

**CITY OF ILWACO
ORDINANCE NO. 871**

AN ORDINANCE OF THE CITY OF ILWACO, WASHINGTON, AMENDING CHAPTERS 14 AND 15 OF THE ILWACO MUNICIPAL CODE TO UPDATE MODEL CODE REFERENCES.

WHEREAS, The City of Ilwaco desires to reference within its municipal code the most recent and consistent model codes, as approved and adopted by the State Building Code Council; AND

WHEREAS, Ilwaco desires Long Beach to provide a Building Inspector for all construction occurring in Ilwaco, and Long Beach is agreeable to providing that service; AND

WHEREAS, the Interlocal Agreement for Building Inspection Services between Ilwaco and the City of Long Beach, Section II Ilwaco Obligations states, “Adopt by reference as part of the Ilwaco City Code the most current editions of the model codes” referenced therein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ILWACO, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 14.14.010 of the Ilwaco Municipal Code is hereby amended to read as follows:

14.14.010 Washington state building ordinances adopted.

The model codes listed below, as approved and adopted by the **State of Washington under RCW 19.27.031 through** the State Building Code Council (SBCC), together with any amendments or additions, are adopted by this reference. These codes apply to all new construction, remodeling or repairs. Copies of the codes are on file in the offices of the city clerk-treasurer and the building inspector.

- ~~A. Uniform Building Code (UBC) and Standards;~~
- ~~B. Uniform Plumbing Code (UPC) and Standards;~~
- ~~C. Uniform Mechanical Code (UMC) and Standards;~~
- ~~D. Uniform Swimming Pool, Spa and Hot Tub Code;~~
- ~~E. Uniform Code for the Abatement of Dangerous Buildings;~~
- ~~F. Washington State Barrier Free Regulations;~~
- ~~G. Washington State Energy Code;~~
- ~~H. Washington State Ventilation and Indoor Air Quality Code;~~
- ~~I. Washington State Historic Building Code;~~
- ~~J. Uniform Building Code Appendix Chapter 15 (Reroofing);~~
- ~~K. Uniform Building Code Appendix Chapter 33 (Excavation and Grading);~~
- ~~L. Uniform Building Code Appendix Chapter 34, Division 1 (Life Safety Requirements For Existing Buildings Other Than High-Rise Buildings). (Ord. 832 § 1 (part), 2014; Ord. 627 (part),~~

1999. Formerly 15.84.010)

- A. International Building Code (IBC) including Appendix E and ICC/ANSI a117.1-2009, and the International Existing Building Code and International Swimming Pool and Spa Code;**
- B. International Residential Code (IRC) including Appendices F and Q, but excluding Chapters 11 and 25-43;**
- C. International Mechanical Code (IMC) including NFPA 54 – National Fuel Gas Code & NFPA 58 – Storage and Handling of Liquefied Petroleum Gases;**
- D. International Fire Code (IFC) & Referenced NFPA Standards within;**
- E. Uniform Plumbing Code (UPC) including Appendices A, B, and I;**
- F. Washington State Energy Code;**

The following codes/regulations adopted independently from the State of Washington.

- A. Washington State Barrier Fee Regulations;**
- B. 2009 International Property Maintenance Code (IPMC);**
- C. 1997 Uniform Code for the Abatement of Dangerous Buildings;**
- D. 1997 Uniform Housing Code;**

Section 2. Section 15.04.020 of the Ilwaco Municipal Code is hereby amended to read as follows:**15.04.020 Definitions.**

As used in this title:

“Access road” means a public street providing vehicular access to the boundary of a parcel of real property being proposed for development.

“Accessory use or accessory building” means a subordinate use or building (one-story detached), customarily incidental to, and located upon the same lot occupied by, the principal use or building (e.g., a storage shed, garage, gazebo, greenhouse, etc.).

“Administrative appeal” means an appeal to the city council of a decision made by the city planner.

“Adult family home” means the regular family abode of a person or persons who are providing personal care, room and board, under a license issued pursuant to RCW 70.128.060, to more than one but not more than four adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six adults may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for by law (RCW 70.128.010).

“Agriculture” means the use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities; and provided further, that such uses shall not include the commercial feeding of garbage or refuse to swine or other animals.

“Alley” means a public thoroughfare or way that provides only a secondary means of access to abutting property.

“Allowed use” means any authorized use allowed alone or in conjunction with another use in a specified district and subject to the limitations of the regulations of such use district.

“Amateur radio antennae” means a structure that is erected for the purpose of transmitting and receiving noncommercial radio signals.

“Apartment house (multifamily dwelling)” means any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied, as the home or residence of three or more families living independently of each other and doing their own cooking in such building, and shall include flats and apartments.

