TITLE 17
ZONING CODE

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Chapter 17.01

PREFACE AND PURPOSE

Sections:

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17.01.010 Title.

~~This title~~ Title 17 (Title 17) ~~shall~~ will be known as the Zoning Code of the ~~city~~ City of Pullman. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.01.020 Authority.

This Zoning Code is adopted under the authority of Article XI, Section 11 of the Washington State Constitution (WAC) and Chapter 35A.63 of the Revised Code of Washington (RCW). (Ord. ~~87-9 §1, 1987~~ 24-X).

17.01.030 Zoning Code Structure.

This Title is divided into chapters, sections, subsections, paragraphs, and subparagraphs that are numbered as shown in the example below:

Title	Chapter	Section	Subsection	Paragraph	Subpara.
17.	25.	040.	(1)	(a)	(ii)

(Ord. 87-9 §1, 1987).

17.01.040 Scope.

The Zoning Code of the ~~city~~ City of Pullman consists of all ~~of~~ the provisions set forth or incorporated by reference in this Title, including both text and maps. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.01.050 Purposes.

This Zoning Code has the following purposes:

(1) to promote the public health, safety, order, convenience, and general welfare;

(2) to facilitate adequate provisions for public services such as transportation, police and fire protection, water supply, sewage treatment, and parks;

(3) to assist in the implementation of the Comprehensive Plan for the physical development of the ~~city~~ City by regulating and providing for existing and future uses; and

(4) to protect the character and the social and economic stability of residential, commercial, industrial, and other uses within the ~~city~~ City, and to ensure the orderly and beneficial development of these uses by:

(a) reserving and retaining appropriate areas for each type of use;~~,~~

(b) preventing encroachment into these areas by incompatible uses; and~~,~~

(c) regulating the use of individual parcels of land to prevent unreasonable detrimental effects on nearby uses. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.01.060 Minimum Requirements.

The regulations and provisions of this Title ~~shall~~ will be held to be the minimum requirements necessary for the promotion of the public health, safety, and general welfare. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.01.070 Conflict of Provisions.

If the provisions of this Title conflict one with another, or with the provisions of another ordinance of the ~~city~~ City, or with the laws, regulations, codes, or rules ~~promulgated~~ enacted by another authority having jurisdiction within the ~~city~~ City, the most restrictive provisions or the provision imposing the highest standard ~~shall~~ will prevail, except when constrained by federal or state law. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.01.080 Regulated Actions.

Whenever this Title applies to a specific act or type of action, the same provisions apply to all later changes, unless this Title specifically provides otherwise. For example, a permit is required to establish a conditional use. This requirement also applies to any changes or expansions of a conditional use. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.01.090 Section Headings Not Part of Law.

Section headings as used in this Title do not constitute any part of the law. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.01.100 Severability.

The provisions of this Title are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this Title or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this Title ~~shall~~ will not ~~as a result of~~ because of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid. (Ord. ~~87-9 §1, 1987~~ 24-X).

Chapter 17.05

DEFINITIONS

Sections:

17.05.010 General
17.05.020 Definitions.

17.05.010 General.

Words used in this Title ~~shall~~ will have their normal and customary meaning, unless specifically defined otherwise.

(1) *Rules.*

(a) Words used in the present tense include the future.

(b) The plural includes the singular, and vice versa.

(c) The words ~~"shall,"~~ "will," and "must" are mandatory.

(d) The word "may" indicates that discretion is allowed.

(e) The word "should" indicates direction and obligation, but is not mandatory.

(f) The word "used" includes "designed, intended, or arranged" to be used.

~~(g) The masculine gender includes the feminine and vice versa.~~

~~(h)~~(g) Distances ~~shall~~ will be measured horizontally unless otherwise specified.

~~(i)~~(h) The word "building" includes a portion of a building.

~~(j)~~(i) The word "day" means calendar day unless otherwise specified.

(2) *Adopted Codes.* Where a code had been adopted by reference or incorporation which may contain a definition conflicting with that set forth in this Title, for ~~the purpose of~~ that ~~particular~~ referenced or incorporated code, the definition therein ~~shall~~ will prevail. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.05.020 Definitions.

The following definitions ~~shall~~ will be used in the interpretation and administration of this title:

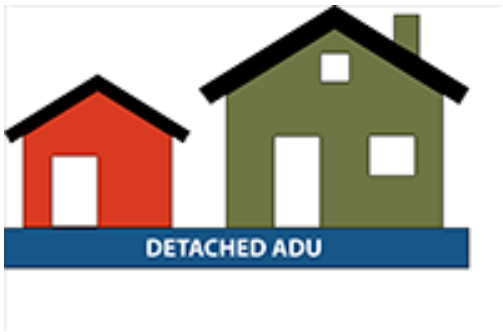
(1) *Accessory Building.* ~~A subordinate~~ An additional building, the use of which is ~~incidental~~ secondary and customary to that of the principal building including a private garage and which is located on the same lot. If any accessory building is attached to the principal building by a common wall or roof, such accessory building ~~shall~~ will be considered a part of the principal building.

(2) *Accessory Use.* A use ~~incidental~~ secondary and ~~subordinate~~ additional to the principal use which is located on the same lot.

(3) *Accessory Dwelling Unit, Attached.* A secondary dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.



(4) *Accessory Dwelling Unit, Detached.* A dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit including guest houses.

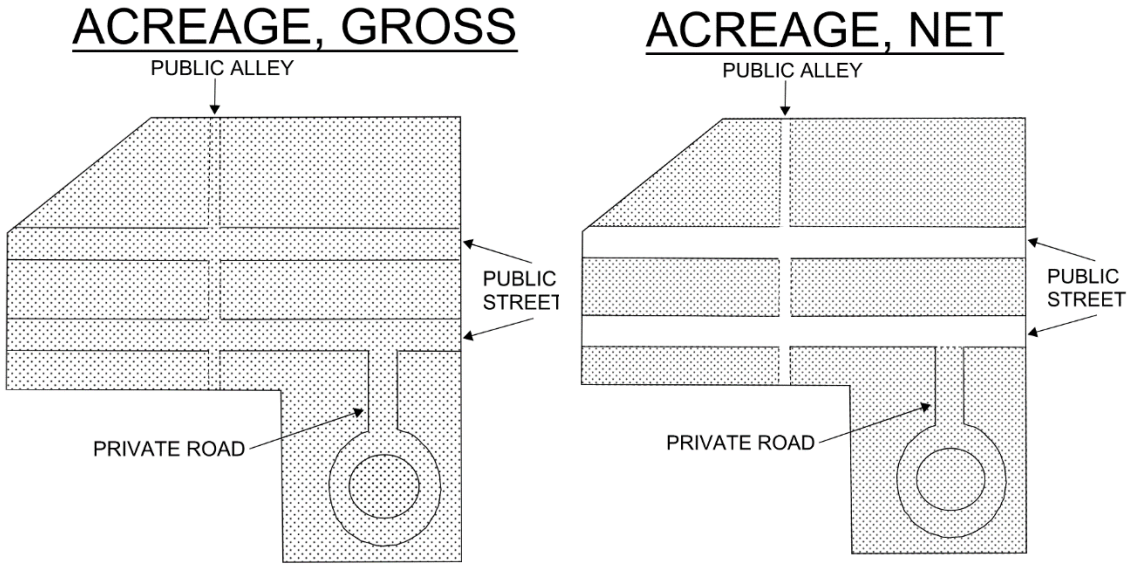


~~(3)~~(5) *Accessory Living Quarters.* Living quarters, ~~including guest houses~~, which may include kitchen facilities, located within ~~an accessory building or~~ the principal building, and not otherwise used as a separate dwelling.

~~(4)~~(6) *Acres or Acreage, Gross.* The total area of a parcel of land expressed in square feet or fractions of an acre.

~~(5)~~(7) *Acres or Acreage, Net.* The area of a parcel of land, ~~less~~ excluding the area dedicated to public streets, roads, or alleys, expressed in square feet or fractions of an acre. The area

devoted to private streets, roads, and alleys ~~shall not be deducted~~ are included when computing net acreage.



~~(6)~~(8) *Addition.* An extension or increase in floor area or height of a building or structure.

~~(7)~~(9) *Alley.* A public right-of-way, usually at the rear or side of a lot(s), that provides a means of vehicular or pedestrian access to a lot(s).

~~(8)~~(10) *Alteration.* A change or rearrangement of the structural parts of existing facilities or an enlargement by extending the sides or increasing the height or depth or the moving from one location to another.

~~(9)~~(11) *Amendment.* A change in the wording, context, or substance of this Title, including any change in or addition to the Official Zoning Map; or, a change in the wording, context, or substance of the Comprehensive Plan, including any change in or addition to the Comprehensive Plan Land Use Map.

