6. The other uses in the vicinity of the proposed site are such as to permit the proposed use to function effectively.
7. The proposed use complies with the performance standards, parking requirements and other applicable provisions of this title.
8. Any other similar considerations may be applied that may be appropriate to a particular case.

E. *Action of hearing examiner.* Special conditions may be imposed on the proposed development to ensure that the proposed use will meet the standards and criteria of subsection (D) of this section in granting a conditional use permit. Guarantees and evidence that such conditions are being complied with may be required.

F. *Appeals.* The decision of the hearing examiner shall be final. Any appeal of the hearing examiner's decision shall be pursuant to the appeal provisions of Ch. 17.01 EMC.

G. *Period of validity.* Any conditional use permit granted by the hearing examiner shall remain effective only for three (3) years unless the use is begun within that time or

construction has commenced. If not in use or construction has not commenced within three (3) years, the conditional use permit shall become invalid.

#### **19.09.040 Variances.**

The hearing examiner shall have the authority to grant a variance where practical difficulties, unnecessary hardships and results inconsistent with the general purposes of this title might result from the strict application of certain provisions. A variance may not be granted to allow a use that is not in conformity with the uses specified by this title for the district in which the land is located. (Note: Sign variances are heard by the city hearing examiner.)

*A. Application.* The owner or his agent may make application for a variance, which shall be on a form prescribed by the planning and community development department and filed with the planning and community development department. An application for a variance shall be filed in accordance with the requirements of Ch. 17.01 EMC.

1. A variance is categorized as a Process III application and shall be subject to the requirements of Ch. 17.01 EMC.

*B. Public hearing.* The hearing examiner shall hold an open record public hearing on any proposed variance in accordance with the requirements of Ch. 19.12 EMC and Ch. 17.01 EMC.

*C. Conditions for granting.* Before any variance may be granted, it shall be shown and the hearing examiner shall find that:

1. The variance shall not constitute a grant of special privileges inconsistent with a limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located.
2. Such variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.
3. The variance is consistent with the Ephrata Comprehensive Plan and adopted subarea plans.

4. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

D. *Appeals.* The decision of the hearing examiner shall be final. Any appeal of the hearing examiner's decision shall be pursuant to the appeal provisions of Ch. 17.01 EMC.

E. *Period of validity.* Any variance authorized by the hearing examiner shall remain effective only for three (3) years, unless the use is begun within that time or construction has commenced. If not in use or construction has not commenced within three (3) years, the variance shall become invalid. (Ord 23-10, 2023)

**19.09.042 Administrative variances.**

A. *Scope.* The community development director shall have the authority to grant an administrative variance for up to twenty-five (25) percent of the numerical zoning code standard for setbacks, lot coverage, and building height as provided in this title.

B. *Application.* The owner or his/her agent may make application for an administrative variance, which shall be on a form prescribed by the community development director and filed with the planning and community development department. An administrative variance is classified as a Process I application and shall be subject to the applicable requirements of Ch. 17.01 EMC. The community development director shall review applications for completeness, and a notice of completeness will be issued within twenty-eight (28) calendar days after submittal. Those applications deemed incomplete shall be returned to the applicant for further action in accordance with the provisions of EMC 17.01.100.

C. *Conditions for granting an administrative variance.* The community development director may grant an administrative variance if it is shown that:

1. The administrative variance does not detract from the desired character and nature of the vicinity in which it is proposed;
2. The administrative variance enhances or protects the character of the neighborhood or vicinity by protecting natural features, historic sites, open space, or other resources;
3. The administrative variance does not interfere with or negatively impact the operations of existing land uses and all legally permitted uses within the zoning district it occupies; and

4. Granting the administrative variance does not constitute a threat to the public health, safety and welfare within the city.

D. *Appeals.* Appeals of the community development director shall be in accordance with the requirements of EMC 17.01.190.

E. *Fee.* The fee for an administrative variance shall be as provided in the City of Ephrata fee schedule.

**19.09.045 Administrative design review.**

A. *Purpose and scope.* Administrative design review is an administrative process, the purpose of which is to implement and give effect to the comprehensive plan, its policies or parts thereof through the adoption of design criteria for development relative to site layout, landscape architecture, and exterior structure design. It is the intent of the city that this process will serve to aid applicants in understanding the principal expectations of the city concerning design, and encourage a diversity of imaginative solutions to development through the planning review and application of certain criteria. These criteria have been formulated to improve the design, siting, and construction of development projects so as to be compatible, both visually and otherwise, with the topographic, open space, urban, or suburban characteristics of the land or adjacent properties, while still maintaining allowable densities to be applied in a manner consistent with established land use policies, the comprehensive plan, this title, and community development goals of the city.

The adoption of design criteria is an element of the city's regulation of land use, which is statutorily authorized. Application of the multifamily design process to the design criteria adopted in this section is established as an administrative function delegated to the planning and community development department pursuant to RCW Title 35A; therefore, in implementing the administrative design review process, the community development director may adopt such rules and procedures as are necessary to provide for expeditious review of proposed projects. Further rules may be promulgated for additional administrative review.

B. *Application and review process.* Administrative design review process is classified as a Process I application and shall be subject to the applicable requirements of Ch. 17.01 EMC. The applicant must make application for the design review process on forms provided by the planning and community development department. Upon receipt of an application for design review, the community development director shall circulate the application to the public works director, building official, and the city administrator for review. Prior to making

a final decision, the community development director shall review any comments submitted for consideration. In the administration of this process, the community development director may develop supplementary handbooks for the public, which shall pictorially illustrate and provide additional guidance on the interpretation of the criteria set forth in subsections (C) and (D) of this section, as well as a detailed explanation of the design review process.

*C. Residential design review.* In order to diminish the perception of bulk, and provide visual interest along residential home facades that face public areas, architectural design considerations shall be applied. Homes located within subdivisions and short subdivisions shall be subject to residential design review. This design review shall be applied administratively as part of the building permit review process for each new home.

1. *Orientation of homes.* The entry facade of each dwelling unit shall be generally oriented toward the highest classification street from which access to the lot is allowed.

2. *Attached units.* A building that contains a grouping of attached units shall not exceed a two hundred (200) foot maximum length and shall be separated from other groups of attached units by a minimum fifteen (15) feet.

*D. Multifamily design review.* The planning and community development department shall use the following criteria in the evaluation and/or conditioning of applications under the multifamily design review process:

1. *Site design.*

a. The site plan for the development should be integrated with the surrounding neighborhood.

b. The site plan should take into consideration significant environmental considerations and the lay of the land.

c. The site plan should provide an open space network which will accommodate a wide variety of activities, both semipublic and private.

d. The site plan should accommodate vehicular access and parking in a manner which is convenient, yet does not allow the automobile to dominate the site.

e. The site plan should provide safe and convenient pedestrian circulation.

## *2. Landscape design.*

- a. The landscape plan should integrate with and enhance the surrounding neighborhood landscape.
- b. The landscape plan should incorporate existing natural features of significance.
- c. The landscape plan should enhance the planned open space network.
- d. The landscape plan should enhance the parking and utility areas on the site.
- e. The landscape plan should enhance building forms and orientation.

## *3. Building design.*

- a. The buildings in the development should, where appropriate, maintain neighborhood scale and density.
- b. The buildings in the development should be oriented to provide for privacy of residents.
- c. The exterior design of all buildings in the development should provide for individual unit identity.

*E. Appeals.* The decision of the Community development director to condition or reject any application under the administrative design review process is final unless an appeal is made by the applicant or any party of record to the hearing examiner within fourteen (14) calendar days of either the issuance of the director's conditional approval under this section of any application, or the director's written decision rejecting any application under this section. The appeal shall be conducted by the hearing examiner as an open record appeal hearing in accordance with the requirements of Ch. 19.12 EMC and Ch. 17.01 EMC. The decision of the hearing examiner shall be final unless an appeal is made to the superior court within twenty-one (21) calendar days after the hearing examiner's notice of decision.

### **19.09.046 Downtown design review.**

#### *A. Purpose and scope.*

- 1. Downtown design review is an administrative process, the purpose of which is to implement and give effect to the downtown plan, its policies or parts thereof, through the adoption of downtown design guidelines, as set forth in subsection (D) of this

section, for development within the downtown planning area, which is bounded by C St. SW to the west, 3<sup>rd</sup> Avenue NW to the north, Alder St. to the east, and 3<sup>rd</sup> Avenue SW to the south.

It is the intent of the city that this process will serve to aid applicants in understanding the principal expectations of the city concerning development in the downtown planning area and encourage a diversity of imaginative solutions to development through the review and application of the downtown design guidelines. These guidelines have been formulated to ensure that the design, siting and construction of development will provide a quality pedestrian-oriented urban environment in a manner consistent with established land use policies, the comprehensive plan, and zoning code of the city.

2. The adoption of the downtown design guidelines is an element of the city's regulation of land use, which is statutorily authorized. The downtown design review process adopted herein is established as an administrative function delegated to the city's planning and community development department pursuant to RCW Title 35A. Therefore, in implementing the downtown design review process, the Community development director may adopt such rules and procedures as are necessary to provide for review of proposed projects.

3. All development within the downtown planning area shall be subject to the provisions of this section.

*B. Application and review process.* The downtown design review process is administrative and is conducted as part of the permit review process. The applicant must make application for the design review process on forms provided by the planning and community development department. Upon receipt of an application for design review, the Community development director shall circulate the application to the appropriate city departments and offices for review. Prior to issuing a final decision, the Community development director shall review any comments submitted for consideration. In the administration of this process, the planning and community development department may develop supplementary handbooks for the public, which shall pictorially illustrate and provide additional guidance on the interpretation of the criteria set forth in the downtown design guidelines.

*C. Design review committee.* There is hereby established the downtown design review committee, which shall make all final decisions on applications for downtown design review. The committee shall be comprised of three (3) members, who shall be appointed by the Community development director under the authority delegated to him under RCW Title

35A. The members shall serve at the pleasure of the Community development director. The planning and community development director shall, by administrative rule, establish the rules of procedure for the committee, which shall be made available to the public upon publication.

D. *Downtown design guidelines – Adoption.* The downtown design review committee shall use the downtown design guidelines in the evaluation and/or conditioning of applications under the downtown design review process. The downtown design guidelines, entitled “Ephrata Downtown Design Guidelines,” when accepted and adopted and as authorized pursuant to RCW 35A.12.140, shall be placed on file in the offices of the city clerk and planning and community development department.

E. *Appeals.* The decision of the downtown administrative design review committee to approve, condition or reject any application under the downtown design review process is final unless an appeal is made to the hearing examiner within fourteen (14) calendar days of either the issuance of the committee’s conditional approval or rejection of any application under this section. Appeals to the hearing examiner shall be conducted as set forth in Ch. 19.06 EMC. The decision of the hearing examiner shall be final, unless an appeal is made to the Grant County superior court, within twenty-one (21) calendar days of the date of the decision.

#### **19.09.050 Amendments.**

This title may be amended by the city council by changing the boundaries of zoning districts (rezones which change the official zoning map) or by changing any other provisions thereof (text amendments which add, delete or otherwise modify the text of this title) whenever the public necessity and convenience and the general welfare require such amendment, by following the procedures of this section.

A. *Initiation.* An amendment may be initiated as follows:

1. Amendments to the text of this title and official zoning map amendments may be initiated by resolution of intention by the city council. Text amendments and zoning map amendments are heard by the planning commission and city council. In the case of area-wide zoning or rezoning, both text amendments and zoning map amendments may be heard by the planning commission and city council in accordance with Ch. 17.01 EMC.
2. Amendments to the text of this title may be initiated by resolution of intention by the planning commission.



3. Official zoning map amendments (rezones), including the application of the "C" (conditional use) suffix, may be initiated by application of one (1) or more owners, or their agents, of the property affected by the proposed amendment, which shall be made on a form prescribed by the planning department and filed with the planning department. The application shall be submitted in the manner required for Process VI applications. The planning commission shall consider the application in an open record public hearing in accordance with 17.01 EMC.

B. *Public hearing.* The planning commission shall hold an open record public hearing on any proposed amendment, and shall give notice thereof in accordance with the requirements of Ch. 17.01 EMC.

C. *Standards and criteria for granting a request for rezone.* The following standards and criteria shall be used by the planning commission and city council to evaluate a request for rezone. Such an amendment shall only be granted if the city council determines that the request is consistent with these standards and criteria and subject to the requirements of Ch. 17.01 EMC.

1. The proposed rezone is consistent with the comprehensive plan.
2. The proposed rezone and subsequent development of the site would be compatible with development in the vicinity.
3. The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated.
4. Circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone.
5. The proposed rezone will not adversely affect the health, safety and general welfare of the citizens of the city.

D. *Recommendation of planning commission.* Following the public hearing provided for in this section, the planning commission shall make a report of findings and recommendations with respect to the proposed amendment and shall forward such to the city council, which shall have the final authority to act on the amendment.

E. *City council action/appeal.*

1. The city council shall, at a regular public meeting, consider the recommendation and issue a final decision. The decision of the city council is appealable to the Grant County superior court within twenty-one (21) calendar days from the issuance of a notice of decision and in accordance with the requirements of Ch. 17.01 EMC and Chapter 36.70C RCW.

2. If the application for an amendment is denied by the city council, the application shall not be eligible for resubmittal for one (1) year from date of the denial, unless specifically stated to be without prejudice. A new application affecting the same property may be submitted if, in the opinion of the planning commission, circumstances affecting the application have changed substantially.