“Applicant” means a person or persons submitting an application to the city of Ilwaco for any type of permit or approval covered in this title.

“Automobile repair” includes fixing, incidental body or fender work, changing of automobile fluids, 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” 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” means the dismantling or disassembling of motor vehicles or mobile homes, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles or their parts. Three or more dismantled, obsolete, or inoperable motor vehicles on one lot or parcel of land shall constitute a wrecking yard.

“Auxiliary dwelling unit” means an additional dwelling unit, including separate kitchen, sleeping, and bathroom facilities, separate from the owner occupied primary residential dwelling unit, on a single-family lot, not to exceed four hundred (400) square feet.

“Basement” means that portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is

more than the vertical distance from grade to ceiling.

“Bed and breakfast” means a residential type building, or portion of the building, other than a hotel or motel, where for compensation lodging and a morning meal is provided for patrons, not including members of the owner, occupant or tenant occupant family.

“Billboard” means a sign, including both the supporting structural framework and attached billboard faces, used principally for advertising a business activity, use, product or service unrelated to the primary use of the property on which the billboard is located; excluding off-premises directional signs or temporary real estate signs.

“Binding site plan” is a to-scale drawing which identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of land; and contains provisions making any development be in conformity with the site plan; processed pursuant to this code and which has been approved by city council.

“Block” means a group of lots, tracts or parcels within well-defined and fixed boundaries.

“Boarding or lodging home” means a 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 persons.

“Buffer strip” means an area of land or a structure used or created for the purpose of insulating, separating or screening a structure or land use from other land uses or structures, in such a manner as to reduce or mitigate any adverse impacts of one or the other.

“Building” means any structure having a roof, but excluding all forms of vehicles (e.g., a recreational vehicle (RV)), even if it is immobilized. Yard requirements (i.e., set-backs) apply to all buildings.

“Building code” means the ~~Uniform Building Code promulgated by the International Conference of Building Officials~~ **Washington State Building Code, applied as appropriate, and as adopted, amended, and defined by Title 15 of the Washington Administrative Code to include City amendments as allowed and/or approved by the State Building Code Council.**

“Building height” means the vertical distance measured from the average elevation of existing grade to the highest point of the roof surface of a flat roof, to the top of a mansard roof, or to the mean height level between the eaves and the ridge for a pitched roof. Average elevation of existing grade will be measured at the vertical projection of the enclosed building space. Pitched roofs are considered to be those with a 5"/12" pitch or greater.

“Building Inspector” means the building inspector for the city of Ilwaco, Washington.

“Building permit” means the permit required by the city for new construction and additions.

“Canopy” means a roof-like projection.

“Chemical processes” means a manufacturing process that uses dangerous or potentially dangerous chemicals.

“City” means the city of Ilwaco, Washington.

“City attorney” means the city attorney of the city of Ilwaco, Washington.

“City council” means the city council of the city of Ilwaco, Washington.

“City engineer” means the person appointed by the mayor and confirmed by the city council to review engineering aspects of land subdivision and development plans, or his or her designee.

“City planner” means the mayor, or his or her designee with approval of the council, of the city of Ilwaco, Washington.

“Closed record appeal” means an administrative appeal on the record to the city council, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed (RCW 36.70B.020(1)).

“Club” means an incorporated or unincorporated association of persons organized for a social, educational, literary, or charitable purpose.

“Collector arterial,” unless otherwise defined by the city’s transportation plan, means a public street whose function is to collect traffic from neighborhoods and local streets and which connects to another public street of equal or greater classification. A “collector arterial” also may provide direct access to adjacent properties.

“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.

“Commercial unit” means any building or facility used for any purpose other than dwelling, except industrial.

“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 arts center” means a structure that is used for the purpose of displaying and/or selling art, conducting educational programs, and providing a means for art related meetings.

“Completion security” means a bond or other acceptable surety deposited by an applicant with the city to ensure completion within one year of improvements required to obtain a permit or approval.

“Comprehensive plan” means the most recent edition of the city of Ilwaco comprehensive plan adopted by the city council in accordance with RCW Chapter 35.63 or RCW Title 35A.

“Comprehensive water plan” means the most recent edition of the city of Ilwaco comprehensive water plan.

“Conditional uses” means certain uses which are otherwise not allowed in a use district but are permitted in specific circumstances subject to a conditional use permit granted by the city council. Conditional uses require a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone or zones.

“Condominium” means a multi-family structure in which each of the tenants hold full title to their unit, and joint ownership in the common grounds.

“Consolidated permit processing” means the integrated and consolidated review and decision on two or more project permits relating to a proposed project action, including a single application review and approval process covering all project permits requested by an applicant for all or part of a project. If an applicant elects consolidated permit processing, the determination of completeness, notice of application, and notice of final decision must include all project permits being reviewed through the consolidated permit review process.