~~(10)~~(12) *Animal, Large.* Any domestic animal over six (6) months of age having a size equal to or greater than a goat or sheep including the infants of such animals as regulated in PCC 17.35.050, Animals and Fowl.

~~(11)~~(13) *Animal, Small.* Any domestic animal having a size smaller than a goat or sheep over six (6) months of age, not classified as a household pet and as regulated in PCC 17.35.050, Animals and Fowl.

~~(12)~~(14) *Arterial Street: Major, Secondary, Collector.* Street classification, as defined and designated in the Comprehensive Plan and its accompanying arterial street map.

~~(13)~~(15) *Automobile Repair, Major.* General repair, engine rebuilding, rebuilding, or reconditioning of motor vehicles or trailers; collision service, including body, frame, or fender straightening or repair; overall painting or paint shop.

~~(14)~~(16) *Automobile Salvage or Wrecking Yard.* Any open area where more than two (2) unlicensed and/or inoperable motor vehicles, or motor vehicle parts, are stored or parked for a period exceeding ~~thirty (~~30~~)~~ days.

~~(15)~~(17) *Balcony.* An elevated platform, enclosed by a railing, that projects from the side of a building. The term "balcony" does not include any part of a stairway or walkway used as general access to habitable space within a building.

~~(16)~~(18) *Basement.* Any floor level below the first story in a building.

~~(17)~~(19) *Bed and Breakfast Establishment.* A single-family or duplex dwelling unit occupied by the operator where up to a maximum of three (3) bedrooms are offered for rent for private commercial gain on an overnight basis for not more than ~~fourteen (~~14~~)~~ consecutive days to a ~~particular~~ transient and where only breakfast may be served.

~~(18)~~(20) *Binding Site Plan.* A drawing to scale showing a plan for the development of a specific parcel of land, which drawing has been approved by the applicable group with approval authority, and which, at a minimum:

(a) Identifies and shows the location of all streets, roads, improvements, utilities, open spaces, and any other matters specified by this Title or the approval authority;

(b) Contains ~~inscriptions~~ descriptions or attachments setting forth the limitations and conditions for the use of the land and the approved plan;

(c) Contains provisions requiring all uses and development to conform to the site plan;

(d) ~~Is filed of record in~~ Has been filed with the Whitman County Auditor's office; and

(e) ~~Is~~ Constitutes a covenant running with the land.

~~(19)~~(21) *Buffer.* An area of land or structure intended to insulate or separate a structure or land use from adjacent uses or structures in such a manner as to reduce or mitigate adverse impacts of one on the other.

~~(20)~~(22) *Buildable Area.* That portion of a lot within which a structure may be built, bounded by the required yards.

~~(21)~~(23) *Building.* Any structure having a roof, used, or intended for supporting or sheltering any use or occupancy, and permanently affixed to the ground.

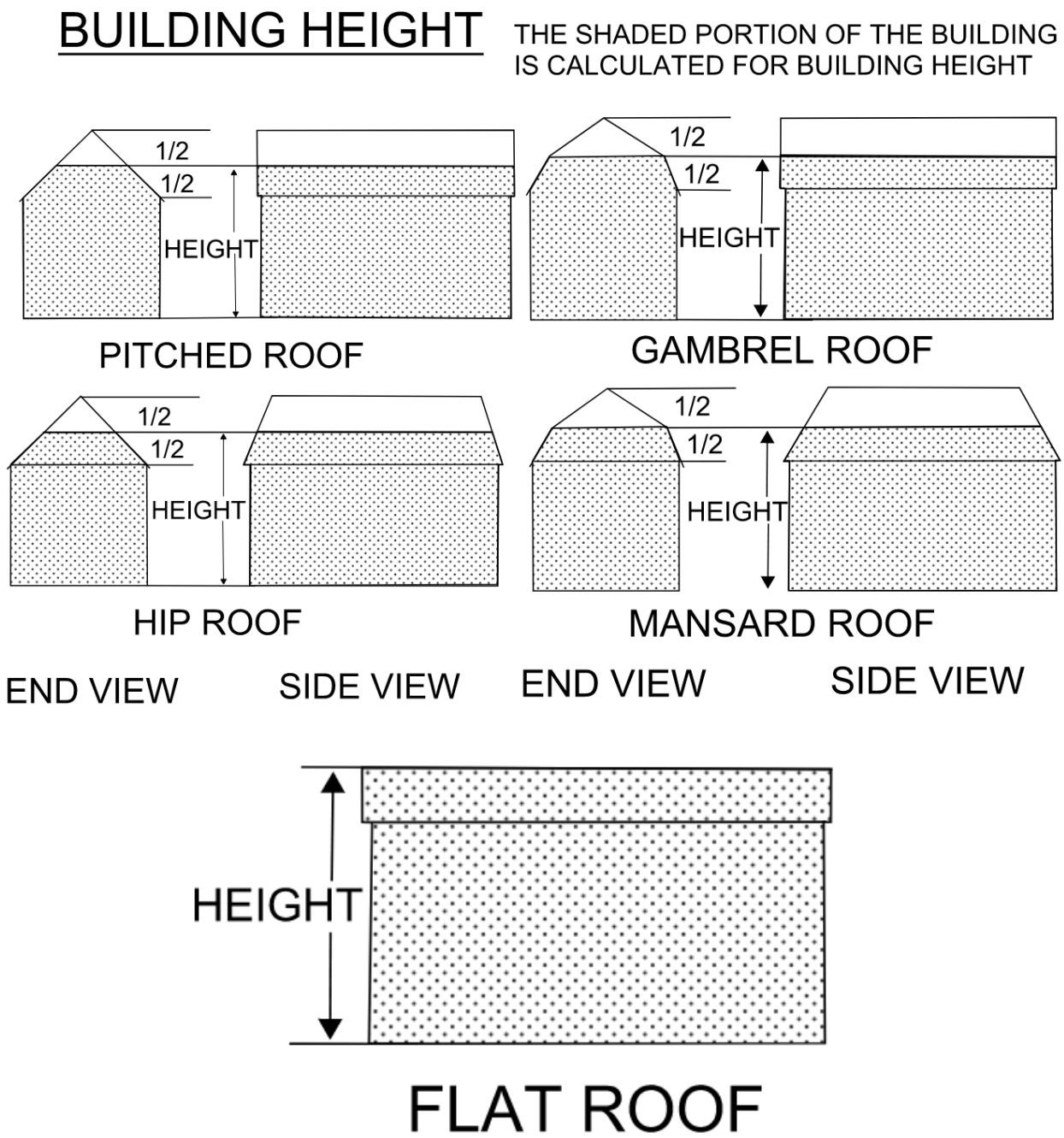
~~(22)~~(24) *Building Coverage.* The portion of the lot area expressed as a percentage that may be occupied by buildings or structures. Building coverage includes eaves, bay windows, and similar structures, as well as decks, balconies, stairs, and landings more than ~~thirty (~~30~~)~~ inches (2.5 feet) in height above grade.