**19.09.060 Administrative interpretation generally.**

The Community development director may make interpretations of the provisions of this title. Such administrative interpretations shall include determinations of uses permitted in the various districts, and approval or disapproval of development plans and zoning permits. Other interpretations may be made as specific circumstances arise which require such interpretations. The purpose of such administrative interpretations is to provide a degree of flexibility in the administration of this title while following the intent of the city council. Administrative interpretations are subject to applicable requirements of Process I applications per Ch. 17.01 EMC.

**19.09.065 Interpretation of uses.**

A. Land uses which are listed as principally permitted uses in the Land Use Tables shall be permitted subject to the review processes, standards, and regulations specified in Title 19. If a use is not listed in the Land Use Tables, it shall be considered to be a prohibited use unless the Community development director determines it to be a permitted use following the process outlined below. If a proposed use is not specifically listed in the Land Use Tables, an applicant may request from the Community development director an interpretation as to whether or not such use is a permitted use. In determining whether a proposed use closely resembles a use expressly authorized in the applicable zoning district(s), the Community development director shall utilize the following criteria:

1. The use resembles or is of the same basic nature as a use expressly authorized in the applicable zoning district or districts in terms of the following:

a. The activities involved in or equipment or materials employed in the use;

b. The effects of the use on the surrounding area, such as traffic impacts, noise, dust, odors, vibrations, lighting and glare, and aesthetic appearance.

2. The use is consistent with the stated purpose of the applicable district or districts.

3. The use is compatible with the applicable goals and policies of the Comprehensive Plan.

B. A record shall be kept of all interpretations and rulings made by the Community development director. Such decisions shall be used for future administration. The Community development director shall report decisions to the planning commission when it appears desirable and necessary to amend this code. The Community development director's determination is classified as a Process I application and shall be processed and subject to the applicable requirements of Ch. 17.01 EMC and may be appealed as provided in Ch. 17.01 EMC.

C. *Appeals.* Any appeal from the Community development director's determination shall be an open record appeal hearing and shall be filed in accordance with the procedures established for Process I applications under Ch. 17.01 EMC.

**19.09.070 Appeal of administrative interpretations.**

A. Any appeal of administrative decisions relating to the enforcement or interpretation of this title, unless otherwise specifically provided for in this chapter, shall be in writing, and shall be filed with the planning and community development department within fourteen (14) calendar days after such decision, and in the manner set forth in Ch. 17.01 EMC.

B. The appeal shall be heard by the hearing examiner, and the hearing examiner shall render his or her decision in accordance with the requirements of Ch. 19.12 EMC and Ch. 17.01 EMC.

**19.09.080 Revocation of permits or variances.**

Any zoning permit, planned unit development permit, conditional use permit or variance granted in accordance with the terms of this title may be revoked if any of the conditions or terms of such permit or variance are violated, or if any law or ordinance is violated in connection therewith.

#### **19.09.090 Performance standards procedures.**

The Community development director shall have the power to authorize the following procedures prior to the issuance of a zoning permit for industrial uses as provided for in the industrial districts:

*A. Application for zoning permit.* An application for a zoning permit for a use subject to performance standard procedures shall be submitted by the owner or his agent in duplicate on a form prescribed by the planning and community development department. The applicant shall also submit in duplicate a plan of the proposed machinery, processes and products, and specifications for the mechanisms and techniques to be used in restricting the creation or emission of dangerous and objectionable elements as set forth in EMC 19.08.050(D). The applicant shall also provide such supporting scientific, technical or other data or information as is necessary to establish that the use will comply with the performance standards set forth in EMC 19.08.050.

*B. Review by expert consultants.* The Community development director, upon obtaining approval of the costs by the city council, may refer the application for review and report to one (1) or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in EMC 17.08.050 in a manner set forth in the application. A copy of such report shall be filed with the planning and community development department for inspection by interested persons.

*C. Review by Community development director.* Within thirty (30) days after the planning and community development department has received the application provided for in this section, or within such period as agreed to by the applicant, the Community development director shall decide whether the proposed use will conform to the applicable performance standards, and on such basis shall authorize or refuse to authorize issuance of a zoning permit, or require a modification of the proposed equipment or operation. Any zoning permit so authorized and issued shall be conditioned upon, among other things, the applicant's completed buildings and installations conforming in operation to the applicable performance standards.

*D. Continued enforcement.*

1. The planning and community development department shall investigate any purported violation of performance standards. For the purpose of investigating such violations, the Community development director may employ qualified experts.

2. After investigation, on due notice to the alleged violator, the Community development director may order the violations corrected within a prescribed period of time, and if such violations are not so corrected may order the violator to cease and desist from carrying on that portion of the operation or process causing a violation.

E. *Violations.* If violation has occurred, the Community development director shall report to the city attorney if the violation was willful or likely to occur again, and the city attorney may order the violator to take such steps as are necessary to ensure future compliance with this chapter. The procedure provided in this subsection shall not be exclusive, and, if the violation has been willful or without reasonable justification the violator may be prosecuted as for a misdemeanor.

(Ord. 15-09, 2013)

## **Chapter 19.10**

### **ENFORCEMENT**

Sections:

19.10.010 Violations.

19.10.020 Duty to enforce.

19.10.030 Investigation and notice of violation.

19.10.040 Stop work order.

19.10.050 Emergency order.

19.10.060 Extension of compliance date.

19.10.070 Violation – Penalty.

19.10.080 Additional relief.

#### **19.10.010 Violations.**

A. It is a violation of this title for any person to initiate or maintain or cause to be initiated or maintained the use of any structure, land or property within the city without first obtaining the permits or authorizations required for the use by this title.

B. It is a violation of this title for any person to use, construct, locate or demolish any structure, land or property within the city in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this title; provided, that the terms or conditions are explicitly stated on the permit or the approved plans.

C. It is a violation of this title to remove or deface any sign, notice, complaint or order required by or posted in accordance with this title or Ch. 20.08 EMC.

D. It is a violation of this title to misrepresent any material fact in any application, plans or other information submitted to obtain any land use authorization.

E. It is a violation of this title for anyone to fail to comply with the requirements of this title.

#### **19.10.020 Duty to enforce.**

A. It shall be the duty of the community development director to enforce this title. The director may call upon the police, fire or other appropriate city departments to assist in enforcement.

B. Upon presentation of proper credentials, the director or duly authorized representative of the director may, with the consent of the owner or occupier of a building or premises, or

pursuant to a lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant to perform the duties imposed by this title.

C. This title shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

D. It is the intent of this title to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of this title.

E. No provision or term used in this title is intended to impose any duty upon the city or any of its officers or employees which would subject them to damages in a civil action.

**19.10.030 Investigation and notice of violation.**

A. The director or his representative shall investigate any structure or use which the director reasonably believes does not comply with the standards and requirements of this title.

B. If, after investigation, the director determines that the standards or requirements have been violated, the director may seek compliance and serve a notice of violation on the owner, tenant or other person responsible for the condition and/or otherwise enforce pursuant to this chapter and EMC 19.10.070 below.

**19.10.040 Stop work order.**

Whenever a continuing violation of this title will materially impair the director's ability to secure compliance with this title, or when the continuing violation threatens the health or safety of the public, the director may issue a stop work order specifying the violation and prohibiting any work or other activity at the site. A failure to comply with a stop work order shall constitute a violation of this title.

**19.10.050 Emergency order.**

A. Whenever any use or activity in violation of this title threatens the health and safety of the occupants of the premises or any member of the public, the director may issue an emergency order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected. The emergency order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. A failure to comply with an emergency order shall constitute a violation of this title.

B. Any condition described in the emergency order which is not corrected within the time specified is hereby declared to be a public nuisance, and the director is authorized to abate such nuisance summarily by such means as may be available. The cost of such abatement shall be recovered from the owner or person responsible, or both, in the manner provided by law.

**19.10.060 Extension of compliance date.**

A. The director may grant an extension of time for compliance with any notice or order, whether pending or final, upon the director's finding that substantial progress toward compliance has been made and that the public will not be adversely affected by the extension.

B. An extension of time may be revoked by the director if it is shown that the conditions at the time the extension was granted have changed, if the director determines that a party is not performing corrective actions as agreed, or if the extension creates an adverse effect on the public. The date of revocation shall then be considered as the compliance date.

**19.10.070 Violation – Penalty.**

Any violation of the provisions of this chapter shall be punishable as provided in EMC Chapter 1.22.

**19.10.080 Additional relief.**

The director may seek legal or equitable relief to enjoin any acts or practices and restore or abate any condition which constitutes or will constitute a violation of this title when civil or criminal penalties are inadequate to effect compliance.



**Chapter 19.11**  
**Flood Damage Prevention**

Sections:

<u>19.11.010</u>	Purpose
<u>19.11.015</u>	Definitions
<u>19.11.020</u>	Lands to Which this Ordinance Applies
<u>19.11.030</u>	Basis for Establishing the Areas of Special Flood Hazard
<u>19.11.040</u>	Methods of Reducing Flood Loss
<u>19.11.050</u>	Development Permit Required
<u>19.11.060</u>	Application for Development Permit
<u>19.11.070</u>	Administrator
<u>19.11.075</u>	Duties and Responsibilities of the Floodplain Administrator
<u>19.11.080</u>	Permit Review
<u>19.11.090</u>	Penalties for Non-Compliance
<u>19.11.100</u>	Abrogation and Greater Restrictions
<u>19.11.110</u>	Interpretation
<u>19.11.120</u>	Warning and Disclaimer of Liability
<u>19.11.130</u>	Use of Other Base Flood Data
<u>19.11.140</u>	Information to be Obtained and Maintained by Floodplain Administrator
<u>19.11.145</u>	Review of Building Permits
<u>19.11.147</u>	Changes to Special Flood Hazard Area
<u>19.11.150</u>	Alteration of Watercourses
<u>19.11.160</u>	Interpretation of FIRM Boundaries
<u>19.11.170</u>	Provisions for Flood Hazard Protection
<u>19.11.180</u>	Appeals
<u>19.11.190</u>	Variances
<u>19.11.200</u>	Severability

**19.11.010 Purpose**

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- a. To protect human life and health;
- b. To minimize expenditure of public money and costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;

- e. To minimize damage to public facilities and utilities such as water mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- f. To help maintain a stable tax base by providing for the sound use and development of area of special flood hazard so as to minimize future flood blight areas;
- g. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- h. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### **19.11.015 Definitions**

The definitions contained in this section are in addition to those listed in Section 19.02 and where they are in conflict with those in Section 19.02 are controlling when used in the context of this Chapter 19.11.

*ALTERATION OF WATERCOURSE.* Alteration of watercourse is any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

*AREA OF SPECIAL FLOOD HAZARD.* Area of special flood hazard is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

*BASE FLOOD ELEVATION (BFE).* Base Flood Elevation is the elevation to which floodwater is anticipated to rise during the base flood.

*DEVELOPMENT.* Development is any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

*FLOOD OR FLOODING.*

- 1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a) The overflow of inland or tidal waters.
  - b) The unusual and rapid accumulation or runoff of surface waters from any source.
  - c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- 2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly cause by an unusually high water level in a natural body of water, accompanied by a sever storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

**FLOOD ELEVATION STUDY.** Flood Elevation Study is an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

**FLOOD INSURANCE RATE MAP (FIRM).** Flood Insurance Rate Map is the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

**FLOODPLAIN OR FLOOD-PRONE AREA.** Floodplain or flood-prone area is any land area susceptible to being inundated by water from any source. See "Flood or Flooding".

**FLOODPLAIN ADMINISTRATOR.** Floodplain Administrator is the community official designated by title to administer and enforce the floodplain management regulations.

**FLOOD PROOFING.** Flood proofing is any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

**FLOODWAY.** Floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway".

**FUNCTIONALLY DEPENDENT USE.** Functionally dependent use is a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

**HIGHEST ADJACENT GRADE.** Highest adjacent grade is the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE.** Historic structure is any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a) By an approved state program as determined by the Secretary of the Interior, or
  - b) Directly by the Secretary of the Interior in states without approved programs.))

#### LOWEST FLOOR.

*Lowest Floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 5.2-1(2), (i.e. provided there are adequate flood ventilation openings).

**MANUFACTURED HOME PARK OR SUBDIVISION.**

*Manufactured Home Park or Subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MEAN SEA LEVEL.** Mean Sea Level for purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

**NEW CONSTRUCTION.** New construction for the purposes of determining insurance rates, structures for which the "start of construction: commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**RECREATIONAL VEHICLE.** Recreational Vehicle is a vehicle:

- 1) Built on a single chassis;
- 2) 400 square feet or less when measured at the largest horizontal projection;
- 3) Designed to be self-propelled or permanently towable by a light duty truck; and
- 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**STRUCTURE.** Structure for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL IMPROVEMENT.** Substantial Improvement is any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- 1) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
- 2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

*VARIANCE.* Variance is a grant of relief by a community from the terms of a floodplain management regulation.

#### **19.11.020 Lands to Which this Ordinance Applies**

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the city of Ephrata.

#### **19.11.030 Basis for Establishing the Areas of Special Flood Hazard**

- 1) The areas of special flood hazard identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study for Grant County, Washington and Incorporated Areas" dated February 18, 2009 and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs), and any revisions thereto, are hereby adopted by reference and declared to be part of this ordinance.
- 2) The Flood Insurance Study and the FIRM are on file at Ephrata City Hall. The best available information for flood hazard area identification as outlined in Section 19.11.130 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under section 19.11.130.

#### **19.11.040 Methods of Reducing Flood Losses**

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- 1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- 2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- 3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

- 4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- 5) Preventing or regulating the construction of flood barriers, which will unnaturally divert floodwaters or may increase flood hazards in other areas.