“Convalescent home or nursing home” means an establishment providing nursing, dietary, and other personal services to convalescents, invalids, or aged persons.

“Convenience store” means a retail grocery business of less than one thousand (1,000) square feet that primarily caters to residents of the same neighborhood.

“County assessor” means the assessor of Pacific County, Washington.

“County auditor” means the auditor of Pacific County, Washington.

“County road” means a road maintained for public travel by Pacific County.

Creeks, Minor. “Minor creeks” means all creeks other than major creeks and generally conforming to the following criteria: a course or route as formed by nature, or as altered by human activity, and generally consisting of a channel with a bed, banks or sides substantially

throughout its length along which surface waters, with some regularity, naturally and normally flow or drain from high to lower lands.

Creeks, Rivers, Major. The following are “major creeks/rivers” identified by the city:

1. Columbia River;
2. Wallicut River.

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

“Cul-de-sac” means a dead-end street of limited length having a primary function of serving adjoining land, and constructed with a turnaround at its end.

“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:

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

A moderate risk waste is not dangerous waste.

“Decision” means a final determination by the decision-making body on applications for permits or approvals or on appeals.

“Decision-making body” means the body with final approval authority for any given application.

“Dedication” means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate will be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication; and, the acceptance by the public will be evidenced by the approval of such plat for filing by the city council.

“Dedication plat” means plat which indicates property to be dedicated for public right-of-way or land for public use.

“Density” means the permissible number of dwelling units that may be developed on a specific amount of land area measured in number of dwelling units per gross acre.

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

“Determination of completeness” means the determination made by the city planner as to whether a project permit application is complete or incomplete (RCW 36.70B.070).

“Developer” means a person who is responsible for any undertaking that requires a permit or approval from the city of Ilwaco.

“Development or development activity” means any human-made change to improved or unimproved real estate, including but not limited to:

1. Construction, clearing, grading, filling, excavating, paving, dredging, mining, drilling, or otherwise significantly disturbing the soil of a site;
2. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system;
3. Subdividing land into two or more parcels;
4. Construction of a permanent sign unless expressly exempted by this title;
5. Alteration of a historic property for which authorization is required by this title; or
6. Changing the use of a site so that the need for parking is increased.

“Development permit” or development approval means any written authorization from the city which authorizes the commencement of a development activity.

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

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

“Discontinuance” means the abandonment or nonuse of a building, structure, sign or lot for a period of six months.

“District” means a portion of the incorporated area of the city within which certain regulations and requirements apply under the provisions of this title.

“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” means a manmade channel with a bed, bank or sides which discharges waters into a major or minor creek, lake, pond or wetland.

“Dripline” means a circle drawn at the soil line directly under the outermost branches of a tree.

“Duplex” means a building used or intended to be used as a home of two families living independently of each other having two separate kitchen facilities and bathroom facilities (i.e., two separate dwelling units).

Dwelling, Multiple-Family. “Multiple-family dwelling” means a residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-Family. “Single-family dwelling” means a detached residential dwelling unit, other than a mobile home, designed for and occupied by one family only.

Dwelling, Two-Family. “Two-family dwelling” means a detached residential building containing two dwelling units, designed for occupancy by not more than two families.

“Dwelling unit” means a building or portion of a building designed for occupancy by one family for residential purposes and having kitchen facilities.

“Easement” means a non-ownership interest in land; a grant by a property owner to specific persons or to the public for a specific purpose or purposes such as ingress, egress and for utilities.

“Emergency repair” means work necessary to prevent destruction or dilapidation to real property or its structures immediately threatened or damaged by fire, flood, earthquake, or other disaster.

“Equivalent dwelling unit (EDU)” means any residential or nonresidential use which has been found to place a demand on the city’s sewerage system or water system approximately equal to the demand thereon by a single-family dwelling.

“Erosion hazard areas” means and includes areas that because of natural characteristics,

including vegetative cover, soil texture, slope, gradient and rainfall patterns, or man-made changes to such characteristics, are vulnerable to erosion.

“Essential public facilities” means public facilities and privately-owned or operated facilities serving a public purpose that are typically difficult to site. They include:

1. Type One. Multi-county facilities on the State Office of Financial Management (OFM) list of future projects. These are major facilities serving or potentially affecting more than one county. These facilities include, but are not limited to, regional transportation facilities, such as regional airports, state correction facilities, and state education facilities.
2. Type Two. These are local or inter-local facilities serving or potentially affecting residents or property in more than one jurisdiction. They could include, but are not limited to, county jails, county landfills, community colleges, sewage treatment facilities, communication towers and inpatient facilities (e.g., substance abuse facilities, mental health facilities, and group homes). (Note: Facilities that would not have impacts beyond the jurisdiction in which they are proposed to be located would be Type Three facilities.)
3. Type Three. These are facilities serving or potentially affecting only the jurisdiction in which they are proposed to be located.