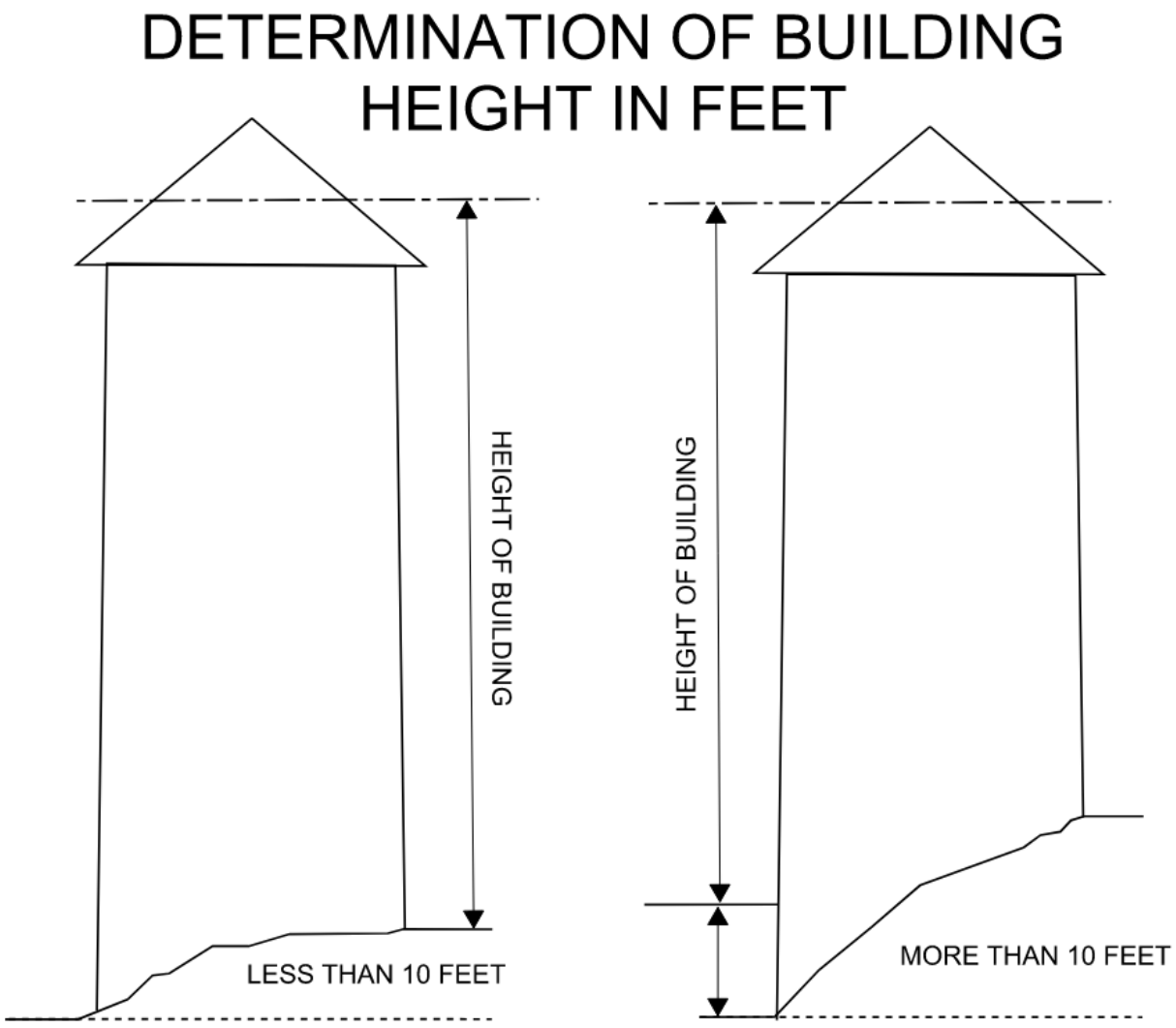
~~(23)~~(25) *Building Height.* The vertical distance above a reference datum measured to the highest point of ~~the coping of~~ a flat roof ~~or~~, to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof, with the reference datum selected by either of the following, whichever yields a greater height of building.

(a) The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ~~ten (~~10~~)~~ feet above lowest grade.

(b) An elevation ~~ten (~~10~~)~~ feet higher than the lowest grade when the sidewalk or ground surface described in ~~Item~~ 25(a) ~~above~~ is more than ~~ten (~~10~~)~~ feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.





~~(24)~~(26) *Building Line.* A line established as the minimum distance a building may be located from any property line as determined by the minimum yard requirements of this Title.

~~(25)~~(27) *Building Official.* ~~The director of public works or his or her authorized representative.~~ The ~~building official~~ Building Official is responsible for the administration and enforcement of the Construction Code or any codes adopted by reference therein. The Building Official will be the head of the Protective Inspections Division, will serve as the Building Official pursuant to the Construction Code (Title 2) and will report to the Director of Community Development.

~~(26)~~(28) *Child Day Care Facility.* A facility licensed by the State in which an agency or person(s) regularly provides child care for a group of children aged ~~twelve (~~12~~)~~ years or less for periods of less than 24 hours per day. There are two separate categories of child day care facilities:

(a) *Family Day Care Home.* A facility in which child day care is furnished in the provider's home to ~~twelve (~~12~~)~~ or fewer children, including the provider's own and foster children.

(b) *Child Day Care Center.* A facility for child day care of ~~thirteen (~~13~~)~~ or more children.

~~(27)~~(29) *Church.* A place of assembly, the principal purpose of which is religious worship, and for which the principal building or other structures contain the sanctuary or principal place of worship, and which may include related accessory uses in the principal building or in other separate structures.

~~(28)~~(30) *City.* The ~~city~~ City of Pullman, Washington.

~~(29) *Director of Community Development.* An employee of the City who administers the Department of Community Development.~~

~~(30)~~(31) *Code.* The Pullman City Code (PCC) as most recently amended.

~~(31)~~(32) *Commercial Parking Area or Garage.* A parking area or garage in which vehicles ~~are allowed to~~ park in exchange for a fee or paid permit, including any permit parking facilities operated, for example, by Washington State University (WSU).

~~(32)~~(33) *Commercial Vehicle.* Any motor vehicle having a gross vehicular weight of more than 14,000 pounds.

~~(33) *Comprehensive Plan.* The official document adopted by the City Council as authorized by Chapter 35A.63 RCW, that sets forth goals, policies, and standards to guide decisions about the future development of the city.~~

(34) *Common Open Space.* Open space, including landscaped and recreational areas, in which residents of the development own an undivided interest and which is managed jointly by those owners through a property owners' association. (See illustration accompanying definition of "Planned Residential Development.")

~~(34)~~(35) *Comprehensive Plan.* The official document adopted by the Council as authorized by Chapter 35A.63 RCW, that sets forth goals, policies, and standards to guide decisions about the future development of the City.

~~(35)~~(36) *Conditional Use.* A use which because of special requirements, unusual character, size or shape, infrequent occurrence, possible detrimental effects on surrounding property, or other similar reasons, may be allowed in certain zones only after review by the ~~hearing examiner~~ Hearing Examiner and the granting of a conditional use permit imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity or zone.

~~(36)~~(37) *Condominium.* An ownership arrangement of single units or apartments in a building containing two (2) or more dwelling units or two (2) or more buildings each containing one (1) or more dwelling units, with common areas and facilities, as regulated

by Chapter 64.32 RCW. The term "Condominium" refers to an ownership arrangement, not a land use. The unit may be any permitted dwelling type.

~~(37)~~(38) *Conforming Building.* A building that accommodates uses permitted in the ~~zone~~ zoning district in which it is located and that also conforms to the requirements of this Title in the matter of use, height, yards, area coverage, and density.

~~(38)~~(39) *Contiguous.* Sharing a common boundary.

~~(39)~~(40) *Convenience Store.* A retail store with a net floor area of 2,500 square feet or less that offers easy access for short shopping trips to ~~procure~~ purchase frequently needed items. Convenience stores may include gasoline sales only in districts where gasoline service stations are permitted.

~~(40)~~(41) *Council.* The elected governing body of the ~~city~~ City of Pullman.

~~(41)~~(42) *Crisis Residential Center.* A place of temporary refuge for victims of domestic violence, operated by a public or private nonprofit group or organization on a ~~twenty-four (24)~~ -hour basis; or a temporary residential facility operated by the State Department of Social and Health Services.

~~(42)~~(43) *Density, Basic.* The average number of dwelling units per net acre that may be developed in a ~~zone~~ zoning district.

~~(43)~~(44) *Density, PRD Bonus.* The basic density plus an increase of up to an additional ~~twenty (20%) percent~~ which may be earned by taking advantage of the bonus density allowances as described in PCC 17.107.040(2)(b), PRD Bonus Density.

(45) *Director of Community Development.* An employee of the City who administers the Department of Community Development. The Director of Community Development may indicate a designee for projects.

~~(44)~~(46) *Director of Public Works.* ~~The city of Pullman director of public works~~ An employee of the City who administers the Department of Public Works. The Director of Public Works may indicate a designee for projects.

~~(45)~~(47) *Driveway.* A vehicular access way leading from a public right-of-way or private road to a garage, carport, or other off-street parking area. "A driveway" is accessed from a public right-of-way or private road by means of a curb cut or, where there is rolled curb or no constructed curb, a connection to a public right-of-way or private road authorized by the Director of Public Works.

~~(46)~~(48) *Dwelling, Duplex.* A building containing two (2) dwelling units.

~~(47)~~(49) *Dwelling, Multifamily.* A building containing three (3) or more dwelling units including an "apartment house."

~~(48)~~(50) *Dwelling, Single-Family.* A detached dwelling containing only one (1) dwelling unit, but not a manufactured home.

~~(49)~~(51) *Dwelling Unit.* Any building or portion thereof which contains living facilities including provisions for sleeping, eating, cooking, and sanitation.

~~(50)~~(52) *Easement.* A grant by a property owner to another party to use designated land for a specific purpose.

~~(51)~~(53) *Educational Service.* An educational or related service offered by an organization for children or adults, including a kindergarten, elementary school, middle school, high school, and vocational school. The term "Educational Service" does not include "Child Day Care Facility," "Nursery School or Preschool" or "University Facility."