#### **19.11.050 Development Permit Required**

A development permit shall be obtained before construction or development begins within any area of the special flood hazard established in this ordinance. The permit shall be required for erecting, enlarging, reconstruction, renovation, repair of a structure, and siting manufactured homes that may not otherwise require a building permit. Other activities include but no limited to mining, dredging, filling, grading, or excavation not related to structural development, fence or wall construction, roadway or bridge construction, paving, placement of propane tanks, and any development which causes changes in the flood plain to include storage as set forth in the definitions. (Ord 18-06, 2018)

#### **19.11.060 Application for Development Permit.**

Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans on duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- 1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B reviewed by the Floodplain Administrator, or designee;
- 2) Elevation in relation to mean sea level to which any structure has been flood proofed;
- 3) Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria of this ordinance;
- 4) A description of the extent of which any watercourse will be altered or relocated as a result of proposed development;
- 5) Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and
- 6) Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

#### **19.11.070 Floodplain Administrator**

The Community Development Director is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to administer, implement, and enforce these provisions.

#### **19.11.075 Duties and Responsibilities of the Floodplain Administrator**

Duties of the Floodplain Administrator shall include, but not be limited to Sections 19.11.080 through 19.11.160.

#### **19.11.080 Permit Review**

The Floodplain Administrator or designee shall review all development permits to determine:

- 1) That the permit requirements of this ordinance have been satisfied.
- 2) That all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
- 3) Whether the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of this ordinance are met if the proposed development is located in the floodway.
- 4) The site is reasonably safe from flooding.
- 5) Notify FEMA when annexations occur in the Special Flood Hazard Area.

#### **19.11.090 Penalties for Non-Compliance**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be deemed to have violated the terms of this ordinance and will subject the offender to a civil penalty as provided in Chapter 1.22 of the Ephrata Municipal Code. (Ord 15-26, 2015)

#### **19.11.100 Abrogation and Greater Restrictions**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **19.11.110 Interpretation**

In the interpretation and application of this ordinance, all provisions shall be considered as minimal requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under state statutes.

#### **19.11.120 Warning and Disclaimer of Liability**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Ephrata, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

#### **19.11.130 Use of Other Base Flood Data**

When base flood elevation data has not been provided in accordance with this ordinance, (Section 19.11.030 Basis\_for Establishing the Areas of Special Flood Hazard), the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from federal, state, or other source in order to administer the specific standards and floodways provisions of this ordinance.

#### **19.11.140 Information to be Obtained and Maintained by Floodplain Administrator**

- 1) Where base flood elevation data is provided through the Flood Insurance Study FIRM, or required as in this ordinance, obtain and maintain a record of the actual as-built elevation (in relations to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- 2) Documentation of the elevation of the bottom of the lowest horizontal structural member in V or VE zones.
- 3) For all new or substantially improved flood proofed non-residential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 19.11.130.
  - a. Obtain and maintain a record the actual elevation (in relation to mean sea level) to which the structure was flood-proofed
  - b. Maintain the flood proofing certifications required in this ordinance.
- 4) Certification required by Section 19.11.170 (floodway encroachments).
- 5) Records of all variance actions, including justification for their issuance.
- 6) Improvement and damage calculations.
- 7) Maintain for public inspection all records pertaining to provisions of this ordinance.



#### **19.11.145 Review of Building Permits**

Where elevation data is not available, either through the FIS, FIRM, or from another authoritative source (19.11.130), applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding.

#### **19.11.147 Changes to Special Flood Hazard Area**

- 1) If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.
- 2) If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.

#### **19.11.150 Alteration of Watercourses**

- 1) The Floodplain Administrator shall notify adjacent communities and the Washington Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- 2) Maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

#### **19.11.160 Interpretation of FIRM Boundaries**

The Floodplain Administrator shall make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretations. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.

#### **19.11.170 Provisions for Flood Hazard Protection**

In all areas of special flood hazards the following standards are required:

A. General Standards, in all areas of special flood hazards, the following standards are required:

1. Anchoring

- (a) All new construction and substantial improvements, including manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
- (b) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to; use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

2. Construction Materials and Methods

- (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (c) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Storage of Materials and Equipment

- (a) The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
- (b) Storage of other materials or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

4. Utilities

- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

- (b) Proposed municipal and irrigation water wells shall be located on high ground that is not in the floodway nor the floodplain/Special Flood Hazard Area (WAC 173-160-171);
- (c) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- (d) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5. Subdivision Proposals

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities such a sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- (d) Where base flood elevation data has not yet been provided or is not available from another authoritative source, it shall be generated by the applicant for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less).

6. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study FIRM or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc. where available. Failure to elevate at least two feet (2') above highest adjacent grade in these zones may result in higher insurance rates.

B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 19.11.030, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or SECTION 19.11.130, USE OF OTHER BASE FLOOD DATA, the following provisions are required:

1. Residential Construction:

- (a) New construction and substantial improvement of any residential structures shall have the lowest floor, including basement, elevated two feet (2') above the base flood elevation. Mechanical equipment and utilities shall be waterproofed or elevated at least two feet above BFE.
  - (b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
    - i. Minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
    - ii. The bottom of all openings shall be no higher than one foot above the grade.
    - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exist of floodwaters.
2. Non-Residential Construction: New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor, including basement, elevated two feet (2') above the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:
- (a) Have lowest floor including basement elevated to base flood elevation, and
  - (b) Be flood proofed so that below two feet above the base flood level the structure is watertight with walls impermeable to the passage of water, and
  - (c) Have structural components capable of resisting hydrostatic and hydrodynamic loads including the effects of buoyancy; and
  - (d) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 19.11.140, and
  - (e) Non-residential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in 19.11.170.B.1(a), and

- (f) Applicants flood proofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as one foot below).

### 3. Manufactured Homes

All manufactured, designated manufactured and mobile homes to be placed or substantially improved within Special Flood Hazard Areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two feet (2') above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement. This applies to manufactured homes:

- I. Outside a manufactured home park or subdivision,
- II. In a new manufactured home park or subdivision,
- III. In an expansion to an existing manufactured home park or subdivision, or
- IV. In an existing manufactured home park or subdivision on a site which a manufactured home has incurred "substantial damage" as the result of a flood.

- (a) Manufactured homes to be placed or substantially improved on sites in an existing manufactured housing community or subdivision that are not subject to the above manufactured home provisions be elevated so that either:

- i. The lowest floor of the manufactured home is elevated two feet above the base flood elevation, or
- ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above highest adjacent grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

### 4. Recreational Vehicles. Recreational vehicles placed in sites within the floodplain/Special Flood Hazard Area shall either:

- (a) Be on the site for fewer than 180 consecutive days, or

- (b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
  - (c) Meet the requirements of 19.11.170.B.3 above and the elevation and anchoring requirements for manufactured homes.
- 5. Enclosed Area Below the Lowest Floor. If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.
- 6. Floodways. Located within areas of special flood hazard established in Section 19.11.030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and erosion increase potential, the following provisions apply:
  - (a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
  - (b) Construction or reconstruction of residential structures is prohibited within designated floodways, except for:
    - i. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and
    - ii. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent (50%) of the market value of the structure either;
      - a. Before the repair, or reconstruction is started, or
      - b. If the structure has been damaged, and is being restored, before damage occurred.
    - iii. Any project or improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local building code enforcement official and which are the minimum necessary to assure safe living conditions; or

- iv. To structures identified as historic places shall not be included in the 50 percent.
- (c) All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
- 7. Encroachments. The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.
- 8. Standards for Shallow Flooding Areas (AO Zones). Shallow flooding areas appear on FIRM's as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:
  - (a) New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement and mechanical equipment) elevated above the highest grade adjacent to the structure, two feet or more above the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).
  - (b) New construction and substantial improvements of non residential structures within AO zones shall either:
    - i. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, two feet or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
    - ii. Have the lowest floor including basement elevated to the depth number specified on the FIRM together with attendant utility and sanitary facilities, be completely flood proofed to a height that is two feet or more above the depth number specified on the FIRM (at least two feet above the highest adjacent grade to the building if no number is specified) level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of

buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 19.11.170.

- (c) Require adequate draining paths around structures on slopes to guide floodwaters around and away from proposed structures.
- (d) Recreational vehicles placed on sites within AO Zones on the City's FIRM will either:
  - i. Be on the site for fewer than 180 consecutive days, or
  - ii. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
  - iii. Meet the requirements of 19.11.170(B)(7)(a) and (B)(7)(c) and the above anchoring requirements for manufactured homes.

- 9. Critical Facility: Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of the new critical facilities shall only be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor including basement elevated to three feet above highest adjacent grade, or to the height of the 500-year flood, whichever is higher. Access to and from the Critical Facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into the floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.
- 10. Livestock Sanctuary Areas: Elevated areas for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter.

#### **19.11.180 Appeals**

Any decision by an administrator, officer, board, or commission in carrying out the provisions of this chapter may be appealed as provided for in the Ephrata Municipal Code, Chapter 17.01 or to the courts of the state as prescribed by law. Any person seeking a review of such a decision shall cause to be prepared the transcript of the record below, if any. It shall be a condition of any appeal of any



decision subject to review that the appellant have arranged for and paid the estimated cost of transcript preparation. Failure to make such arrangements and pay such costs shall cause any notice appeal to be deemed to be incomplete and render the appeal moot.

#### **19.11.190 Variances**

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristics must pertain to the land itself, not the structure, its inhabitants, or the property owners.

It is the duty of the City Council of the City of Ephrata to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

##### **A. Requirements for Variances**

1. Variances shall only be issued:
  - (a) Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
  - (b) For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
  - (c) Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
  - (d) Upon a showing of good and sufficient cause;
  - (e) Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;

- (f) Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in 19.11.015 of this ordinance in the definition of "Functionally Dependent Use".
- 2. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- 3. Generally, variance may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

#### B. Variance Criteria

- 1. The Hearing Examiner, as established by the City of Ephrata shall hear and decide requests for variances from the requirements of this chapter.
- 2. In passing upon such applications, the Hearing Examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and;
  - (a) The danger that materials may be swept onto other lands to the injury of others.
  - (b) The danger to life and property due to flooding or erosion damage.
  - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - (d) The importance of the services provided by the proposed facility to the community.
  - (e) The necessity to the facility of a water front location, where applicable.
  - (f) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage.
  - (g) The compatibility of the proposed use with existing and anticipated development.
  - (h) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area.
  - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
  - (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

3. Upon consideration of the factors of the appropriate sections and the purposes of this ordinance, the Hearing Examiner may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
4. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

C. Additional Requirements for the Issuance of a Variance

1. Any applicant to whom a variance is granted shall be given written notice by the Floodplain Administrator over the signature of a community official that:
  - a. The issuance of a variance to construct a structure below the BFE will result in increased rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
  - b. Such construction below the BFE increases risks to life and property.
2. The Hearing Examiner shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.
3. The Floodplain Administrator shall maintain a record of all variance actions, including justification for the issuance.

- D. Variances as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

**19.11.200 Severability**

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

(Ord 15-26, 2015; Ord 23-02, 2023)

## **Chapter 19.12**

### **HEARING EXAMINER**

Sections:

- 19.12.010 - Purpose
- 19.12.020 - Creation of Land Use Hearing Examiner
- 19.12.030 - Appointment and Term
- 19.12.040 - Qualifications
- 19.12.050 - Compensation
- 19.12.060 - Hearing Examiner Pro-Tem and/or Deputy Examiner
- 19.12.070 - Freedom from Improper Influence
- 19.12.080 - Conflict of Interest
- 19.12.090 - Powers
- 19.12.100 - Applications
- 19.12.110 - Report by Community Development Director
- 19.12.120 - Rules
- 19.12.130 - Public Hearings
- 19.12.140 - Official Case Record
- 19.12.150 - Examiner's Decision - Findings Required
- 19.12.160 - Notice of Examiner's Decision
- 19.12.170 - Appeal of Examiner's Decision
- 19.12.180 - Council Action
- 19.12.190 - Computation of Time

#### **19.12.010 - Purpose**

The purpose of this Chapter is to establish a system of applying land use regulatory controls which will best satisfy the following basic needs;

- (1) To separate the land use regulatory function from the land use planning process;
- (2) to ensure procedural due process and appearance of fairness in land use regulatory hearings; and
- (3) To provide an efficient and effective land use regulatory system which integrates the public hearing and decision making processes for land use matters.

#### **19.12.020 - Creation of Land Use Hearing Examiner**

Pursuant to RCW 35A.63.170, the Office of the City of Ephrata Land Use Hearing Examiner, hereinafter referred to as "Examiner", is hereby created. The Examiner shall interpret, review and implement land use regulations as provided in this chapter or by other ordinance. Unless the context requires otherwise, the term Examiner as used herein shall include Deputy Examiners and Examiners Pro Tem.

#### **19.12.030 - Appointment and Term**

The Examiner shall be appointed by the Mayor and shall serve at the pleasure of the Mayor.

#### **19.12.040 - Qualifications**

Examiners shall be appointed solely with regard to their qualifications for the duties of their office and will have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge the other functions conferred upon them. Examiners shall hold no other elective or appointed office or position in city government.

#### **19.12.050 - Compensation**

The Examiner may be classified as regular, part time employees or the city may contract with the Examiner for the performance of the duties described in this ordinance. The compensation to be paid the Examiner shall be that established in the annual city budget.

#### **19.12.060 - Hearing Examiner Pro-Tem and/or Deputy Examiner**

The Examiner Pro-Tem and/or Deputy Examiner shall, in the event of the absence or the inability of the Examiner to act, have all the duties and powers of the Examiner.

#### **19.12.070 - Freedom from Improper Influence**

No person, including city officials, elective or appointive, or any other person shall attempt to influence an Examiner in any matter pending before him or her, except at a public hearing duly called for such purpose, or to interfere with an Examiner in the performance of his or her duties in any other way; PROVIDED, that this section shall not prohibit the city attorney from rendering legal services to the Examiner upon request.