“Extremely hazardous waste” means those wastes designated in WAC 173-303-070 through 173-303-103 as extremely hazardous wastes. This may include any dangerous waste which:

1. Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form:
 - a. 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
 - b. Is highly toxic to man or wildlife;
2. Is disposed of at a hazardous waste disposal site in such quantities as would present an extreme hazard to man or the environment.

“Family” means one or more related persons living together or not more than six unrelated persons living together in a single dwelling unit.

“Family day care provider” means a residential facility where supervision is provided for periods less than twenty-four (24) hours for twelve (12) or fewer children from the age of birth to eleven (11) years of age, exclusive of members of the occupant’s family. Such facility must be operated in accordance with state requirements.

“Fee schedule” means the most current list, adopted by resolution of the city council, of the fees required for submitting applications to the city under this title and other city laws.

Fence, One Hundred 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 feet above the base of the fence line, at twenty (20) feet from the subject property line.

Fence, Sight-Obscuring. “Sight-obscuring fence” means, at minimum, a chain link fence with woven slats in every row or available space of the fence.

“Flag lot” means a tract or lot of land of uniform dimensions in which the portion fronting on a street is less than the required minimum width for construction of a building or structure on that lot but leads from the access point to a lot with proper dimensions for building.

“Front of house” means that part of the house that faces the street, road, or public access way.

“Front yard” means an open, unoccupied space extending across the full width or depth of the lot, between the building and the property line adjacent to the street. On corner lots, both yards abutting streets are considered front yards.

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.

“General sewer plan” means the most recent edition of the General Sewer Plan of the city of Ilwaco.

“Grade” means a ground elevation established for the purpose of regulating the height of the structure. The building grade is the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade is determined by averaging the elevation of the ground for each face of the building.

“Grading permit” means the permit required under Chapter 70 of the Uniform Building Code.

“Grocery store” means a retail business of one thousand (1,000) square feet or more that sells primarily food.

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

Group Home.

1. 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 disable; group homes or halfway houses for recovering alcoholics and former drug addicts; and other groups not considered within Class II or III group homes.

a. Group Home, Class I-A. A Class I-A group home shall have a maximum of seven residents including resident staff.

b. Group Home, Class I-B. A Class I-B group home shall have a maximum of ten (10) residents including resident staff.

c. 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.

2. 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 prerelease programs. The planning 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.

a. Group Home, Class II-A. A Class II-A group home shall have a maximum of eight residents including resident staff.

b. Group Home, Class II-B. A Class II-B group home shall have a maximum of twelve (12) residents including resident staff.

c. Group Home, Class II-C. A Class II-C group home shall have a maximum of eighteen (18)

residents including resident staff.

3. 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. 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.

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

“Halfway house” means a dwelling unit that houses formerly incarcerated or institutionalized persons that have been released to transition back into society.

“Half-width street” means any public or private street right-of-way or easement which is less than the full required width specified in this chapter, and which is established so that the additional half-width right-of-way or easement may be provided at a later date to complete a full-width roadway.

“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 RCW Chapter 70.105 or in WAC 173-303-090, 173-303-100, 173-303-101, 173-303-102 or 173-303-103.

“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” 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” 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.

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” means any dangerous and extremely hazardous waste, including substances composed of radioactive and hazardous components. A moderate risk waste is not a hazardous waste.

“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” means any designated zone facility which holds hazardous waste for a temporary period not to exceed five 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 WAC 173-303-200 and 173-303-201.

“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, Off-Site. “Off-site 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, On-Site. “On-site 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.

“Highest shade-producing point” means the point of a structure which casts the longest shadow at noon on December 21st.

“Home occupation” means an occupation carried on entirely within a residence by the occupants, which does not include storage or sale of stock in trade.

“Homeowners’ association” means an incorporated, nonprofit organization operating under recorded land agreements through which (1) each lot owner is automatically a member; and (2) each lot is automatically subject to a charge for a proportionate share of the common property; and (3) a charge, if unpaid, becomes a lien against the property.

“Hostel” means a low cost hotel catering to the traveling public, consisting of large common sleeping rooms.

“Hotel or motel” means a building in which there are guest rooms where lodging with or without meals is provided for compensation, and where provision may or may not be made for cooking in any individual room or suite and in which building may be included one apartment for use of the resident manager. Not included in this definition are institutions housing persons under legal restraint or requiring medical attention or care.

“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.