~~(52)~~(54) *Family.* A "family" means a collective group of one or more persons living together as a single housekeeping unit, and sharing and operating a unified and common household.

~~(53) Reserved~~

~~(54)~~(55) *Floodplain.* See ~~Chapter 17.100 PCC~~, PCC 16.60, Floodplain Management District, for all definitions relevant to the Floodplain ~~Overlay Zone~~ Management District.

~~(55)~~(56) *Floor Area, Net.* The floor area of a building, except areas used exclusively for the service of a building such as: mechanical equipment spaces and shafts; elevators; stairways; hallways; escalators and ramps; restrooms; wall thicknesses; loading docks and ramps.

~~(56)~~(57) *Foster Family Home.* A foster family home as defined in RCW 74.15.020(1)(f), licensed in accordance with the laws of the ~~state~~ State of Washington.

~~(57)~~(58) *Fowl.* Any domestic bird commonly raised for meat or eggs, including, but not limited to, chickens, ducks, turkeys, and geese.

~~(58)~~(59) *Fraternity.* See "Membership Lodging."

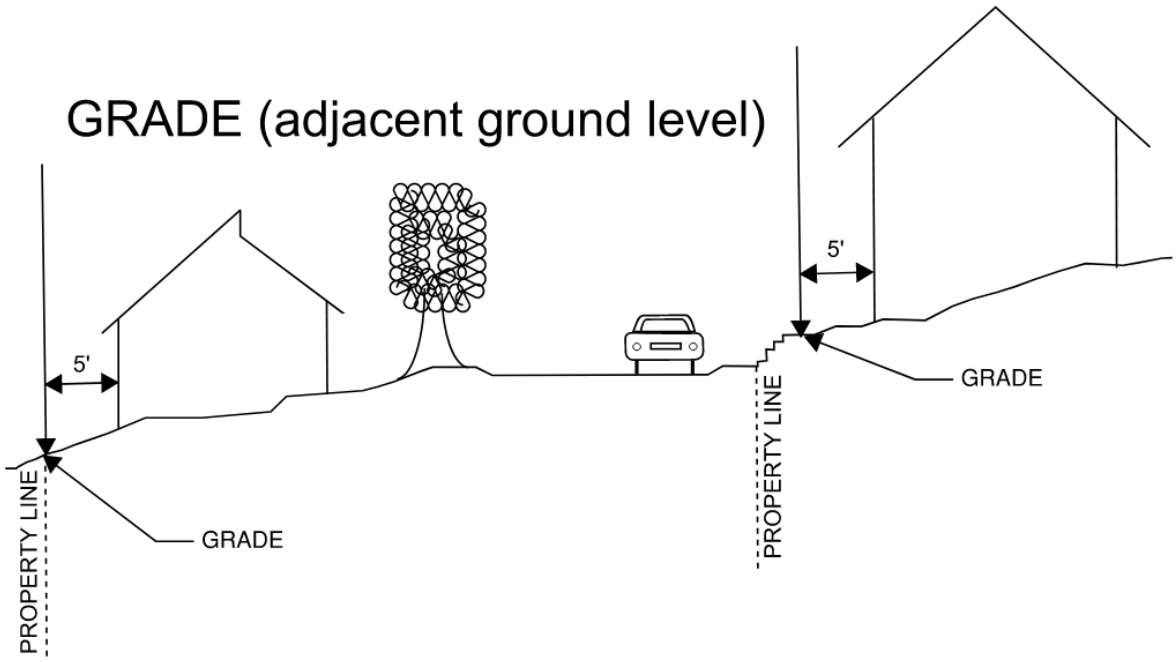
~~(59)~~(60) *Garage, Private.* An accessory building or portion of principal building intended to be used for the storage of vehicles ~~or boats~~ by the occupants of the principal building.

~~(60) *Garage, Commercial.* Any garage other than a private garage.~~

(61) *Grade (adjacent ground level).* Either:

(a) the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line if the property line is within five (5) feet of the building; or

(b) when the property line is more than five (5) feet from the building, then the lowest point between the building and a line five (5) feet from the building.



(62) *Group Care Facility.* A group care facility as defined in RCW 74.15.020(1)(g), licensed in accordance with the laws of the ~~state~~ State of Washington.

(63) *Hearing Examiner.* The ~~hearing examiner~~ Hearing Examiner for the ~~city of Pullman~~ City.

(64) *Hen.* A female chicken (Gallus gallus domesticus).

(65) *Historic Preservation Commission (HPC).* The HPC created by Section 17.15.040 and acting as the "Local Review Board (Board)" as used in Chapter 84.26 RCW and Chapter 254-20 WAC for the special valuation of historic properties.

~~(65)~~(66) *Home Occupation.* See ~~Chapter~~ PCC 17.55 ~~PCC~~, Home Occupations, for all definitions relevant to home occupations.

~~(66)~~(67) *Household Pet.* Small domestic creatures including dogs, cats, rabbits, gerbils, guinea pigs, hamsters, domestic rats and mice, caged birds, non-venomous reptiles, fish, and amphibians as regulated in PCC 17.35.050, Animals and Fowl.

~~(67)~~(68) *Infill Development.* Original construction of a duplex, multifamily dwellings, townhouses, and/or a membership lodging facility on a lot that, prior to further subdivision for individual townhouses or other dwelling units, contains 10,000 square feet or less of lot area and that abuts one or more other lots occupied by a dwelling(s).

~~(68)~~(69) *Kennel, Commercial.* Any premises or building in which four (4) or more dogs, four (4) or more cats, or five (5) or more dogs and cats over six (6) months of age are kept commercially for board, ~~propagation~~ breeding, or sale.

~~(69)~~(70) *Limited (L) Zone.* A portion of a ~~zone~~ zoning district to which the ~~City~~ Council has added conditions intended to limit or govern the use of a ~~particular~~ parcel(s) of land in the public interest, as specified in PCC 17.115.030, "Limited" Zone.

~~(70)~~(71) *Lot.* A recorded lot ~~of record~~, occupied or intended to be occupied by a principal use or building and its accessory buildings, together with all required yards and open spaces, except the following special lot types:

(a) A PRD lot.

(b) A townhouse lot which is a parcel of land on which a townhouse dwelling unit sits together with all required open spaces, and which has been created under a binding site plan.

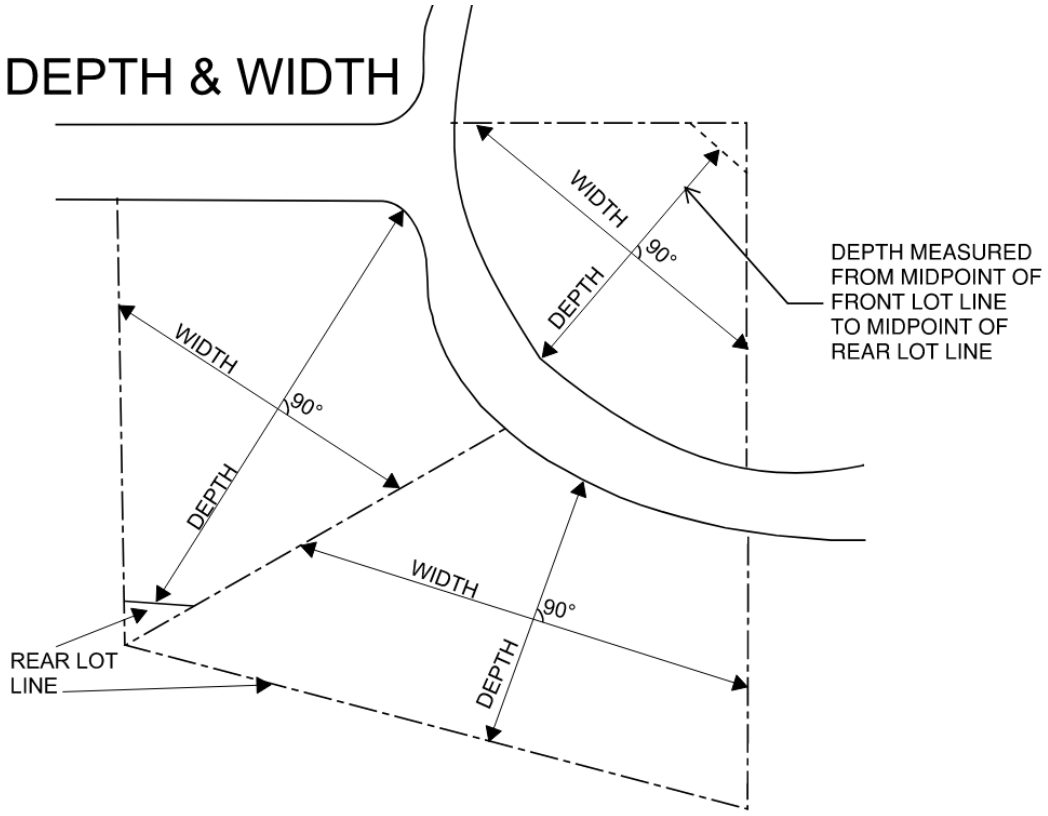
(c) An open space lot which is a parcel used for provision of open space, as provided for in a legal document filed with the Whitman County Auditor, on which no more than ~~five (~~5%~~) percent~~ of the parcel is covered by structures and said structures are no more than four (4) feet in height.