#### **19.12.080 - Conflict of Interest**

No Examiner shall conduct or participate in any hearing, decision or recommendation in which the Examiner has a direct or indirect substantial financial or familiar interest, or in which the Examiner has a direct or indirect personal interest that might interfere with his or her decision-making process, or concerning which the Examiner has had substantial pre-hearing contacts with proponents or opponents. Any such actual or potential conflict shall be disclosed to the parties immediately upon discovery of such conflict and any hearing shall be conducted by a Deputy or Pro-Tem Examiner.

#### **19.12.090 - Powers**

(1) The Examiner shall receive and examine available information, conduct public hearings and prepare a record thereof, and enter written findings of fact and conclusions of law as provided for herein. The decision of the Examiner on the following matters shall be final and conclusive unless such decision is appealed pursuant to EMC 17.01.195.

(2) The Examiner shall be empowered to hear and decide any and all requests for variance of the city zoning ordinances, pursuant to the limitations of RCW 35A.63.110(2).

(3) The Examiner shall be empowered to hear and decide any and all requests for conditional use permits pursuant to the city zoning ordinances.

(4) The Examiner shall be empowered to hear and decide any and all requests related to an environmental determination pursuant to the city ordinances.

(5) The Examiner shall be empowered to hear and decide any and all appeals of actions of the zoning code enforcement officials of the city pursuant to the city zoning ordinances.

#### **19.12.100 - Applications**

(1) Applications for all matters to be heard by the Examiner shall be presented to the Community Development Director. The Community Development Director shall accept such applications only if all applicable filing requirements are met, including payment of the filing fee. The Community Development Director shall be responsible for assigning a date for a public hearing for each application and for ensuring due notice of public hearing for each application. The public hearing date shall be in conformance with time requirements as defined in Ephrata Municipal Code Chapter 17.01 after the filing of a completed application and furnishing all necessary data to the Community Development Director.

(2) The application fee shall be as defined in the city's fee schedule. (Ord. 06-07, 2006; Ord 15-26, 2015)

#### **19.12.110 - Report by Community Development Director**

When such application has been set for public hearing, the Community Development Director shall coordinate and assemble the comments and recommendations of other city departments and governmental agencies having an interest in the subject application and shall prepare a report summarizing the factors involved and the Community Development Director's findings and recommendations. At least seven (7) days before the scheduled hearing the report shall be filed with the Examiner and copies thereof shall be mailed to the applicant and made available for public inspection or for use by any interested party for the cost of reproduction.

#### **19.12.120 - Rules**

The Examiner shall have the power to prescribe rules and regulations for the conduct of hearings under this chapter. Such rules may provide for the cross-examination of witnesses, the administration of oaths, and the preservation of order.

#### **19.12.130 - Public Hearings**

Before rendering a decision or recommendation on any application, the Examiner shall hold at least one (1) public hearing thereon. Notice of the time and place of the public hearing shall be given as provided in EMC, Chapter 17.01. At the commencement of the hearing, the Examiner shall give oral notice regarding the register provided for in section 19.12.160.

#### **19.12.140 - Official Case Record**

The record of the public hearing conducted by the Examiner shall include, but need not be limited to, the following materials:

- (a) The application or petition;
- (b) The departmental staff reports;
- (c) All evidence received or considered, which shall include all exhibits and other materials filed;
- (d) A statement of all matters officially noticed;

(e) A decision or a recommendation containing the findings and conclusions of the Examiner; and

(f) Any environmental determination made pursuant to the State Environmental Policy Act (SEPA) and the city ordinances in furtherance of that act.

#### **19.12.150 - Examiner's Decision - Findings Required**

Within thirty (30) days following the conclusion of the hearing, unless a longer period is mutually agreed to in writing between the applicant and the Examiner, or unless the Examiner announces at the conclusion of the receipt of all the evidence, including any view of the property, the Examiner's decision shall be issued. The Examiner shall render a written decision which shall include at least the following:

(1) Findings of fact based upon the record and conclusions of law therefrom which support the Examiner's decision. Such findings and conclusions shall also set forth the manner by which the decision would carry out and conform to the city's comprehensive plan, other official policies and objectives, and land use regulatory enactments.

(2) A decision on the application which may be to grant, deny, or grant with conditions, modifications and restrictions which the Examiner finds necessary to make the application compatible with its environment, the comprehensive plan, other official policies and objectives, and land use regulatory enactments.

(3) A statement that the decision will become final in fourteen (14) days unless appealed to the council together with a description of the appeal procedure prescribed in EMC Section 17.01.195.

#### **19.12.160 - Notice of Examiner's Decision**

Not later than three (3) working days following the rendering of a written decision, copies thereof shall be mailed to the applicant and to other interested parties of record in the case. All copies so mailed shall be transmitted by the U.S. postal service to the last address provided to the Community Development Director's office by the addressee. "Parties of record" shall include the applicant and all other persons who specifically request notice of decision by signing a register provided for such purpose at the public hearing and provide a current mailing address.



#### **19.12.170 - Appeal of Examiner's Decision**

Appeals of Examiner's decision shall conform to those standards as set in Ephrata Municipal Code Chapter 17.01.195.

#### **19.12.180 - Council Action**

A. When taking any action on an appeal, the Council shall make and enter findings of fact from the record and conclusions there from produced by the Examiner which support its action. The decision of the Council is limited to a review of the record produced by the Examiner and arguments as to errors alleged to have been produced by the Examiner. Those errors shall be succinctly identified in the appeal and argument to the Council. The Council may adopt all or portions of the Examiner's findings and conclusions. If the Council finds the Examiner's decision should be modified, the decision of the Examiner shall be remanded to the Examiner to review the concerns of the Council and prepare and submit for further examination by the Council revised findings and conclusions if appropriate.

B. Any action of the Council to overturn a decision of the Examiner shall require a vote of a simple majority plus one of the members present at the council meeting. The action of the Council approving, modifying, or rejecting a decision of the Examiner shall be final and conclusive, unless a person with standing files an appeal with the Superior Court within the time limits provided for by law.

#### **19.12.190 - Computation of Time**

Computation of any period of time prescribed or allowed by these rules shall begin with the first day following that on which the act or event initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday or national or state holiday, the period shall run until the end of the next following business day.

(Ord 15-27, 2015)

## **Chapter 19.13 Fences and Walls**

### Sections:

- 19.13.005 Definitions
- 19.13.007 Fence Height
- 19.13.010 Installation restrictions generally
- 19.13.020 Barbed/Razor wire prohibited – Exception
- 19.13.030 Electrical fence permitted where – Restrictions
- 19.13.040 Permit and application requirements
- 19.13.050 Appeals
- 19.13.060 Penalties

### **19.13.005 Definitions**

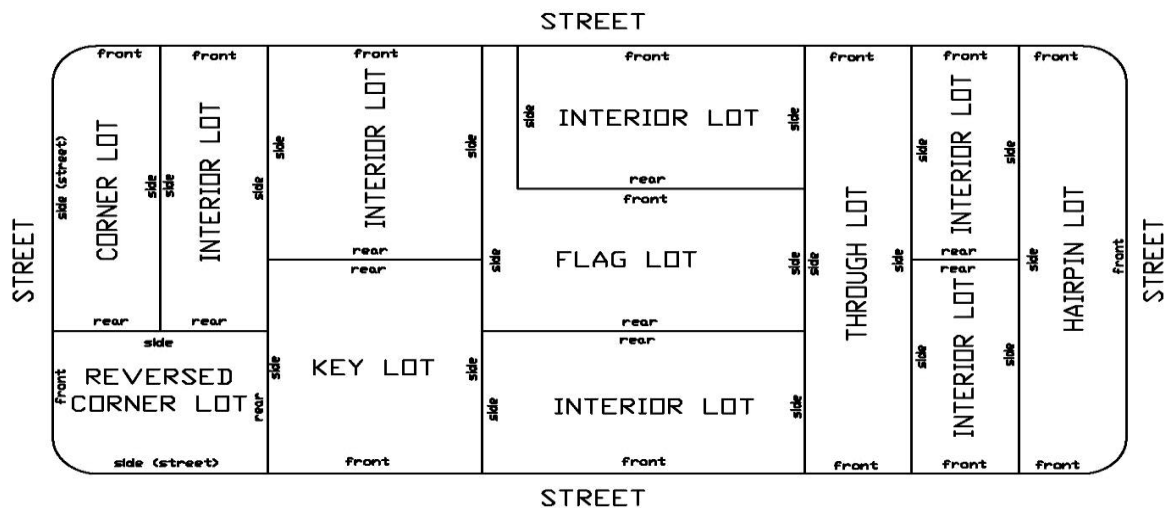
<b>Corner Lot</b>	“Corner lot” means a lot situated at the intersection of two streets or roads, by which the interior angle does not exceed 135 degrees.
<b>Hairpin Lot</b>	“Hairpin lot” means a lot having frontage on a single street comprising more than fifty (50) percent of the total perimeter of the lot.
<b>Key Lot</b>	“Key lot” means the first interior lot to the rear of a reversed corner lot, whether separated by an alley or not.
<b>Reversed Corner Lot</b>	“Reversed corner lot” means a corner lot, the rear of which abuts the side lot line of another corner lot
<b>Front Lot Line</b>	“Front lot line” means that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, along a private road, easement or access way. On an interior lot, it is the lot line abutting a street; or, on a pipe stem (flag) lot, it is the interior lot line most parallel to and nearest the street from which access is obtained. On a corner lot, the front yard shall be determined to be the yard which best conforms to the

pattern of the adjacent block faces. On a ‘through lot’, both street lines shall be deemed front lot lines.

### Through Lot

A lot having a pair of opposite lot lines along two public streets, more or less parallel, but which is not a corner lot. On a through lot, both streets shall be deemed as front lot lines.

**Figure 1. Lot Type Diagram**

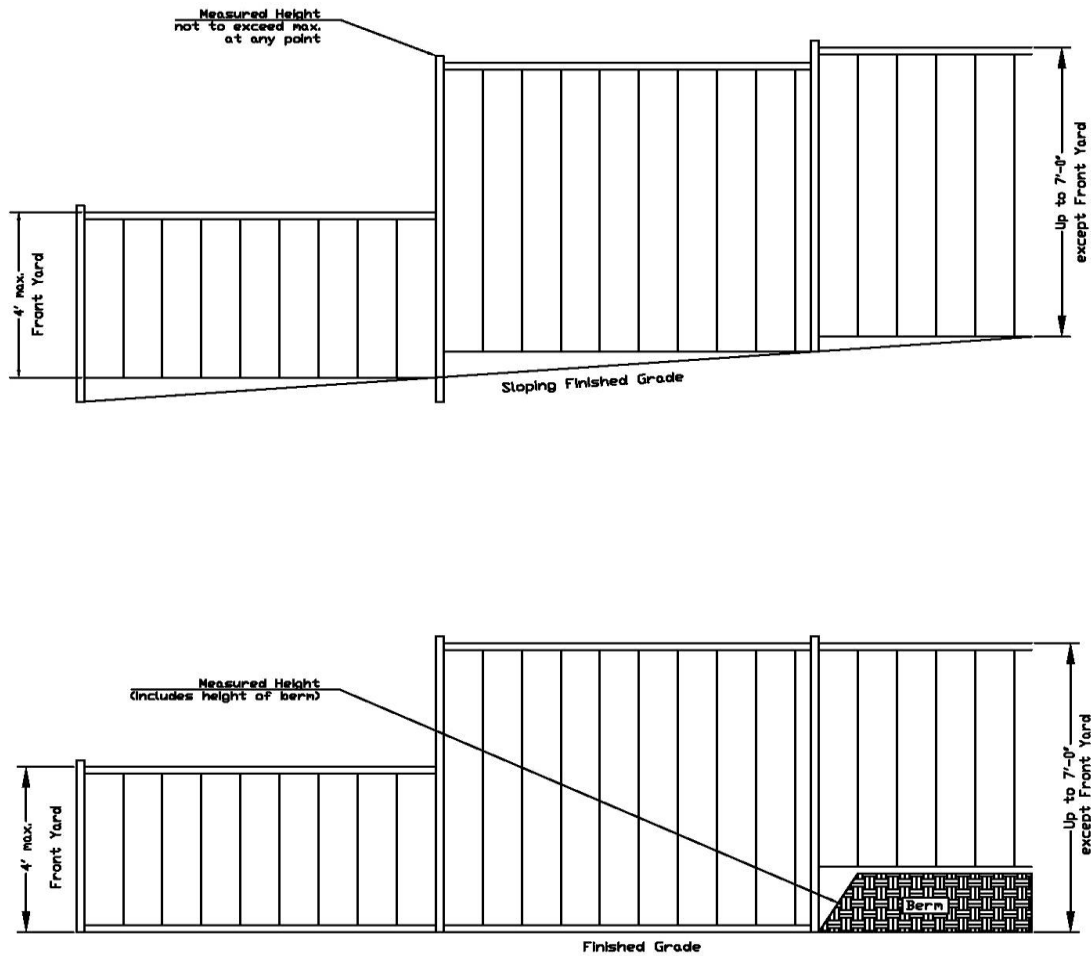


\* NOTE: All front and street side yard setbacks are measured from the ultimate width of the Right-of-Way.

### 19.13.007-Fence Height

Height of a fence is measured from finished grade along the exterior side of the fence to the top of the fence. If a fence is built on top of a berm or wall, the combined height of the fence and berm or wall must not exceed the allowable fence height. On sloping ground the fence must follow the slope or step with the slope so as not to exceed the allowable height at any point along the fence (see Figure 2).