“Improvements” means altering or modifying land and/or structures which results in added value to the property.

“Industrial user” means a nonresidential user of the public sewer which discharges a waste that is distinct from sanitary sewage, resulting in an industrial waste.

“Industrial waste” means any liquid, solid or gaseous material or combination thereof resulting from any process of industry, manufacturing, commercial, food processing, business, agriculture, trade or research, including, but not limited to, development, recovering or processing of natural resources and:

1. Has a concentration of biochemical oxygen demand (BOD) and suspended solids (SS) in excess of two hundred (200) milligrams per liter per average workday; or
2. Has a discharge containing cadmium, chromium, copper, lead, zinc, silver or similar toxic substances; or
3. Is found by the city, State Department of Ecology or United States Environmental Protection Agency to have a significant impact on the wastewater treatment system; or
4. Has a discharge flow of ten thousand (10,000) gallons or more per average workday.

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

“JARPA” means the joint aquatic resource permits application, which must be completed whenever work is proposed in or near water.

“Judicial appeal” means an appeal to the Pacific County Superior Court of a decision made by

the city council.

“Junkyard” means a place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including 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” means any fenced lot and/or structure on which four or more dogs or cats over six months of age are kept for breeding, sale, training, boarding or sporting purposes, or are cared for or kept for any purpose other than as a pet.

“Lake” means a natural or artificial body of water of two or more acres or where the deepest part of the basin at low water exceed two meters (six and six-tenths feet). Artificial bodies of water with a recirculation system approved by the public works director are not included in this definition.

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

“Landslide hazard areas” means and includes areas potentially subject to landslides based upon the following combination of geologic, topographic and hydrologic factors:

1. Areas of historic failure;
2. Areas with all three of the following characteristics:
 - a. Slopes of twenty-five (25) percent gradient or greater,
 - b. Hillsides intersecting geologic contacts with a relatively permeable sediment overlaying a relatively impermeable sediment or bedrock, and
 - c. Springs or groundwater;
3. Slopes that are parallel or subparallel to planes or weak in subsurface materials;
4. Privately owned areas with slopes that have gradients greater than eighty (80) percent subject to rock fall during seismic shaking;
5. Areas potentially unstable as a result of rapid stream incision, stream bank erosion and undercutting by wave action;
6. Areas located in a canyon or an active alluvial fan presently or potentially subject to one percent or greater chance of inundation by debris flows or catastrophic flooding;

7. Areas with slope gradients of forty (40) percent or greater not composed of consolidated rock. These will be of at least ten (10) feet of vertical relief.

“Local access” means a street whose primary function is to provide direct access to adjoining properties and which serves a limited area only, usually a neighborhood.

“Loop” means a street of limited length forming a loop, having a beginning and ending on the same street, having no other intersecting street, and having as its primary function the provision of direct access to adjoining properties.

“Lot” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area and having frontage upon a street or alley. The term includes tracts and parcels.

“Lot area” means the total land space or area contained within the boundary lines of any lot, tract, or parcel of land, and may be expressed in square feet or acres.

Lot, Corner. “Corner lot” means a lot abutting upon two or more streets at their intersection, or upon two 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 frontage” means the front of a lot shall be that portion nearest the street. 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, but the entrance shall be in the front.

“Lot lines” means the property lines bounding the lot.

Lot Measurements.

1. 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.

2. 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” 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, Riverfront. “Riverfront lot” means any lot or land parcel which is adjacent to a riverfront

road or a riverfront park.

Lot, Through. “Through lot” means a lot that has both ends fronting on a street. Either end may be considered the front.

“Lot width” means the distance between side lot lines measured at the regulatory/required front building line.

“Maintenance security” means a bond or other acceptable surety deposited by an applicant with the city to:

1. Cover the cost of replacing or repairing any or all required site improvements; and
2. To warrant against defects in labor and material, and against any damage or defects caused by construction activity on the site, for a period of two years from acceptance of improvements by the city.

“Major arterial” means, unless otherwise defined by the city’s transportation plan, a street connecting two or more cities or communities, connecting two highways of equal or greater capacity, or serving as the primary access to a large land area. A major arterial may also serve a large traffic generator (e.g., an industrial area) and perform a secondary function of providing local access.

“Major non-conforming building or structure” means any nonconforming building or structure located on a parcel which at any point borders or is in a residential district and which is not in compliance with the minimum development standards of the district in which it is located.

“Manufactured home” means a single-family dwelling built after June 15, 1976, in accordance with the Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building ordinance.

“Manufactured home standards” means the manufactured home construction and safety standards as promulgated by the United States Department of Housing and Urban Development (HUD).

“Minor nonconforming building or structure” means any nonconforming building or structure which is not a major nonconforming structure and which is not in compliance with the minimum development standards of the district in which it is located.