~~(71)~~(72) *Lot Area and Dimensions.*

(a) *Lot Area.* The total area within the lot lines of a lot.

(b) *Lot Depth.* The length of a line extending from the midpoint of the front lot line to the mid-point of the rear lot line.

(c) *Lot Width.* The distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.



~~(72)~~(73) *Lot Lines.*

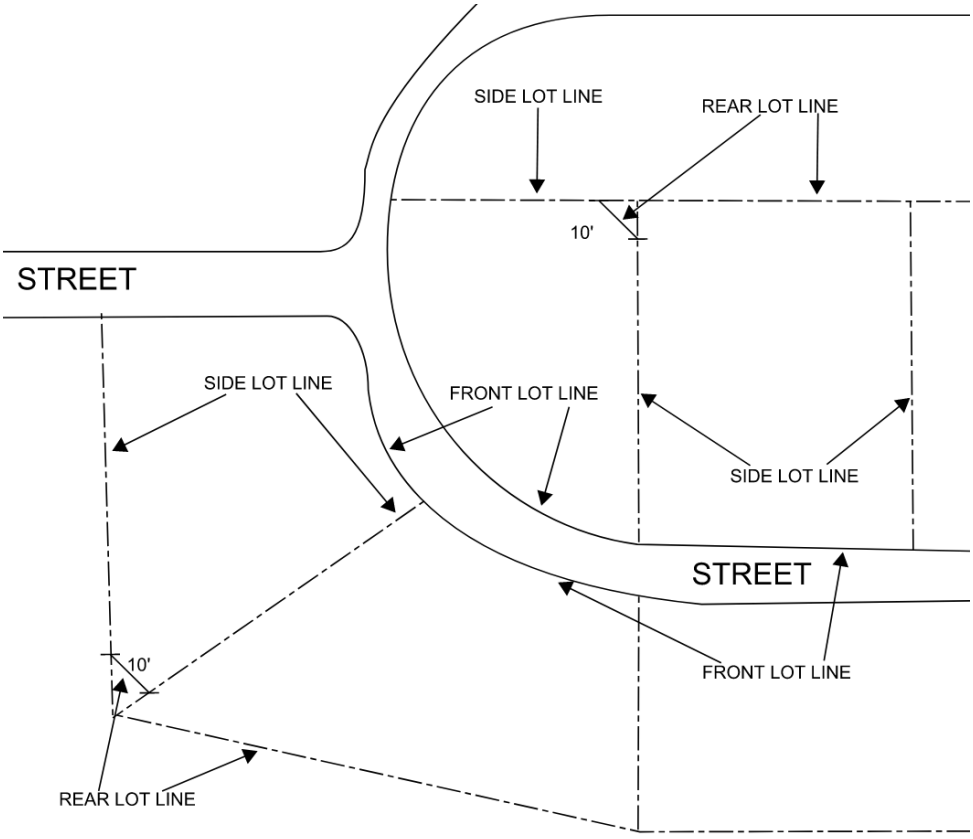
(a) ~~*Lot Line,*~~ *Front.* The property line of a lot bordering on the street. In the case of a corner lot, the front lot line is ~~considered to be~~ the property line to which the main entrance of a structure is oriented. In the case of a through lot, both property lines bordering on a street ~~shall~~ will be considered front lot lines.

(b) ~~*Lot Line,*~~ *Rear.* The boundary line of a lot which is opposite and most distant from the front lot line. For ~~the purpose of~~ establishing the rear lot line, the following ~~shall~~ will apply:

(i) In the case of a lot with a rear boundary formed by a single line that is parallel to the front lot line, such rear boundary is the rear lot line.

(ii) In the case of a lot with a rear boundary formed by two (2) or more lines, the rear lot line ~~shall~~ will be a line ~~ten (~~10~~)~~ feet in length within the lot and farthest removed from the front lot line and at right angles to the lot depth.

(iii) In the case of a trapezoidal lot with the rear boundary not parallel to the front lot line, the rear lot line ~~shall~~ will be deemed to be a line at right angles to the lot depth and drawn through a point bisecting the recorded rear lot line.



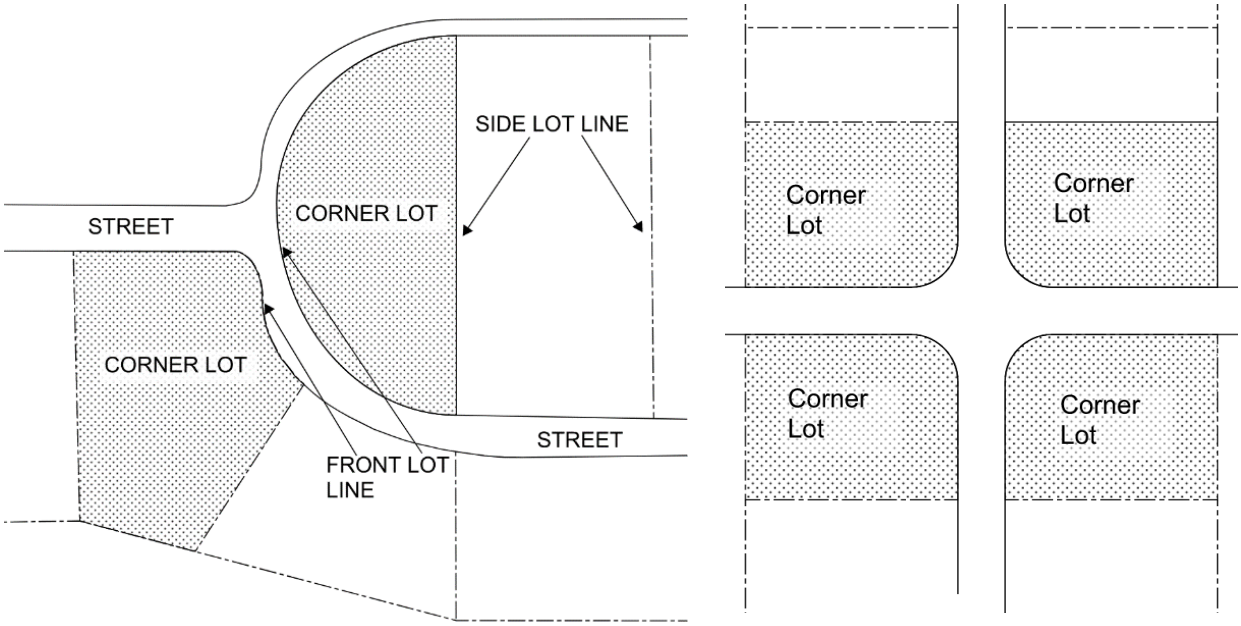
(iv) In no case ~~shall~~ will the application of the above be interpreted as permitting a main building to locate closer than five (5) feet to any property line unless such building portion is below grade with no visible portion above grade.

(c) ~~*Lot Line,*~~ *Side.* Any property line not a front or rear lot line.