Figure 2



Measuring Fence Height

#### 19.13.010 Installation restrictions generally

Fences and walls can be installed and maintained in accordance with the following requirements:

- A. In all residential zoned areas on corner, interior, hairpin, key, through and reversed corner lots, fences and walls may be installed up to four feet in height around the entire required front yard setback area. Fences and walls up to seven feet in height may be installed around the remainder of the property with the following exceptions:

1. Fences on corner, hairpin and reversed corner lots may be constructed up to a height of seven feet along the secondary or additional street frontages provided the following conditions are met:
    - a. The fence is set back 15 feet from the exterior right-of-way line and does not extend beyond the required or existing setback of the dwelling located on the property.
  2. Fences along through lots adjacent to other through lots or corner and reversed corner lots may be constructed up to a height of seven feet along the secondary or additional street frontages provided the following conditions are met:
    - a. The fence is set back 15 feet from the exterior right-of-way line.
  3. Fences located on the additional street frontage of through lots adjacent to interior lots shall maintain the front yard setback of the interior lots. Fences and walls may be installed on exterior right-of-way lines in residentially zoned lots. It shall be the property owner's responsibility to determine the location of all exterior right-of-way lines.
- B. In all other zones, fences and walls may be installed up to a height of eight feet; provided, that the following requirements are met:
1. Where commercially or industrially zoned property has street frontage across from residential property, there shall be a setback of one foot for each foot in height of the fence or wall.
  2. A landscaped setback area shall not be required for fences or walls if the commercial or industrially zoned property adjoins or abuts similarly zoned property.
- C. General regulations for all zones are as follows:
1. No fencing or other sight obstruction which constitutes a hazard to the traveling public within the area designated as the "Clear View Triangle" shall be allowed on a corner lot at the street or alley. The Clear View Triangle is determined by measuring ten (10') feet from the point of two intersecting streets along the exterior right-of-way lines and then connecting the two end

points with a straight line forming the hypotenuse of the Clear View Triangle. Branches on trees within the Triangle shall be removed at the trunk up to a minimum level of seven (7) feet above street surface level. Shrubs shall be maintained no higher than four (4) feet above street surface level within the Triangle. (See figure 3 and 4)

2. Any fence constructed on a city right-of-way or easement may be removed for any municipal purpose. The cost of removing the fence will be borne by the property owner.
3. No fence or wall may be constructed if it creates a hazard to users of the street or to nearby property.
4. All fences and walls shall be maintained in a good state of repair.
5. All fences bordering on streets shall be located no less than five (5) feet behind the curb/gutter line.
6. Property owners are responsible for the maintenance of the sidewalk and/or five (5) foot setback behind the curb/gutter line.
7. Public and Private Elementary Schools shall be allowed to construct non-site obscuring fences to a maximum height of six (6) feet on side yard flanking a residential street and on a limited basis in the front yard setback after review by the Public Works Director if it can be shown no safety hazard is created due to the placement of the fence.

#### **19.13.020 Barbed/Razor wire prohibited – Exception**

No fences incorporating barbed/razor wire are permitted except that barbed/razor wire may be used on top of a six-foot or higher solid or chain link fence surrounding a public utility, public use, or on-site storage area approved as part of a development or master plan, an industrial plant site or a whole property; or barbed/razor wire may be used when the fence is not a property boundary line fence. In all cases, the fence shall be set back five feet from any public street, alley, or right-of-way. Barbed/razor wire may be used in the S-R district but not along an exterior right-of-way line abutting a residentially zoned area.

#### **19.13.030 Electrical fence permitted where – Restrictions**

Electrical fences are permitted in the S-R district provided they comply with the following requirements:

- A. An electrical fence using an interrupted flow of current of intervals of about one second on and two seconds off shall be limited to 2,000 volts at 17 milliamp current.
- B. An electrical fence using continuous current shall be limited to 1,500 volts at seven milliamp current.
- C. All electrical fences shall be posted with permanent signs a minimum of 36 square inches in area at intervals of 150 feet, stating that the fence is electrified.
- D. Electrical fences manufactured by an established and reputable company and sold as a complete assembled unit carrying a written guarantee that complies with the requirements of this paragraph can be installed by an owner if the controlling elements of the installation carry a “U.L. Approved” seal.
- E. Electrical fences are not allowed in the front yard setback.

#### **19.13.040 Permit and application requirements**

Fence permits are required for all new fences and walls constructed within the city. All permit applications shall include the required fee, a site plan; indicating the design, location, material, and height of the fence or wall, a landscaping plan if applicable, and distance to existing buildings on the property.

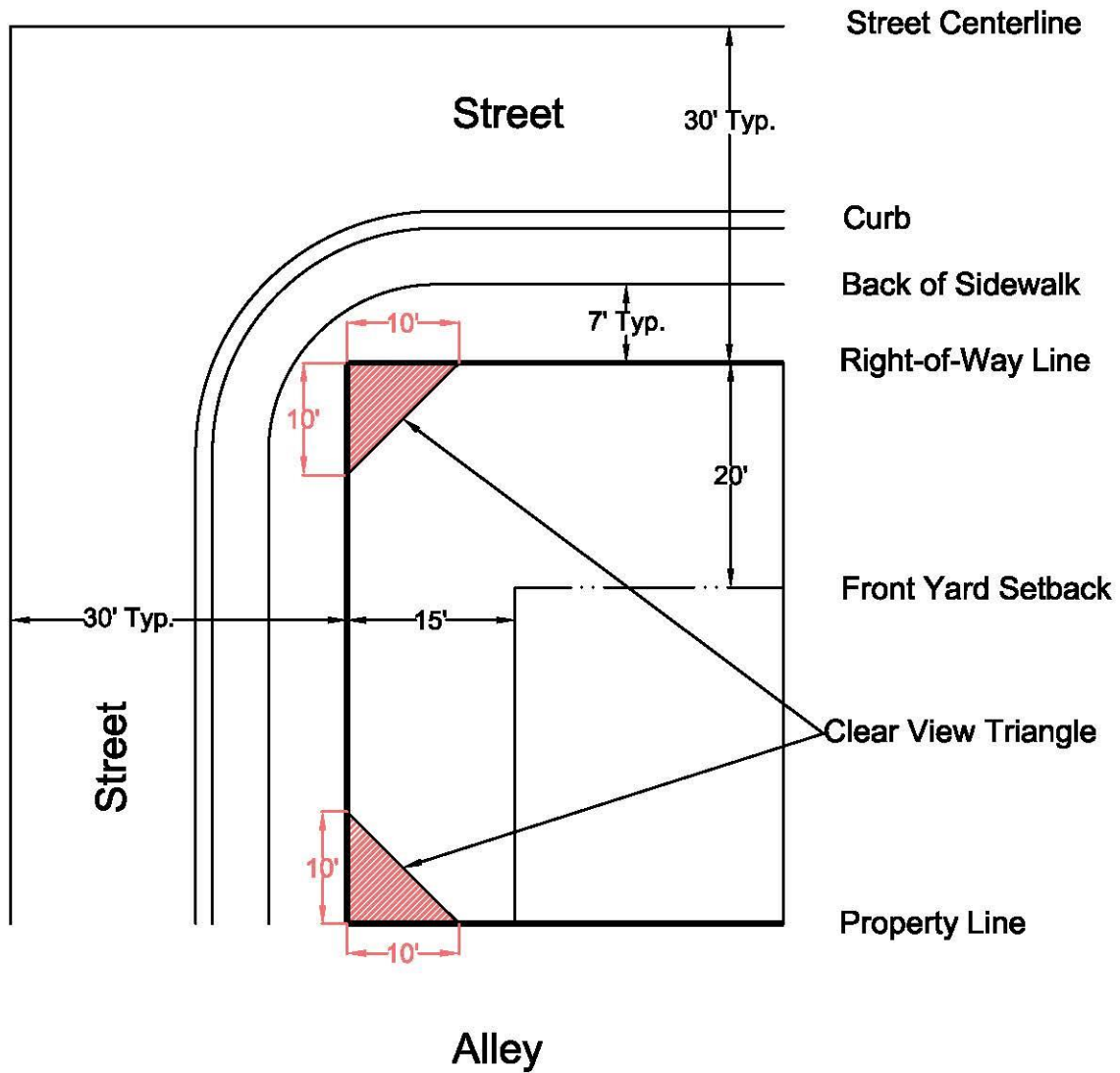
#### **19.13.050 Appeals**

Any person aggrieved by an action of the City in enforcement of this chapter may appeal to the Hearings Examiner and City Council pursuant to the provisions of EMC Title 17.

#### **19.13.060 Penalties**

Any person firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be deemed to have violated the terms of this ordinance and will subject the offender to a civil penalty as provided for in EMC 1.22.

Figure 3



Street Centerline

Curb

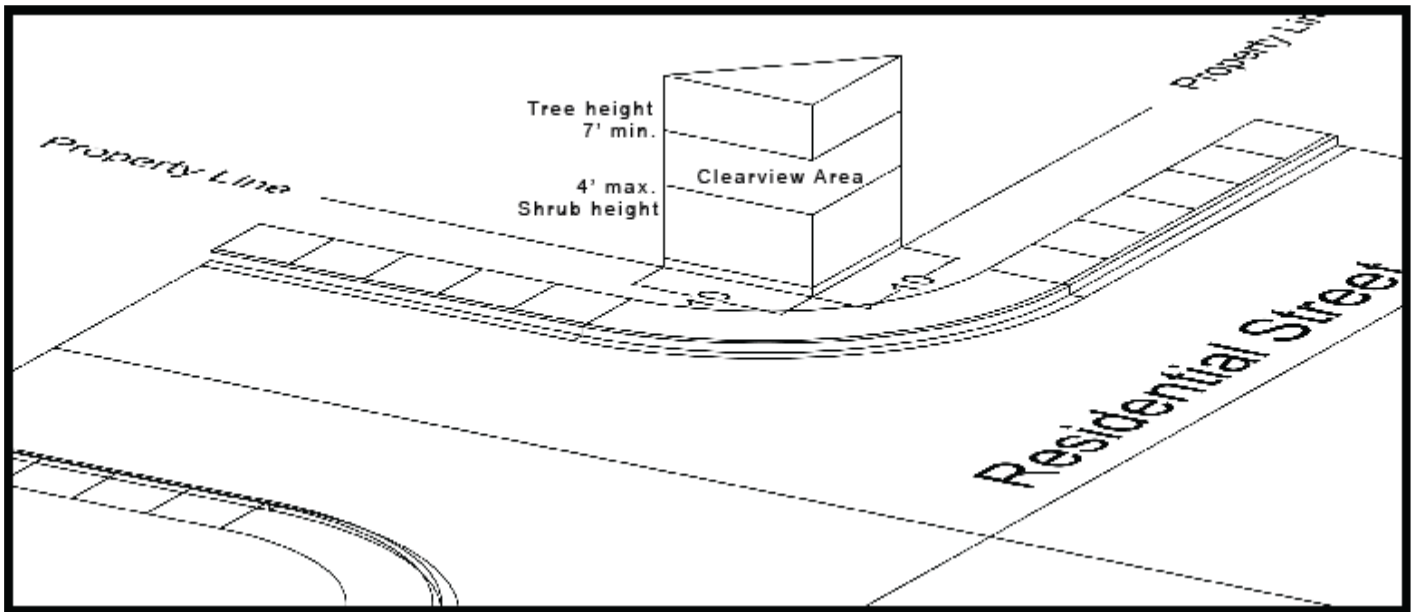
Back of Sidewalk

Property Line

Side Flanking Yard Setback



**Figure 4.** Clearview Triangle Perspective



(Ord. 15-10, 2015)

## **Chapter 19.15**

### **Recreational Vehicle Parks**

- 19.15.010 Purpose and Intent
- 19.15.020 General
- 19.15.030 Permitted Uses
- 19.15.040 Development Standards
- 19.15.045 Accessory uses
- 19.15.050 Permits
- 19.15.060 RV Park Administration
- 19.15.070 Binding Site Plan

#### **19.15.010 Purpose and Intent**

In order to provide a suitable recreational housing environment, standards and regulations have been established for the health, safety, general welfare and convenience of recreational vehicle park inhabitants.

#### **19.15.020 General**

The ownership of the land must be under one entity (i.e. one person, partnership, firm or corporation). All streets and systems within the boundaries of the park, although served by the municipal system, are owned and maintained by the ownership entity. Application shall be submitted to the Community Development Director. In addition to the requirements specified, the application/development plan shall include design specifics of the park, as set forth and required in this section, including, but not limited to, the location and dimensions of each RV lot; the location of each RV stand (so that setbacks, yards and other open spaces and utility connections may be determined); the location of street lighting; the method for drainage and the location of all catch basins and storm sewers; and the park landscaping plan.

#### **19.15.030 Permitted Uses:**

- 1) Recreational Vehicles used for transient dwelling purposes (no more than 90 days within any calendar year) with their customary accessory uses.
- 2) Buildings or structures necessary for the operation and maintenance of the park, or providing customary accessory uses of parks, including laundry facilities, office and equipment storage buildings.
- 3) Community recreation facilities, for residents of the park and their guests, including swimming pools.
- 4) Residences for the use of the manager and/or caretaker responsible for maintaining and operating the park, which may be either a conventional single family dwelling or a manufactured home.

- 5) Vending machines and similar products and services may be approved by the Hearing Examiner.