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

“Mobile home” means a factory-built dwelling built before June 15, 1976, to standards other

than the HUD ordinance, and acceptable under applicable state ordinances in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the HUD Manufactured Home Construction and Safety Standards Act.

“Mobile home park” means a parcel (or contiguous parcels) of land divided into two or more mobile or manufactured home lots for rent or sale.

“Moderate risk waste” means those wastes defined in WAC 173-303-040 as moderate risk wastes. This may include any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under RCW Chapter 70.105 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.

“Modification” is a grant of relief from the strict requirements of this title which permits construction in a manner that would otherwise be prohibited by this title; a minimal relaxation or modification of the strict terms of this title as applied to specific property when, because of particular physical surroundings, shape or topographical condition of the property, compliance would result in practical difficulty; or a grant of relief from the strict requirements of this title due to a proposed project not being able to meet specifically identified comprehensive plan policies and objectives.

“Motel, hotel, motor hotel, and bed and breakfast” means a building or group of buildings comprising sleeping or living units for the accommodation of guests for compensation.

“Multifamily residence” means a building or portion of a building used or intended to be used as a home of three or more families living independently of each other and having separate kitchen facilities for each family.

“MUTCD” means the Manual of Uniform Traffic Control Devices for streets and highways as adopted by the Washington State Department of Transportation, current edition.

“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.

“Neighborhood access” means a street whose primary function is to provide direct access to adjoining properties but which also provides for traffic circulation within and through a neighborhood.

“Neighboring property owners” means the people who own land adjacent to the subject lot, both inside and outside of city limits.

“Net acreage” means the buildable area after the area of street rights-of-way and easements has

been subtracted.

“Noncommercial gardens” are gardens that are planted and cultivated for the production of fruits and vegetables. Noncommercial gardens also mean gardens that are planted with shrubs, trees, plants and grasses, and maintained for aesthetic purposes where no fee or charge is made for the public to enter the premises.

“Nonconforming building or nonconforming use or nonconforming lot” means a building, use, or lot lawfully existing on the date this title becomes effective, which does not conform with the regulations of the zoning district in which it is located.

“Nonconforming sign” means any sign which is not in full compliance with the regulations of the Ilwaco Municipal Code as amended.

“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.

“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.

“Nursery school or day care center” means a building or structure in which an agency, person or persons regularly provide care for a group of children for periods of less than twenty-four (24) hours a day. Nursery school or day care centers include family day care homes, out-of-home child mini-day-care centers and child day care centers regulated by the Washington State Department of Social and Health Services.

Nursing Home. See “Convalescent home.”

“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.

“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” means landscaped areas and areas of natural or native vegetation.

“Open record hearing” means a hearing that creates the city’s record through testimony and submission of evidence and information, under procedures prescribed by the city by ordinance or resolution. An open record hearing may be held prior to a local government’s decision on a project permit to be known as an “open record predecision hearing.” An open record hearing

may be held on an appeal, to be known as an “open record appeal hearing,” if no open record predecision hearing has been held on the project permit (RCW 36.70B.020(3)).

“Ordinary high-water mark,” on the streams, marshes and swamps, means that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on the effective date of this title, or as it may naturally change thereafter; provided that in any area where the ordinary high-water mark cannot be found the ordinary high-water mark shall be the line of mean high water.

“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 zone” means a set of zoning regulations which is applied to the map and subsequently imposed in addition to regulations of the underlying district. Developments within the overlay zone must conform to the requirements of both zones.

“Owner of property” means the fee simple owner of record as exists on Pacific County assessor records.

“Pacific County road standards” means the latest edition of the Pacific County road standards.

“Parking space” means an off-street space used to park a motor vehicle and having access to a public street or alley.

Parking, Temporary. “Temporary parking” means parking facilities specifically designed to accommodate vehicles and intended for public use for a period of not more than five days. Temporary parking shall not be in lieu of specified off-street parking as required in Chapter 15.46 pertaining to off-street parking and loading requirements.

“Pavement width” means paved area on shoulder type roads or paved surface between curb, thickened edge or gutter flow line; on all other roads as depicted on drawings contained in the Pacific County road standards.

“Performance standards” means regulations for the control of dangerous or objectionable elements.

“Permit-issuing authority” means the person or body that has the authority, according to this title, to issue the permit or approval in question.

“Person” includes firms, corporations, associations and agents of persons.

“Planned unit development” means a development built under those provisions of this title which permit departures from the conventional siting, setback and density requirements of other sections of this title in the interest of achieving superior site development, creating open space and encouraging imaginative design by permitting design flexibility.

“Planning commission” means the planning commission of the city of Ilwaco, Washington.