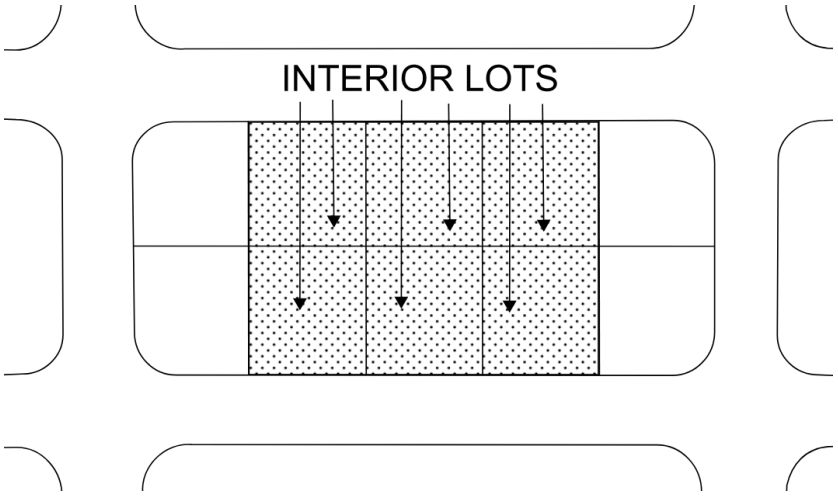
~~(73) *Lot of Record.* A lot as shown on an official recorded plat or subdivision, or any parcel of land described by metes and bounds in a recorded deed, record of survey or other appropriate document filed with the County Auditor.~~

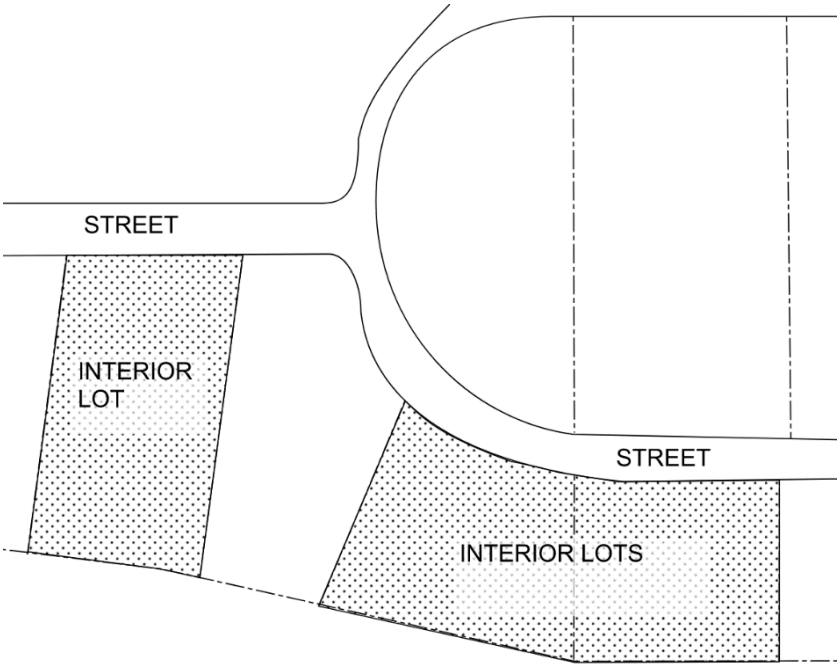
(74) *Lot Types.*

(a) ~~*Lot,*~~ *Corner.* A lot which is located at the intersection of two (2) or more streets.

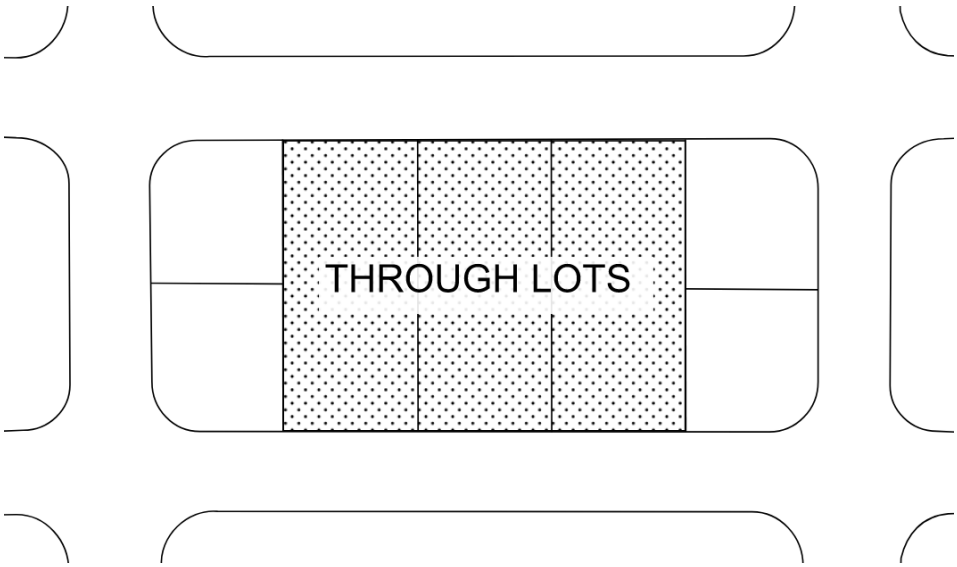


(b) ~~*Lot,*~~ *Interior.* A lot that has frontage on one (1) street only.





(c) ~~*Lot,*~~ *Through.* A lot having frontage on two (2) parallel or nearly parallel streets, also referred to as a "double frontage" lot.



(75) *Manufactured Home.* See ~~Chapter~~ PCC 17.105~~ PCC~~, Manufactured Homes, Recreational Vehicles, and Trailers, for all definitions relevant to the regulation of manufactured homes and manufactured home parks.

(76) *Marijuana.* "Marijuana" as defined in RCW 69.50.101, as it now exists or may hereafter be amended.

(77) *Marijuana-Infused Products.* "Marijuana-infused products" as defined in RCW 69.50.101, as it now exists or may hereafter be amended.

(78) *Marijuana Processing Facility.* An establishment licensed by the ~~State of Washington~~ Washington State Liquor ~~Control~~ and Cannabis Board to process marijuana into usable marijuana and marijuana-infused products, package and label usable marijuana and marijuana-infused products for sale in marijuana retail facilities, and sell usable marijuana and marijuana-~~-~~infused products at wholesale to marijuana retail facilities.

(79) *Marijuana Production Facility.* An establishment licensed by the ~~State of Washington~~ Washington State Liquor ~~Control~~ and Cannabis Board to produce and sell marijuana at wholesale to marijuana processing facilities and other marijuana production facilities.

(80) *Marijuana Retail Facility.* An establishment licensed by the ~~State of Washington~~ Washington State Liquor ~~Control~~ and Cannabis Board for the retail sale of usable marijuana and/or marijuana-infused products.

(81) *Maternity Service Agency.* A maternity service agency as defined in RCW 74.15.020(1)(h) licensed in accordance with the laws of the state of Washington.

(82) *Membership Lodging.* A building or portion thereof having only one (1) kitchen and occupied by six (6) or more persons, not related by blood or marriage living together as a single nonprofit housekeeping unit. The term ~~shall~~ will include dormitories, fraternities, sororities, and other similar group living quarters, but ~~shall~~ will exclude "hotels" and "motels."

(83) *Nonconforming.* See ~~Chapter~~ PCC 17.30~~ PCC~~, Nonconforming Uses, Buildings or Structures, and Lots, for definitions relevant to this subject.

(84) *Nursery School or Preschool.* A public or private agency, school, or institution engaged in educational work with preschool children and in which no child is enrolled on a regular basis for four (4) or more hours per day. Enrollment for four (4) or more hours per day ~~shall~~ will classify the facility as a "Child Day Care Facility."

(85) *Open Space.* The unoccupied portion of a lot or building site that is open to the sky and which may or may not contain landscaping, landscaping structures, or outdoor recreational facilities.

(86) *Overlay Zone.* A set of zoning requirements described in this Title and imposed in addition to those of the underlying ~~zone~~ zoning district.



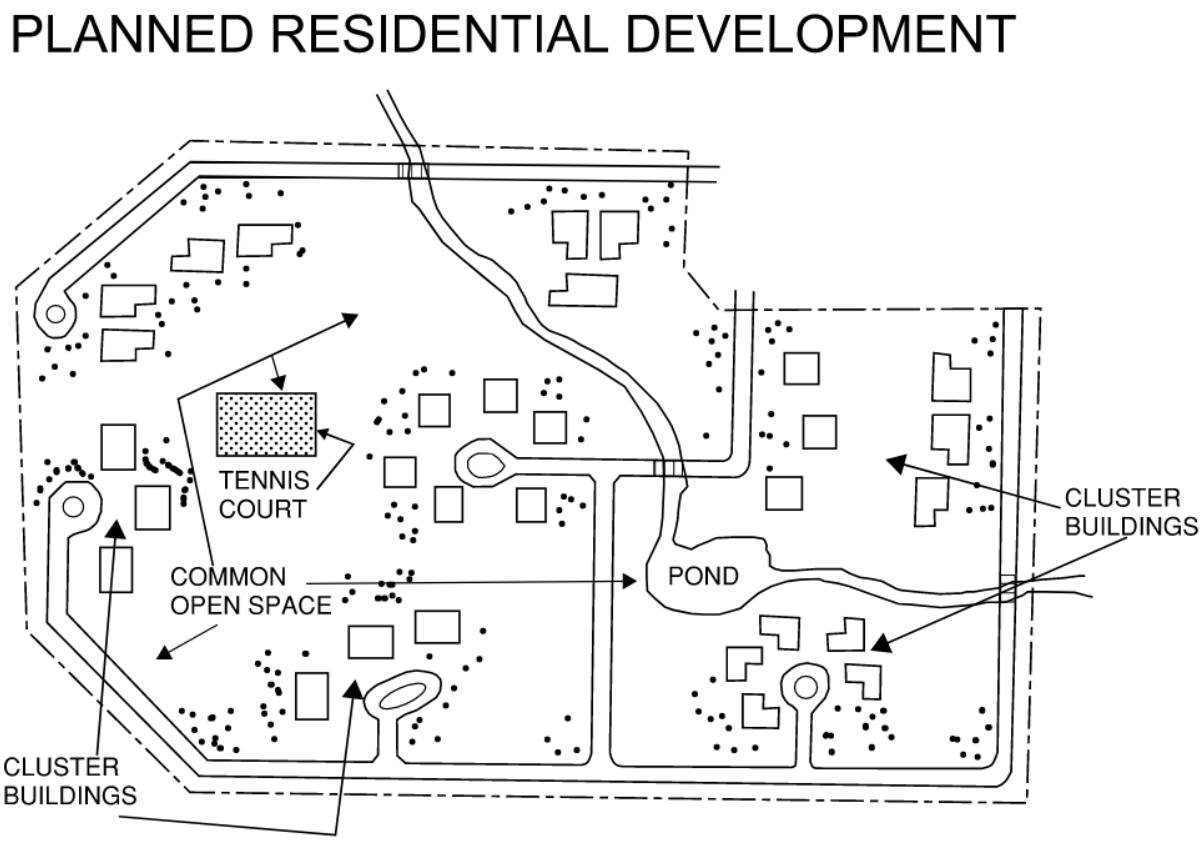
(87) *Owner*. The owner of record as determined by the records of the County Auditor. The owner under a real estate contract is the purchaser.