#### **19.15.040 Development Standards**

- 1) Minimum park size. The minimum area for an RV park shall be one (1) acre.
- 2) Public access. Public access (not less than twenty-two (22) feet in width shall be required) from the recreational vehicle park to a primary, secondary or collector street. The Hearing Examiner shall determine on a case-by-case basis whether a secondary access shall be required. Secondary access, if provided, shall enter the public street system at least one hundred fifty feet from the primary access.
- 3) Minimum lot requirements:
  - a) Lot area-minimum of 1800 square feet.
  - b) Lot width-minimum of 30 feet.
  - c) Lot length-minimum of 60 feet.
- 4) Minimum RV or building setback requirements.
  - a) Twenty-five (25) feet from a public right of way
  - b) Ten (10) feet from the edge of the traveled way of an interior access street
  - c) Fifteen (15) feet from any park boundary (excluding public right of way).
- 5) Separation requirements. No RV shall be located closer than fifteen (15) feet from any other RV unit or permanent park building.
- 6) Occupied area. Additional lot structures shall be limited to storage sheds, patios, and decks; as long as the square footage, including the RV, does not exceed 30% of the lot. The owner or occupant shall secure a permit of construction from the Ephrata Building Department.
- 7) Interior park access ways. Streets, driveways and other access ways within an RV park shall be constructed and maintained by the owner and/or developer of the park in accordance with City standards. Interior park access ways shall not be dedicated as a public right-of-way unless otherwise approved or required by the City Council. Interior park streets shall observe the following minimums:
  - a) No on-street parking: one way roads: 15 feet; two way roads 22 feet
  - b) One side on street parking: One - way roads: 20 feet; two way roads: 30 feet.
  - c) Parking lanes shall be eight and one-half feet wide where provided.
  - d) Cul-de-sac streets and streets designated to have one end permanently closed ("Y" or "T") should have a minimum turning radius of fifty feet, or an adequate right-of-way to permit ease of turning or as directed by the fire chief.
- 8) Parking requirements. A minimum of one (1) off street parking space shall be provided adjacent to, or conveniently near, each RV lot. Parking may be in tandem.
- 9) Street lighting. Adequate street lighting shall be provided to illuminate streets, driveways, walkways and buildings for the safe movement of pedestrians and vehicles and for the

safe night time use of such facilities. Installation of all street lighting shall be in accordance with standards provided by the Public Works Department.

10) Landscaping, buffering and screening shall conform to Section 19.07 and the following:

- a) RV parks shall be enclosed on all sides with permanently maintained natural or artificial barrier, such as a sight-obscuring wall or continuous buffer of trees or shrubs, not less than six feet in height, except for those sides abutting public rights-of-way. Sides which abut public-rights-of-way shall be buffered with a perimeter landscape strip not less than ten feet wide within the required setback. Such landscape strip shall be planted or installed with a permanently maintained natural or artificial barrier not less than four feet in height. If an artificial barrier is installed, the remainder of the landscape strip shall be landscaped with ground cover or other approved landscape treatment, excluding pavement. The Hearing Examiner may waive all or part of the perimeter landscaping requirements if, due to the nature of the existing topography or other existing conditions, it is unreasonable to require a wall, fence, or screen not resulting in adverse effects for neighboring property owners.
- b) All open areas of the RV Park shall be landscaped. A permanent irrigation system shall be installed and all landscaped areas shall be continually maintained. A specific landscaping plan for the RV Park shall be submitted as part of the conditional use permit application. Landscaping material shall conform to, and be installed in accordance with the approved development plan prior to the occupancy of any lot.

11) Utilities and other services:

- a) The construction and maintenance of all water, sewer, electrical, communication and miscellaneous (television, cable, etc.) service lines shall be under the supervision of the department or utility agency having jurisdiction in accordance with all applicable state and local codes, policies and regulations.
- b) The location of all underground utility and service lines shall be indicated by an above ground sign (or signs) identifying the proximity of the lines to the RV stand to facilitate service connection and to avoid damage to such underground services by the use of ground anchors, installation of skirting, etc. Fire protection, hydrant location and fire equipment access shall be approved by the fire chief.
- c) Water supply and distribution system. Each RV Park shall be connected to the Ephrata Municipal system, with the appropriate backflow preventative device installed, and its supply shall be used exclusively. Individual water service connection shall be provided for each lot.
- d) Sewage disposal. Connection shall be made to the public sewer system.
- e) Electrical distribution system. Each RV park shall be provided with an electrical distribution system in accordance with the policies and specifications for installation and maintenance of the electrical utility having jurisdiction.

- f) Solid waste disposal. Solid waste collection stands shall be provided for all waste containers in accordance with specifications for design and location as provided by the Public Works Department. Solid waste collection stands, whether individual or grouped, shall be screened from view with appropriate landscaping and/or screening as indicated on the approved landscaping plan.
- 12) Signs. Signs identifying the RV park shall be in conformance with Section 19.06. RV parks are subject to all applicable building and construction provisions of this code, which include issuance of building permits and authorized inspections of all phases of construction and development.
- 13) If an entry control station is placed at or near the main access to the park, the control station is to be placed 200 feet past intersection of entry road with access to city street for staging of RV's during check-in.
- 14) Interior all-weather pathways are to be provided to accessory areas.
- 15) Campsites are to be well marked and numbered.
- 16) No storage of units allowed beyond the 90-day occupancy limit unless placed in a designated storage compound.
- 17) No external structures are to be attached to RVs.
- 18) A sanitary waste station shall be provided, unless all campsites are connected to an approved sewer system. Unless other approved means are used, the sanitary station shall be designed and constructed to include the following:
  - 1. Easy ingress and egress from a service road for camping vehicles and located not less than 50 feet from a campsite;
  - 2. Connection to the sewer system by a trapped four-inch sewer riser pipe and vented not more than 10 feet downstream from the trap by a four-inch vent, adequately supported and extending at least eight feet above the ground surface;
  - 3. The sewage inlet surrounded by a curbed concrete apron or trough of at least three feet by three feet, sloped to the inlet, and provided with a suitable hinged cover milled to fit tight;
  - 4. A means for flushing the immediate area and a camping vehicle holding tank shall be provided at each sanitary waste station. It shall consist of a properly supported water riser pipe, terminating two feet above the ground with a three-fourths-inch valved outlet and attached hose. The water outlet shall be protected against back-siphonage and backflow by an approved vacuum breaker installation located downstream from the shutoff valve.

**19.15.045 Accessory uses.**

- A. Accessory uses are allowed whose primary usage and enjoyment are for park tenants.
- B. Accessory uses shall be placed no closer than 75 feet from any exterior park boundary.
- C. A service building and park office shall be provided in all RV parks and campgrounds.
- D. Restroom requirements:

<u>Number</u> <u>of Campsites</u>	<u>Toilets</u>		<u>Urinals</u>	<u>Lavatories</u>		<u>Showers</u>	
	<u>M</u>	<u>F</u>	<u>M</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>
<u>1 – 40</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>41 – 80</u>	<u>2</u>	<u>4</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>
<u>81 – 120</u>	<u>3</u>	<u>6</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>
<u>121 –</u>	<u>5</u>	<u>8</u>	<u>3</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>
<u>160</u>							
<u>161 –</u>	<u>6</u>	<u>1</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>
<u>200</u>		<u>0</u>					

**19.15.050 Permits**

- 1) No building permits shall be issued and no construction of any kind to create, alter, or extend any RV park may be initiated until a conditional use permit has been granted by the Hearing Examiner in accordance with the procedure specified and subject to the applicable regulations and standards set forth in this section.
- 2) Construction or development of all of the improvements indicated on the approved development plan shall also be required prior to issuance of a business license; provided however, that the building official may waive this requirement if sufficient need can be shown. A performance bond or other acceptable security shall be required by the building official in order to ensure development as per the conditional use permit, for any improvements that are not completed prior to issuance of the business license. Such improvements shall be completed within a reasonable time, not to exceed six months.
- 3) Prior to renewal of the business license, the building official shall inspect the RV park to check continued compliance with all conditions of the conditional use permit and shall submit to the park owner a written report stating whether or not the park is in compliance. The owner must take action to affect compliance with

any conditions that are in violation before the business license shall be renewed.  
A violation of any of the licensing provisions of this section shall be subject to the penalties set forth in EMC Chapter 19.10.

**19.15.060 RV Park Administration**

- 1) It shall be the responsibility of the park owner and/or manager to assure that the provisions of this section, including installation of RV's and construction of accessory structures on individual lots, and additional conditions of the conditional use permit are observed and maintained within the RV park.
- 2) The park shall be kept free of any brush, leaves and weeds and all landscaped areas shall be continually maintained.
- 3) Failure to comply with any of the requirements for administering a trailer park shall be a violation subject to penalties set forth in EMC Chapter 19.10.

**19.15.070 Binding Site Plan**

Recreational vehicle parks shall be established pursuant to the provisions of a Conditional Use Permit and a Binding Site Plan as described in the Ephrata Municipal Code.

(Ord 15-29, 2015)

## **Section 19.16**

### **Manufactured Housing Communities**

Sections:

19.16.010 Purpose.

19.16.020 Site Development Standards.

19.16.030 Access and Circulation Standards.

19.16.040 Housing Unit Design Standards.

19.16.050 Single Ownership Standards.

#### **19.16.010 Purpose.**

The purpose of this chapter is to ensure that manufactured housing communities are designed, developed and maintained to provide safety for their residents, to provide affordable, single-family style housing, and to be compatible with the character and scale of surrounding residential neighborhoods.

#### **19.16.020 Site Development Standards.**

- A. Minimum Community Size: Two (2) acres with a minimum dimension of 240 lineal feet of frontage on a public street.
- B. Permitted Uses: Single-family residential with accessory uses in conjunction with common activity areas and open spaces.  
Public and service commercial at a scale consistent with the needs of the surrounding residential community.
- C. Buffering: 20' landscaped perimeter setback from all property lines improved with a fence and plantings to screen the manufactured housing units from view in a manner consistent with Section 19.07.
- D. Open Space: 15% minimum of the net developable area with each common open space area no less than 5,000 square feet in size.
- E. Building Separation: 15'
- F. Building Setback: 15' from nearest edge of interior street or improved walkway.
- G. Maximum Lot Coverage for Entire Site: 30%
- H. Parking: See Section 19.05.
- I. Landscaping and Maintenance: The manufactured home community shall be landscaped, and the landscaping and property shall be maintained in a neat and orderly condition throughout the community's occupancy.



**19.16.030 Access and Circulation Standards.**

- 1) Manufactured housing communities shall be directly accessed by primary, secondary or collector streets. No individual lot or residence shall have access directly to a public right of way outside the project boundaries.
- 2) Project access shall be provided as shown in the table below:

Number of Units	Public Access Points	Emergency Access Points
Fewer than 50	1	1
51 – 200	2	1
201 – 300	2	2
301 or more	2	3

- 3) Streets, drives and parking areas shall provide safe and convenient access to dwellings, shall encourage slower speeds and shall be laid out to discourage outside traffic from traversing the project.
- 4) Manufactured housing communities shall provide for pedestrian and bicycle circulation with improved walkways and/or trails as part of the project's design.
- 5) Interior streets shall provide for no less than 36' wide travel ways for two-way traffic and 22' wide for one-way traffic.

**19.16.040 Housing Unit Design Standards.**

Housing units shall conform to the following design criteria:

- 1) The structure shall be placed on a permanent foundation in compliance with all applicable building regulations with its lowest finished floor no higher than 16" above grade unless designed by a professional.
  - a. Have permanent steps or inclined planes affixed to all entrances.
  - b. Maintain a minimum 18 inch crawl space for the entire unit.
  - c. Have permanent skirting, sidewalls, or decks installed to enclose all areas between the lower edge of the outside walls and the ground and to obscure chassis prior to occupancy.
  - d. Be placed and anchored in accordance with the approved manufacturer's installation instructions or the design of a professional engineer or architect licensed in the State of Washington.
  - e. Have towing tongue and all axles removed.
  - f. Manufactured home parks, and the like, placed within flood hazard zones (special flood hazard areas as defined in Federal Emergency Management Agency, Flood Insurance Rate Maps) shall comply with the requirements of EMC 19.11.
- 2) The structure shall have perimeter skirting of masonry or of a material with a masonry appearance.

- 3) Roof pitch shall not be less than a three (3) foot rise for every 12 feet of horizontal run.
- 4) The structure shall have exterior siding and roofing which, in color, material and appearance is similar to the exterior siding and roofing material commonly used in residential dwellings.
- 5) If a garage or carport is proposed, the garage or carport shall be constructed of like materials.
- 6) The manufactured home shall meet the most recent requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, as it exists now or hereafter amended.

**19.16.050 Single Ownership Standards.**

- 1) Lots in a single ownership manufactured housing community shall be available only for lease to community residents.
- 2) Single ownership manufactured housing communities, regardless of size or unit count, shall be subject to the City of Ephrata binding site plan and conditional use permit approval processes.

(Ord 15-30, 2015)

## **Chapter 19.17 Marijuana Regulations**

### **Sections:**

- 19.17.010 Intent.
- 19.17.020 Applicability.
- 19.17.030 Definitions.
- 19.17.040 Environmental performance standards.
- 19.17.050 Medical Marijuana Collective Gardens.
- 19.17.060 Medical Marijuana Cooperatives.
- 19.17.070 Recreational Marijuana Buffers.
- 19.17.080 Recreational Marijuana Development requirements.
- 19.17.090 Measurement of Distances.
- 19.17.100 Nuisance Declared.
- 19.17.110 Violations – Penalty.

### **19.17.010 Intent.**

Pursuant to RCW Title 69 and the requirements of Chapter 314-55 WAC, the State has adopted rules establishing a state-wide regulatory and licensing program for medical and recreational marijuana uses. It is the intent of these regulations to ensure that such state-licensed uses are located and developed in a manner that is consistent with the desired character and standards of this community and its neighborhoods, minimizes potential incompatibilities and impacts, and protects the public health, safety and general welfare of the citizens of Ephrata. Recognizing the voter approved right to establish certain types of medical marijuana operations and recreational marijuana businesses, it is also the intent of these regulations to provide reasonable access to mitigate the illicit marijuana market and the legal and personal risks and community impacts associated with it.