“Planning director” means a person designated by the mayor of the city to carry out all duties related to planning.

“Plat” means a map or representation of a subdivision, showing the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

Plat, Final. “Final plat” means the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this title.

Plat, Preliminary. “Preliminary plat” means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat is the basis for the approval or disapproval of the general layout of a subdivision.

Plat, Short. “Short plat” means the map or representation of a short subdivision.

“Pond” means an area permanently inundated by water in less than two acres in area as measured at the ordinary high water mark.

“Port master plan” means the plan developed by the port of Ilwaco that outlines future uses of port of Ilwaco property.

“Preempted facility” means any hazardous waste facility defined as a preempted facility in RCW 70.105.010 or in WAC Chapter 173-303. This may include any facility that includes as a significant part of its activities any of the following hazardous waste operations: (1) landfill; (2) incineration; (3) land treatment; (4) surface impoundment to be closed as a landfill; or (5) waste pile to be closed as a landfill.

“Principal use” means the primary use of land or a building, as distinguished from an accessory use.

“Private access tract” means a privately owned and maintained tract providing vehicular access to four or fewer residential or commercial properties.

“Private street” means a privately owned and maintained access provided for by a tract, easement, or other legal means, typically serving three or more potential dwelling units.

“Project permit or project permit application” means any land use or environmental permit or license required from the city for a project action, including, but not limited to building permits, subdivisions, binding site plans, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, and site-specific rezones authorized by a comprehensive plan (RCW 36.70B.020(4)); 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.

“Public street” means a publicly owned facility providing access, including the roadway and all other improvements, inside the right-of-way.

“Ravine” means an area constituting a “young valley” which contains a major or minor creek. It includes the bottom land of the ravine and the ravine sidewalls to a point where the slopes are less than fifteen (15) percent.

“RCW” means the Revised Code of Washington.

“Rear yard” means an open unoccupied space extending across the full width or depth of the lot, between the building and the rear line of the lot.

Recreational Vehicle.

1. Recreational vehicles means 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 or pickup truck; and truck campers, motor homes and camper vans, all of which have the motor within the body of the vehicle.

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

“Recreational vehicle storage” means a piece of land or a structure dedicated to the storage of recreational vehicles.

“Reservation” means a method of holding land for future public use by dedicating public areas on a subdivision plat.

“Restricted use” means that the use is not allowed in a particular zoning district.

“Resubdivision” means the further division of a lot or lots within a subdivision previously

approved and recorded.

“Revegetation” means the planting of vegetation to cover any land areas which have been disturbed during construction. This vegetation shall be maintained to ensue its survival and shall be consistent with planting requirements of the city landscape regulations.

“Rezone” means a change in zoning classification of an area from one use district to another.

“Right-of-way” means land, property or property interest (e.g., and easement), usually in a strip, acquired for or devoted to transportation purposes.

“Road” means a facility providing public or private access including the roadway and all other improvements inside the right-of-way. “Road” and “Street” will be considered interchangeable terms for the purpose of this title.

“Roadside” means the portion of an easement or right-of-way lying on either side of the roadway, including curbs, sidewalks and ditches.

“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.

“Roadway” means pavement width plus any nonpaved shoulders.

“RV park” means a piece of land used for or dedicated to accommodating or housing recreational vehicles.

“Secondary arterial” means a public street connecting two or more roads of equal or greater classification, or connecting two or more communities. A secondary arterial may serve as an alternate route to higher classified road or a traffic generation of medium importance, and serves an additional function of land service.

“Seismic hazard areas” means and includes areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction or surface faulting.

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

Setback, Average. “Average setback” means 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.

Shop, Thrift. “Thrift shop” means a business where items that were donated to charity are sold.

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

“Shoreline master program” means the most recent edition of the city of Ilwaco shoreline master program.

“Short subdivision” means a map of a short subdivision, together with written certificates, dedications where appropriate and data. Short plats are those that can be administratively approved in an expedited fashion by the planning director.

“Sidewalk” means a hard surfaced pedestrian access area adjacent to or within the right-of-way of a public road.

“Side yard” means an open, unoccupied space extending across the full width or depth of the lot, between the building and the side line of the lot.

“Sign” means any face of a structure or device for visual communication that is used to bring the subject to the attention of the public.

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 area” means the entire area within a single continuous perimeter enclosing the extreme limits of a sign, but excluding any structural elements not forming an integral part of the display.

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:

1. A lighted sign whose lights or part of whose lights go on and off intermittently;
2. 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 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 height” means the distance from ground level to the highest point on the sign structure.

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.

Sign, Indirectly Illuminated. “Indirectly illuminated sign” means an illuminated nonflashing 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 not located on or supported by a structure not located on the same premises as the business, product, service or activity being identified or advertised by such sign or an advertising sign.