(88) *Parking Space.* A hard surface or porous pavement space meeting the design standards in PCC 17.40.040, that is reserved for vehicle parking purposes

~~(88)~~(89) *Permitted Use.* An activity permitted by right in a given zone which may occur without special action by the ~~hearing examiner~~ Hearing Examiner or ~~planning commission~~ Planning Commission, subject to the development regulations of the ~~zone~~ zoning district in which it is located.

~~(89)~~(90) *Pig, Miniature.* Swine that has a maximum weight of ~~one hundred fifty (~~150~~)~~ pounds and a maximum height of ~~twenty-two (~~22~~)~~ inches at the shoulder.

~~(90)~~(91) *Planned Residential Development (PRD).* A parcel of land which is planned and developed as a unit under single or common ownership or control, and which generally includes clustered buildings, common open spaces, and a mix of building types.



~~(91)~~(92) *Planning Commission (Commission*). The ~~planning commission~~ Planning Commission of the ~~city of Pullman~~ City as provided for in ~~Chapter~~ PCC 17.20~~ PCC~~, Planning Commission.

~~(92)~~(93) *Principal Use.* The primary or predominant use to which the property, land, or structure is or may be devoted, and to which all other uses on the premises are secondary or accessory.

~~(93)~~(94) *Prohibited Use.* Any use not specifically enumerated as a permitted use, conditional use, or nonconforming use, including but not limited to the enumerated "prohibited uses" within each ~~zone~~ zoning district.

~~(94)~~(95) *Property Line.* Any line bounding the ownership of a parcel of land.

~~(95)~~(96) *Public Utility.* A public or private business or organization performing some public service paid for directly by the recipients of such service and having appropriate approval from the ~~state~~ State. Such services ~~shall~~ will include, but are not limited to, water supply, electric power and gas supply, transportation for persons and freight, and communications.

~~(96)~~(97) *Public Utility Facility.* Any building, structure, or device which transfers to the public the service or supply provided by a public utility.

(98) *Recorded Lot.* A lot as shown on an official recorded plat or subdivision, or any parcel of land described by metes and bounds in a recorded deed, record of survey or other appropriate document filed with the County Auditor.

~~(97)~~(99) *Recreational Marijuana.* Marijuana as administered under the provisions of Chapter 69.50 RCW and Chapter 314-55 WAC, as they now exist or may hereafter be amended.

~~(98)~~(100) *Recreational Vehicle.* See ~~Chapter~~ PCC 17.105~~ PCC~~, Manufactured Homes, Recreational Vehicles, and Trailers, for all definitions relevant to Recreational Vehicles and Recreational Vehicle Parks.

~~(99)~~(101) *Residential Care Facility.* A facility licensed by the State for the care of children under 18 years of age, expectant mothers regardless of age, or persons with developmental disabilities on a ~~twenty-four (~~24~~)~~-hour basis. It ~~shall~~ will include group care facilities, maternity service agencies, and foster family homes.

~~(100)~~(102) *Rooming and Boarding House.* A building with only one (1) kitchen that is used for ~~the purpose of~~ providing lodging, with or without meals, for compensation, for up to and including five (5) persons other than the family of the owner or operator.

~~(103) *Satellite Dish.* A circular or parabolic (dish-shaped) device of solid or mesh construction, designed and erected for the purpose of receiving telecommunication signals.~~

(103) *Screening or Screen.* A continuous fence, wall, earth berm, landscaping, or any combination thereof that provides a sight-obscuring and sound-absorbing buffer around the property it encloses. See ~~Chapter~~ PCC 17.45 ~~PCC~~, Landscaping and Screening, for further clarification.

(104) *Short-Term Rental.* An approved single-family home, accessory dwelling unit, or duplex used by a person or group of people who occupies or is entitled to occupy a dwelling unit for compensation for no more than 30 days but longer than 24 consecutive hours.

~~(103)~~(105) *Sign.* See ~~Chapter~~ PCC 17.50 ~~PCC~~, Sign Regulations, for all definitions relevant to signs.

~~(104)~~(106) *Story.* 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~~ will be that portion of a building included between the upper surface of the topmost floor and the ceiling. If the finished floor level directly above a basement is more than six (6) feet above grade, as defined herein, for more than ~~fifty (~~50%~~) percent~~ of the total perimeter or is more than ~~twelve (~~12~~)~~ feet above grade at any point, such basement ~~shall~~ will be considered as a story.

~~(105)~~(107) *Story, First.* The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one (1) floor level ~~shall~~ will be classified as a first story; provided, that such floor level is not more than four (4) feet below grade for more than ~~fifty (~~50%~~) percent~~ of the total perimeter, or more than eight (8) feet below grade at any point, in which case it ~~shall~~ will be classified as a basement.

~~(106)~~(108) *Street.* The entire width between the boundary lines of every right-of-way, except alleys, that provides for public use for ~~the purpose of~~ vehicular and pedestrian traffic and the placement of utilities and including the terms "road," "highway," "lane," "place," "avenue," and other similar designations.

~~(107)~~(109) *Street, Flanking.* A street other than the one on which a corner lot has its main frontage. Main frontage is determined by the orientation of the main entrance of a structure.

~~(108)~~(110) *Structure.* A~~n edifice or~~ building of any kind, or any piece of work artificially built up or composed of parts joined together.

~~(109)~~(111) *Temporary Use.* A use permitted for a restricted period ~~of time~~ as specified in PCC 17.35.040, Temporary Uses.

~~(110)~~(112) *Townhouse.* A dwelling containing one (1) dwelling unit exclusively occupying a space from the ground to the roof and not lying vertically over or under another dwelling unit or part thereof, having direct access to private open space, and attached to one (1) or more other such dwelling units by common walls which may be located on lot lines.

~~(111)~~(113) *University Facility.* A facility or service operated by or within a university institution involving education, research, administration, public safety, athletics, medical services, places of assembly, university housing, retail and service businesses, parking facilities, public works improvements, and other university support facilities and services.

~~(112)~~(114) *Usable Marijuana.* "Useable marijuana" as defined in RCW 69.50.101, as it now exists or may hereafter be amended.

~~(113)~~(115) *Use.* The nature of the occupancy, the type of activity, or the character and form of improvements to which land is devoted or may be devoted.

~~(114)~~(116) *Variance.* A modification of the terms of this Title that may be granted pursuant to the provisions of ~~Chapter~~ PCC 17.130 ~~PCC~~, Variances.

~~(115)~~(117) *Vehicle.* Any motorized apparatus capable of being moved upon a public way and in, upon, or by which any persons or property is or may be transported or drawn upon a public way, except railroad trains.

~~(116)~~(118) *Wireless Communication Attached Facility.* A wireless communication transmission and/or reception device that is affixed to an existing structure such as an existing building, tower, water tank, or utility pole; an equipment structure; and connecting appurtenances.