### **19.17.020 Applicability.**

The specific development standards provided in this Section shall be in addition to the zoning and development standards generally applicable to the proposed use and the relevant zoning district.

- A. No use that purports to be a recreational marijuana producer, processor, or retailer, as defined and regulated herein and in WAC 314-55, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.
- B. For purposes of this Section and the standards applicable to state-licensed recreational marijuana uses, the terms and definitions provided in RCW Title 69 and WAC 314-55 shall generally apply unless the context clearly indicates otherwise.

### 19.17.030 Definitions.

All definitions used in this chapter apply to this chapter only and, except as otherwise revised below, shall have the meaning established pursuant to RCW Title 69 and WAC 314-55, as the same exist now or as they may later be amended. Selected definitions have been included below for ease of reference.

- A. Marijuana or marihuana: Marijuana or marihuana as defined in RCW 69.50.101 means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- B. Marijuana Processor: Marijuana Processor as defined in RCW 69.50.101, means a person licensed by the state liquor and cannabis board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for the sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.
- C. Marijuana Producer: Marijuana Producer as defined in RCW 69.50.101, means a person licensed by the state liquor and cannabis board to produce and sell marijuana at whole sale to marijuana processors and other licensed marijuana producers.
- D. Marijuana-Infused Products: Marijuana-infused Products as defined in RCW 69.50.101, means products that contain marijuana or marijuana extracts, are intended for human use, and have a THC concentration greater than 0.3 percent and no greater than sixty percent. The term “marijuana-infused products” does not include either useable marijuana or marijuana concentrates.
- E. Marijuana Retailer: Marijuana Retailer as defined in RCW 69.50.101, means a person licensed by the state liquor and cannabis board to sell useable marijuana and marijuana-infused products in a retail outlet.
- F. Marijuana Production, Processing and Retail Sales: As used in this ordinance, any reference to marijuana production, processing and retail sales shall refer ONLY to RECREATIONAL marijuana production, processing and retail sales.
- G. Cultivation: Cultivation means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.

- H. Indoors: Indoors means within a fully enclosed and secure structure that complies with the International Building Code, as adopted by the City of Ephrata, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through two or more lockable doors, and constructed of solid materials that cannot be easily broken through. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.
- I. Outdoors: Outdoors means any location that is not “indoors” within a fully enclosed and secure structure as defined herein.
- J. Useable Marijuana: Useable Marijuana means dried marijuana flowers. The term “useable marijuana” does not include marijuana-infused products.
- K. Designated Provider: See RCW 69.51A.010(1).
- L. Qualifying Patient: See RCW 69.51A.010(4).
- M. Recognition Card: Recognition card means a card issued to qualifying patients and designated providers by a marijuana retailer with a medical marijuana endorsement that has entered them into the medical marijuana authorization database.

#### **19.17.040 Environmental performance standards.**

- A. Failure of the enforcing officer to require such information shall not be construed as relieving the operator and/or the proprietor from compliance with the environmental performance standards of this title.
- B. Marijuana producers, processors, and retail sales shall incorporate odor control technology and provisions to ensure that emissions do not exceed Washington Clean Air Act regulations as contained in Chapter 70.94 RCW.

#### **19.17.050 Medical Marijuana Collective Gardens.**

No collective gardens as established under RCW 69.51A.085 shall be permitted in any zoning district in the City of Ephrata.

#### **19.17.060 Medical Marijuana Cooperatives.**

- A. No more than four qualifying patients or designated providers may become members of a cooperative under this section and all members must hold valid recognition cards. All members of the cooperative must be at least twenty-one years old. The designated

provider of a qualifying patient who is under twenty-one years old may be a member of a cooperative on the qualifying patient's behalf.

- B. No person shall engage in a medical marijuana cooperative without first having obtained from the City a valid and current registration authorizing such person to engage in operation. This registration shall be in addition to any other registrations or permits required by State or Federal laws. Such registration is non-transferable.
- C. Cooperatives shall not be located within one mile of a marijuana retailer.
- D. No cooperative shall be permitted within one thousand (1,000) feet of any other medical marijuana cooperative.
- E. Only one (1) cooperative is permitted on any one site.
- F. No cooperative shall be permitted within one thousand (1,000) feet of any public parks, playgrounds, recreation/community centers, libraries, child care centers, schools, game arcades and public transit centers.
- G. The location of the cooperative shall be the domicile of one of the participants.
- H. The qualifying patients or designated providers of any cooperative shall not grow more than the maximum of sixty plants or possess more than seventy-two ounces of useable marijuana.
- I. The cultivation and processing of medical marijuana shall not be readily seen by normal unaided vision or readily smelled from a public place or the private property of another housing unit.

#### **19.17.070 Recreational Marijuana Buffers.**

- A. As provided in RCW 69.50.331 and WAC 314-55-050, marijuana producers, marijuana processors, and marijuana retailers, shall not be allowed to locate within 1,000 feet of playgrounds, elementary schools, secondary schools, public parks, recreation or community centers, libraries, child care centers, game arcades, or public transit centers.
- B. For purposes of these standards, these uses are defined in WAC 314-55. The methodology for measuring the buffers shall be as provided in WAC 314-55. It shall be the responsibility of the owner or operator of the proposed state-licensed marijuana use to demonstrate and ensure that a proposed location is not within one of the buffers.

#### **19.17.080 Recreational Marijuana Development requirements.**

- A. Marijuana producers, marijuana processors, and marijuana retailers shall only be permitted as allowed under RCW 69.50 and WAC 314-55 and shall only be operated by persons or entities holding a valid marijuana license from the Washington State Liquor and Cannabis Board issued under Chapter 314-55 WAC and any other applicable state laws and regulations.
- B. Marijuana producers, marijuana processors, and marijuana retailers shall only be allowed within the City of Ephrata municipal boundaries if appropriately licensed by the State of Washington and in possession of a current business license issued by the City of Ephrata, and operated consistent with the requirements of the State and all applicable City ordinances, rules, requirements, and standards.
- C. Marijuana producers, marijuana processors, marijuana retailers shall be the primary use at a location, and shall only be allowed within the City of Ephrata in those zoning districts where it is specifically identified as an allowed use.
  - 1. Marijuana retailers shall only be allowed in the General Commercial Zone (C-2) defined and identified in EMC Chapter 19.03.
  - 2. Marijuana producers and processors shall only be allowed in the Industrial Zones (I-1) and (I-2) defined and identified in EMC Chapter 19.03.
- D. The production, processing, selling, or delivery of recreational marijuana, marijuana-infused products, or useable marijuana may not be conducted alone or in association with any business establishments, dwelling unit, or home occupation located in any of the following zoning districts in the City of Ephrata:
  - 1. All Residential Zones (LDR) and (MDR) defined and identified in EMC Chapter 19.03.
  - 2. Central Business and General Commercial and Business Zone (CBD) and (C-1) defined and identified in EMC Chapter 19.03.
  - 3. Public Facilities Zone (PF) defined and identified in EMC Chapter 19.03.
  - 4. Airport Zone (AZ) defined and identified in EMC Chapter 19.03.

(Ord 23-10, 2023)
- E. Recreational marijuana production and marijuana processing facilities shall be designed to include controls and features to prevent odors from traveling off-site and

being detected from a public place, the public right of way, or properties owned or leased by another person or entity.

- F. Marijuana retailers shall not include drive-thru, exterior, or off-site sales. Marijuana retailers shall not be located in a mobile or temporary structure.
- G. In accordance with WAC 314-55-147, marijuana retail sales shall not be open to the public between the hours of 12 a.m. and 8 a.m.
- H. Signage for marijuana processing and retail businesses shall be subject to the requirements of WAC 314-55-155 and EMC Chapter 19.06, whichever is more restrictive. No off-premises signage is permitted.
- I. Displays against or adjacent to exterior windows shall not include marijuana or marijuana paraphernalia.
- J. An existing non-conforming use located within a zoning district that would otherwise not permit marijuana uses, such as an old convenience store in a residential district, shall not be allowed to convert to a marijuana use.
- K. Marijuana producers, marijuana processors, and marijuana retailers shall connect to all City of Ephrata utilities.
- L. Marijuana producers, marijuana processors, and marijuana retail sales are not permitted as a home occupation under EMC Chapter 19.08.040.
- M. Retail marijuana sales may not be located within any other businesses and may only be located in buildings with other uses if the marijuana business is separated by full walls and with a separate entrance. No more than one marijuana retail business shall be located on a single parcel.
- N. Marijuana producers, marijuana processors, and marijuana retail sales are subject to all applicable requirements of Title 69 RCW and Chapter 314-55 WAC and other state statutes, as they now exist or may be amended.
- O. Marijuana producers, marijuana processors, and retail sales must take place within fully enclosed secure indoor facilities.
- P. No marijuana producers, marijuana processors, or delivery of marijuana shall be visible to the public nor may it be visible through windows. A screened and secured loading dock, approved by the Community Development Director shall be required. The objective of this requirement is to provide a secure, visual screen from the public right of way and adjoining properties, and prevent the escape of product when



delivering or transferring marijuana, useable marijuana, and marijuana-infused products.

- Q. All marijuana producers, marijuana processors, and retailers shall allow inspection of the site and facilities by City personnel including law enforcement for compliance with all applicable state and local permits and licenses at any time during regular business hours.
- R. An application for a recreational marijuana business shall include the following information in addition to any application requirements required by the underlying zone:
  - 1. The application shall be made by:
    - a. A marijuana State Liquor and Cannabis Board licensee; or
    - b. An applicant for a State Liquor and Cannabis Board marijuana license.
  - 2. The application shall include a copy of the State issued license or a copy of the license application on file with the State Liquor and Cannabis Board. A City business license shall not be issued for a recreational marijuana business unless the applicant is a State Liquor and Cannabis Board marijuana licensee;
  - 3. A map drawn to scale showing that the proposed recreational marijuana business is in compliance with the applicable buffers under RCW 69.50.331, WAC 314-55-050, and EMC 19.17.070. A survey prepared by a surveyor licensed in the state of Washington may be required by the Community Development Director; and
- S. A recreational marijuana business shall meet all security requirements as required by WAC 314-55-083 and shall provide proof of such operational security system prior to issuance of a City business license. In addition to the security requirements in Chapter 314-55 WAC, during non-business hours, all recreational marijuana producers, processors, and retailers shall store all useable marijuana, marijuana-infused product, and cash in a safe or in a substantially constructed and locked cabinet. The safe or cabinet shall be incorporated into the building structure or securely attached thereto. For useable marijuana products that must be kept refrigerated or frozen, these products may be stored in a locked refrigerator or freezer container in a manner approved by the Community Development Director, provided the container is affixed to the building structure.
- T. All fertilizers, chemicals, gases, and hazardous materials shall be handled in compliance with all applicable local, state, and federal regulations. No fertilizers, chemicals, gases, or hazardous materials shall be allowed to enter a sanitary sewer or

storm sewer system, nor be released into atmosphere outside of the structure where the business is located.

**19.17.090. Measurement of Distances.**

Any distance described in this chapter shall be computed by direct measurement as stated in WAC 314-55-050(10) as follows: the distance shall be measured as the shortest straight line distance between the property lines of the mentioned uses.

**19.17.100 Nuisance Declared.**

Any violation of this section is declared to be a public nuisance per se, and shall be abated by the city attorney under applicable provisions of this code or state law, including, but not limited to, the provisions of Chapter 6.30 EMC.

**19.17.110 Violations – Penalty.**

In addition to other remedies provided for in this Chapter, any violation of the provisions of this Chapter shall constitute a civil infraction.

(Ord. 16-15, 2016)

## **Chapter 19.22**

### **Sidewalk Construction and Improvement Standards**

19.22.010 Intent and policy.

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19.22.160 Frontage improvements required.

19.22.170 Right-of-way dedication – Required.

19.22.180 Penalties for violation.

#### **19.22.010 Intent and policy.**

It is the intent and policy of this chapter that all persons constructing, reconstructing, widening, or repairing real property improvements on lots abutting public rights-of-way are responsible for the costs of all street system improvements, constructed in accordance with the "City of Ephrata Community Street and Utility Standards," on public rights-of-way adjacent to such lots, and in limited circumstances, on public rights-of-way which connect to a paved street surface. The City of Ephrata will, to the extent funding is appropriated by the City Council, reimburse the abutting property owner one-quarter (¼) of the actual cost to remove, repair and construct the sidewalk fronting or abutting their property.

**19.22.020 Construction of this chapter, statement of purpose, fundamental principle.**

This chapter shall be liberally construed to effect the statement of purpose and fundamental principle described in this section. The fundamental principle of this chapter is that the owner, developer, and/or building permit applicant for proposed real property improvements is responsible for constructing street system improvements as defined in this chapter, or paying a street system improvement fee in lieu of construction as provided for in this chapter. Persons constructing real property improvements are relieved of one or more of these requirements in strict conformity with the exemptions described in this chapter. Persons constructing real property improvements are responsible for street system improvements to the extent those street system improvements do not exist at the time of building permit application.

**19.22.030 Simultaneous construction of sidewalks and curbs required.**

No curb shall be constructed or placed on any street right-of-way in the corporate city limits abutting any lot of record or any zoning lot existing as of November 3, 2010, unless sidewalks are constructed or placed simultaneously with curb installations. No street shall be paved within the city unless sidewalks and curbs are simultaneously constructed in those instances where curbs and sidewalks are not in existence at the time of the paving.