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, 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 district” means a zoning district with any of the following designations: single-family residential R-1 and R-1S.

“Single-family dwelling” means a building designed or used for residential purposes by not more than one family and containing one dwelling unit only, including mobilehomes when not located in a mobilehome park and including condominium units subject to fee simple ownership, and excluding multiple-family dwellings, apartments and motels.

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

“Site plan” means a drawing of a proposed project drawn to scale.

“Site plan review” means the process which is intended to provide for the examination of site and building development proposals in any of the following circumstances: new construction in a commercially or industrially-zoned area; or expansion or remodel of any building or other structure in commercially or industrially-zoned areas by more than twenty (20) percent of its existing floor area, or overall size in cases where floor area is not applicable.

“Slope line” means 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 director.

“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 permit” means a permit issued for uses permitted in a district provided such use meets the standards as required for such use.

“Special provisions” means road construction requirements peculiar to a specific project and which are not otherwise thoroughly or satisfactorily detailed and set forth in the standard specifications.

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

“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.

“Standard specifications” means those specifications adopted for street construction by the city.

“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 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” means a public thoroughfare which affords the principal means of access to abutting properties.

“Structure” means a human-made object of any kind, which is built or constructed, or any piece of work built up or composed of parts joined together in some definite manner and affixed to the earth.

“Subdivider” means a person, including a corporate person, who undertakes to create a subdivision.

“Subdivision” means the division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership, except as provided under

“short subdivision.”

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

“Survey discrepancy” means a boundary hiatus, an overlapping boundary, or a physical appurtenance which indicates encroachment, lines of possession or conflict of title.

“Temporary building” means a building or a structure that is proposed to be built or constructed and utilized for a period not to exceed three years from the date of issuance of occupancy permit by the city. The city council may extend the permit for a temporary building for another three years after conducting a public hearing on the proposal.

“Temporary retail sales” means a retail trade or service with a business license lasting thirty (30) days or less.

“Townhouse” means an attached one or two-family dwelling having no side yard and sharing a common wall with adjacent dwelling units.

Trade, Retail. “Retail trade” means the sale or rental of goods and merchandise for final use or consumption.

“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 an eighteen (18) month period per individual or family.

“Tree” means any living woody plant characterized by one main stem or trunk and many branches, and having a diameter of two inches or more measured at three feet above ground level.

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

“Urban growth area” means that area designated by the city’s comprehensive plan as the city’s urban growth area.

“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. “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 district” means an area or district specifically designated so as to group similar and compatible uses together.

Use, Temporary. “Temporary use” means any activity or structure permitted under the provisions of Sections 15.26.080, 15.27.090, 15.28.080, 15.29.090, 15.30.080 and 15.31.070 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.

“Variance” means a waiver of one or more specific physical (rather than use) standards (such as bulk, yard or site coverage) due to the existence of a special condition or hardship that is peculiar to the land, structure or building involved, not created by the property owner. A variance cannot result in a property owner receiving a special privilege.

Vegetation, Shading. “Shading vegetation” means vegetation planted on the south side of a major creek that generally provides shade from mid-morning to mid-afternoon. Examples of shading vegetation are specified in Chapter 15.47 pertaining to landscaping.

“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” 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” 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.

“View” means an unrestricted angle of vision.

“WAC” means Washington Administrative Code.

“Walkway” means a pedestrian access which is within the building side envelope, total building complex or between lots, but not adjacent to or within the right-of-way of a public street.

“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 lot and extending from front yard to rear yard. No portion of a structure shall project into any side yard, except cornices, canopies, eaves or other architectural features, which may project two feet, zero inches.

“Zone” means the land area designated in the zoning code and on the zoning map for a specific type of development.

“Zoning” means the regulation of the use of private lands or the manner of construction related thereto in the interest of achieving a comprehensive plan of development. Such regulation shall also govern those public and quasi-public land use and buildings which provide for proprietary type services for the community’s benefit as contrasted with governmental activities. Governmental activities are encouraged to cooperate under these regulations to secure harmonious city development.

“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” 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.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 4. Referendum and Effective Date. This Ordinance, being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum, and shall take effect and is in full force five (5) days after its passage, approval and publication of an approved summary of the title as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF ILWACO, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 24TH DAY OF APRIL, 2017.

Mike Cassinelli, Mayor

ATTEST:

Holly Beller, Treasurer

VOTE	Jensen	Karnofski	Marshall	Lessnau	Forner	Cassinelli
Ayes	X		X	X	X	
Nays						
Abstentions						
Absent		X				

PUBLISHED: May 3, 2017

EFFECTIVE: May 8, 2017