**19.22.040 Sidewalks constructed during building improvement.**

Curbs, gutters and sidewalks shall be constructed simultaneously with the improvement of real property on the street or streets abutting the property to be improved. "Improvement of the property" shall mean construction of a primary structure, or any remodels in any two-year period representing greater than 50 percent of the value of the existing structure. Market value shall be determined by an appraisal from a qualified and licensed appraiser or by the county tax assessment. New construction shall be determined by the valuation of the structure using the most recent International Code Council valuation and construction tables, or if remodeling that adds 20 percent or more of gross floor area. The width of the sidewalk shall be determined by the public works director after taking into consideration the width of existing sidewalks adjacent or contiguous to the property to be improved, the width of available right-of-way for the construction of sidewalks, and the zone in which the property is to be located; provided, however, that the minimum width of any sidewalk constructed pursuant to this chapter shall be four and one-half feet. In lieu of the above requirements, upon approval of the city public works director, the applicant shall dedicate right-of-way to

the city of Ephrata if adequate right-of-way is not available for required sidewalks. The amount of dedication required will be determined by the city public works director.

**19.22.050 Development sites fronting unpaved street surface – Formal Subdivisions, Binding Site Plans.**

If a development site fronts an unpaved street surface, the developer is required to construct street system improvements in accordance with this section.

1. If the distance of the development site along a connecting right-of-way from a paved street surface is greater than 150 feet, the developer shall construct complete street system improvements which include a half street section of street pavement (including appropriate sub-paving preparation), surface water drainage facilities, sidewalks where required, curbs, gutters, street lighting, right-of-way landscaping (including street trees where required), and other similar improvements as required by the "City of Ephrata Community Street and Utility Standards along the frontage of the development site and extending off-site to a paved street surface.
2. If the distance of the development site along a connecting right-of-way from a paved street surface is 150 feet or less, the developer shall construct street pavement, surface water drainage facilities, and curb and gutter along the right-of-way frontage of the development site and shall construct street pavement off-site to connect with a paved street surface.

**19.22.060 Development sites fronting paved street surface – Formal Subdivisions, Binding Site Plans.**

If the development site fronts a paved street surface, the developer shall construct street system improvements along the right-of-way frontage of the development site in accordance with this section.

1. The developer shall construct surface water drainage facilities.
2. The developer shall construct sidewalks.
3. The developer shall construct curb, gutter, and right-of-way landscaping.

4. If the developer is required to construct either curb, gutter, and sidewalk or solely curb and gutter, the developer is required to construct such street pavement as is necessary to provide continuity between the sidewalk, curb, and gutter or curb and gutter and the paved street surface.

#### **19.22.070 Special provisions.**

The following special provisions shall apply to additions, alterations, repairs, accessory buildings, and campus additions:

1. In the case of real property improvements consisting of additions, alterations, or repairs to an existing structure where square footage is added to the structure, street system improvements shall be constructed, to be selected by the public works director, the cost of which is not more than 10 percent of the total cost of the improvement. The public works director is authorized to waive construction of street system improvements if the public works director has made a written finding that the street system improvements required to be constructed in accordance with this section will be negligible and not in the public interest.
2. In the case of real property improvements consisting of construction of an additional structure, such street system improvements shall be constructed, to be selected by the public works director, the cost of which is not more than 10 percent of the total cost of the improvement. In the case of real property improvements consisting of construction of an additional structure or structures on a campus owned by a public entity, street system improvements shall be constructed along the full frontage.
3. In the case of corner lots or other development sites fronting more than one right-of-way, should the cost of the real property improvement be such that street system improvements would not be required on all rights-of-way fronting the development site, street system improvements shall be constructed on the right-of-way or rights-of-way selected by the public works director.

#### **19.22.080 Location of improvements.**

Sidewalks may be located adjacent to the curb or between the landscape strip and the improved property when previously authorized by the public works director. The utility strip may be combined with the landscape strip. Corner projects shall require the installation of wheelchair access in the sidewalk construction.

### **19.22.090 Incompatible improvements.**

When improvements required by this chapter will connect with existing improvements in the same right-of-way that do not conform to the requirements of this chapter, the following shall apply:

1. If the new improvements will connect with existing improvements of a greater dimension, the new improvements must be built at the greater dimension unless the city public works director determines that the dimensions of the existing improvements will be decreased in the future.
2. If the new improvements will connect with existing improvements of a lesser dimension, and the city public works director determines that the dimension of the existing improvements will not be increased in the future, the new improvement must be permanently flared or tapered to match the existing improvements.
3. If the new improvements will connect with existing improvements of a lesser dimension, and the city public works director determines that the dimension of the existing improvements will be increased in the future, the new improvements shall be installed the entire length of the abutting property and a temporary tapering shall be installed to connect the new right-of-way improvements to the existing right-of-way.

### **19.22.100 Deferment - Criteria.**

The city may grant a deferment for the implementation of the required improvements at a later time for any of the following reasons:

1. If the installation of the required improvements at the present time would create a serious safety hazard because compatible improvements have not yet been installed in the right-of-way fronting the neighboring property;
2. If the proper vertical or horizontal alignment for the required improvements cannot be determined because the streets from which the alignment must be determined do not have the correct alignments;
3. If constructing the required improvements in the proper vertical and horizontal alignment will cause the new improvements to function improperly or unsafely with existing connecting improvements; provided, that when the proper alignment can be determined but has not been, and the proposed development contains five or more dwelling units or 500 square feet or more of

non-residential gross floor area, the applicant shall have the necessary engineering completed for the establishment of the alignment; or

4. If the subject property is not a corner lot, and there are no existing permanent right-of-way improvements similar to the standards required by this chapter on the same side of the adjacent right-of-way within 100 feet of the subject property, and the construction of the required improvements would not provide a useful link in the transportation and storm water system.

#### **19.22.110 Deferments - Concomitant agreements.**

In the event the city council approves a deferment, the applicant and the city must sign a concomitant agreement. The city will prepare such agreement at the applicant's expense. The agreement shall specify that the applicant will install or reimburse the city for construction of the deferred improvements as directed by the city. The concomitant agreement shall be filed with the Grant County auditor and run with the property. The concomitant agreement shall provide for a review of the subject property at three-year intervals and shall provide general criteria upon which the city may rely to make the necessary improvements at such later dates. Concomitant agreements shall expire 15 years after the date of execution.

#### **19.22.120 Waiver of provisions.**

Upon written application to the city council, and upon their making a determination that the elimination of all or any portion of the provisions of EMC 19.22.030 and 19.22.040 will in no way be detrimental to the best interests of the city, and/or if the city council determines that the current level and extent of the improvements in the right-of-way adjacent to the subject property are not likely to be changed in the next 15 years, those provisions as may be authorized by the city council may be waived. The decision of the city council shall be final.

#### **19.22.130 Variances.**

1. Variances from the requirements of this chapter may be granted for good cause by the public works director or designee, only if the applicant demonstrates all of the following in writing:
  - a. Special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not applicable to other lands in the same neighborhood, and that literal interpretation of the provisions of the standards



- would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same neighborhood;
- b. Special conditions and circumstances do not result from the actions of the applicant, and are not self-imposed hardships;
  - c. Granting of the variance requested will not confer a special privilege to the subject property that is denied other lands in the same neighborhood;
  - d. Granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the subject property is situated;
  - e. Granting of the variance requested will be in harmony with the general purpose and intent of the city standards;
  - f. The purpose of the variance is not merely to permit the subject property to be utilized more profitably by the owner or to economize on the cost of improving the property;
  - g. Granting of the variance will not be detrimental to public safety or capacity of roadway network.
- 2. In granting any variance the city may prescribe appropriate conditions and safeguards that will ensure that the purpose and intent of the city standards will not be violated.
  - 3. The decision of the public works director or designee concerning a request for a variance shall be made in writing. The variance may be approved, approved with conditions, or denied. All decisions shall be accompanied by written findings relating to variance criteria. The decision on the variance request shall be final on the date issued.
  - 4. The decision of the public works director or designee may be appealed to the hearing examiner per the requirements of Chapter 17.01 EMC.

**19.22.140 General specifications.**

- 1. All water, sewer, storm and other utility lines installed in existing or new city streets shall have the location designated by the city public works director.
- 2. No open cut crossing of city streets or alleys shall be made without the approval of the city public works director.
- 3. Existing drainage ditches, culverts, etc., shall be kept clean and protected from impacts that may jeopardize their function at all times. Temporary diversion of any drainage system will not be permitted without the consent of the city public works director. Any drainage culvert tile, catch basins, manholes, bio-retention facility, pervious pavement, etc., disturbed by excavation or other construction activities shall be replaced with new materials or repaired as directed by the city public works director.

4. If in the opinion of the city public works director the weather is such that by a particular contract renders the traveled roadways unsafe for public passage then, upon his orders, excavation shall cease immediately and restoration and cleanup promptly accomplished.
5. The maximum amount of open trench on city streets shall be 400 lineal feet.
6. All construction material stored along city rights-of-way must meet minimum clear zone distances from the traveled roadway and stored in such a manner as to avoid accidental movement.
7. Final cleanup, including complete restoration of shoulders; cleaning of ditches, culverts and catch basins; and removal of loose material from back slope of ditches, shall not exceed 800 lineal feet behind excavating operation.
8. No excess material or unsuitable material shall be left on city rights-of-way without the express consent of the city public works director.
9. No backfill shall be placed without approval by city public works director.

#### **19.22.150 Sign removal.**

All utility installers, contractors or others shall notify the street department of the need for removing any sign on a city right-of-way. The notice shall be given 24 hours in advance of such removal. The street department shall remove the sign, and replace it again at no charge.

If a sign is removed by anyone other than the street department, a charge will be made for the work involved in replacing the sign and for the cost of the sign. In addition, unauthorized removal of signs shall be subject to the penalties provided for in applicable ordinances.

#### **19.22.160 Frontage improvements required.**

1. The term "frontage improvements" as used in this section shall refer to the construction, reconstruction or repair of the following facilities along the full abutting public street frontage of property being developed:
  - a. Curbs, gutters and sidewalks;
  - b. Underground storm drainage facilities;
  - c. Patching the street from its pre-existing edge to the new curb line;
  - d. Overlayment of the existing public street to its centerline;
  - e. Construction of new streets within dedicated, unopened right-of-way.

All such frontage improvements shall be constructed to city specifications.

2. Property owners shall be required to construct frontage improvements along the full abutting public street frontage of property which is developed as provided in subsection (3) of this section; provided, that overlayment of an existing public street to its centerline shall not be required for single-family or duplex development.
3. Frontage improvements shall be constructed as follows:
  - a. Formal plats: frontage improvements shall be completed prior to recording the final plat, or may be bonded pursuant to provisions of EMC Title 18;
  - b. Short plats: frontage improvements shall be completed for frontage abutting all lots prior to the issuance of a building permit for any lot in the short plat;
  - c. Construction of a dwelling unit, business, commercial or industrial building: frontage improvements shall be completed prior to occupancy of the building;
  - d. Construction of any additions, alterations or repairs to a residential building that result in an increase in the number of dwelling units, or to a business, commercial or industrial building that result in an increase in pedestrian or vehicular traffic, within any 12-month period: frontage improvements shall be completed prior to occupancy;
  - e. Development of a mobile home park or other project requiring a binding site plan: frontage improvements shall be completed prior to occupancy;
  - f. Any change in the occupancy classification of an existing building or structure on the property: frontage improvements shall be completed prior to occupancy.
4. In the case of single-family residential construction on a single lot, a property owner may satisfy the frontage improvement requirements by constructing a maximum of 200 lineal feet of frontage improvements and may be allowed by the director of public works to satisfy said requirements for more than 200 lineal feet of frontage improvements by participating in a cost-sharing program with the city, if the same is approved in the then-current budget of the city council, as determined by the city public works director or designee.
5. The director of public works or designee shall have authority to grant administrative variances from any of the requirements of this section pursuant to EMC 19.22.130. Such variances shall be conditioned upon the property owner signing a contract providing for the construction of the frontage improvements at a future time. Said contract shall include, but not be limited to, the making of a cash deposit with the city in an amount 150% of the estimate of the city public works director of the cost of said improvements, including design cost. No other form of payment or security shall be authorized. In the

event the frontage improvements are not constructed by the property owner within five years of the grant of a variance, the cash deposit shall be forfeited to the city. If said frontage improvements are constructed by the property owner at the request of the city within five years of the grant of a variance, said cash deposit shall be refunded to the property owner less 15 percent overhead fee. Said contract shall be subject to the approval of the city attorney and shall contain such other provisions as are necessary to effectuate the future construction of such frontage improvements. The refusal of a property owner to enter into such agreement or to post a cash amount as specified herein shall be a basis to deny a variance request and shall require the construction of such frontage improvements in accordance with subsections (1) through (4) of this section.

The council authorizes the mayor to review, execute and sign contracts for deferred construction of curbs, gutters and sidewalks pursuant to this chapter.

Any party aggrieved by a decision of the director of public works may appeal the decision pursuant to EMC 17.01.

#### **19.22.170 Right-of-way dedication – Required.**

No building permit or development permit shall hereafter be granted for the construction or substantial improvement of any industrial, commercial or residential building, or plat unless the plans and specifications therefor contain provisions for the dedication to the city of sufficient street right-of-way for the classification of the street abutting the property according to the street plans and street development needs of the city for that street.

#### **19.22.180 Penalties for violation.**

Any person violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine as provided in the city's fee schedule in Chapter 3.35 EMC.



**Chapter 19.30**  
**HIGH INTENSITY COMPUTER OPERATIONS**

19.30.010 High Intensity Computer Operations Prohibited

**19.30.010 High Intensity Computer Operations Prohibited.**

All high intensity computer operations shall be prohibited within the City of Ephrata, including those conducted as a home occupation.

(Ord 18-13, 2018; Ord 18-28, 2018)