~~(117)~~(119) *Wireless Communication Facility.* An unstaffed public utility facility for the transmission and/or reception of radio frequency signals usually composed of an equipment structure; a support structure; transmission and/or reception devices, consisting of linear and/or parabolic antennas; and related equipment. This definition does not include ancillary antennas ~~such as are usual to~~ that individual businesses and residences use and which conform to height limits and other development standards in the ~~zone~~ zoning district in which such antennas would be located, nor does it include radio and television transmitting

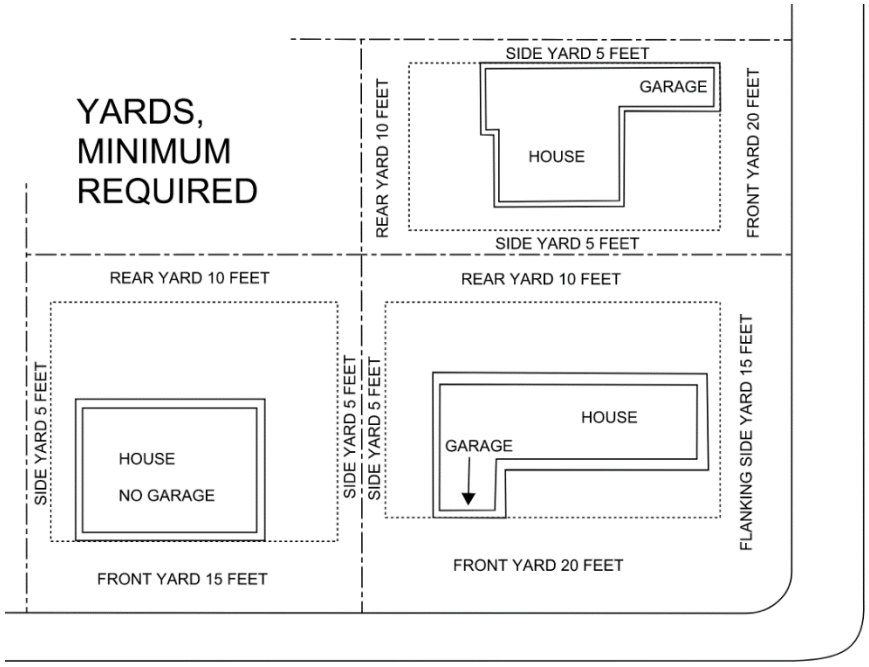
stations and towers, accessory TV reception or amateur radio/citizens radio antennas, or their respective support structures.

~~(118)~~(120) *Wireless Communication Freestanding Facility.* A wireless communication transmission and/or reception device(s) that is affixed to a structure erected to support said transmission and/or reception device(s), an equipment structure, and connecting ~~appurtenances~~ equipment. Support structure types include, but are not limited to, metal poles, lattice towers, wood poles, and guyed towers.

~~(119)~~(121) *Yard.* An open space, other than a court, on the same lot with a building, unoccupied and unobstructed by a portion of a structure from the ground upward, except as otherwise provided within this Title.

~~(120)~~(122) *Yard, Front.* A yard extending across the full width of a lot on which a building is located, and between the front lot line and the building line.

~~(121)~~(123) *Yard, Minimum Required.* That minimum yard, either front, side, or rear, the dimensions of which are set by various sections of this Title.



~~(122)~~(124) *Yard, Rear.* A yard extending across the full width of a lot on which a building is located and situated between the rear lot line and the building line.

~~(123)~~(125) *Yard, Side.* A yard extending from the front yard to the rear yard of a lot on which a building is located and situated between the side lot line and the building line; in the case of a corner lot, the side yard on the flanking street ~~shall~~ will extend to the rear lot line. (Ord. ~~22-10 §1, 2022; Ord. 22-2 §3, 2022; Ord. 21-15 §6, 2021; Ord. 21-9 §1, 2021; Ord. 14-12 §1, 2014; Ord. 14-4 §1, 2014; Ord. 03-33 §1, 2003; Ord. 02-32 §1, 2002; Ord. 01-5 §1, 2001; Ord. 00-8~~

~~§1, 2000; Ord. 00-3 §1, 2000; Ord. 99-49 §1, 1999; Ord. 96-19 §1, 1996; Ord. 87-9 §1, 1987~~ 24 X).

Chapter 17.10

GENERAL ADMINISTRATION AND ENFORCEMENT

Sections:

17.10.010 Purpose.
17.10.020 Duties of Officials.
17.10.030 Interpretations of this Title.
17.10.040 Building Permits.
17.10.050 Building Permits.
17.10.060 Fees.
17.10.070 Right of Entry.
17.10.080 Violations.
17.10.090 Enforcement and Penalties.

17.10.010 Purpose.

The purpose of this Chapter is to establish provisions pertaining to the administration and enforcement of this Title. It is the intent that all questions of interpretation and enforcement ~~shall~~ will first be presented to the ~~city planner~~ Director of Community Development for resolution prior to seeking enforcement through litigation. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.10.020 Duties of Officials.

(1) ~~City Planner~~ Director of Community Development.

(a) The ~~city planner~~ Director of Community Development is responsible for the administrative, interpretation, and enforcement of all parts of ~~the Zoning Code~~ this Title.

(b) The Director of Community Development is also the Chair of the Site Plan Review Committee.

(2) *Director of Public Works.*

(a) The ~~director~~ Director of Public Works or ~~his or her~~ their designee is ~~also the Chairman of the Site Plan Review Committee and~~ responsible for providing engineering review of permit applications when such a review is needed, and for such other duties as set forth in this Title.

(3) *Building Official.* The Building Official is responsible for assuring that all building permits and ~~certificates of occupancy~~ Certificates of Occupancy are referred to the ~~city planner~~ Director of Community Development, as required by PCC 17.10.030 and PCC 17.10.040.

(4) *General Duty.* None of the provisions of this Title are intended to create a cause of action or provide the basis for a claim against the ~~city~~ City, its officials, or employees for the performance or failure to perform a duty or obligation running to a specific individual or specific individuals. Any duty or obligation created herein is intended to be a general duty or obligation running in favor of the general public. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.10.030 Interpretations of this Title.

The ~~city planner~~ Director of Community Development may, acting on ~~his or her~~ their own initiative or in response to an inquiry, issue interpretations of any provision of this Title ~~with the exception of Chapter 17.100 Floodplain Management District, for which the director of public works shall Director Public Works will be responsible.~~ The ~~city planner~~ Director of Community Development ~~or director shall~~ will base ~~his or her~~ their interpretations on the following:

(1) the defined or common meaning of the words of the provision;

(2) the general purpose of the provision; and

(3) the meaning of the provision in relation to the Comprehensive Plan. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.10.040 Building Permits.

Building permits are required by the PCC Title 2: Construction Code o~~f the city of Pullman, which is adopted in Title 2 of the Pullman City Code.~~

(1) The Building Official ~~shall~~ will refer to the ~~city planner~~ Director of Community Development all applications for building permits for new construction and for additions which increase the square footage of usable space.

(2) Upon receiving an application for a building permit, the ~~city planner shall~~ Director of Community Development will review it and make any necessary field inspections to determine whether the proposed construction or addition complies with the Zoning Code. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.10.050 Certificate of Occupancy.

(1) No building hereafter erected, moved, enlarged, or changed in use ~~shall~~ will be occupied until a ~~certificate of occupancy~~ Certificate of Occupancy has been issued by the Building Official.

(2) *Certificates of Occupancy for Conforming Uses, Buildings, and Structures.*

(a) A ~~certificate of occupancy shall~~ Certificate of Occupancy will be issued only after such building, enlargement, or relocation has been completed in conformity with the provisions of this Title and any applicable permits and plans.

(b) Any use legally occupying an existing building at the time this Zoning Code becomes effective may be continued but ~~shall~~ must not be changed, unless a ~~certificate of occupancy~~ Certificate of Occupancy for the new use ~~shall have~~ has been issued by the Building Official after finding that the new use conforms to any required conditions of any applicable permits and plans, and the ~~city planner~~ Director of Community Development finds that the new use conforms to this Title.

(c) Any transfer of ownership of the building or structure which does not involve a change of use ~~shall~~ will automatically ~~effect a~~ transfer ~~of~~ the ~~certificate of occupancy~~ Certificate of Occupancy to the new owner.

(3) *Certificates of Occupancy for Nonconforming Uses, Buildings and Structures.*

(a) The owner or authorized agent of any legal nonconforming use, building, or structure may, at any time, apply for a ~~certificate of occupancy~~ Certificate of Occupancy to continue as a nonconformity under the provisions of ~~Chapter~~ PCC 17.30.

(b) No ~~certificate of occupancy~~ Certificate of Occupancy for a nonconforming use, building, or structure ~~shall~~ will be issued until the applicant demonstrates that the nonconformity existed on the effective date of this Title, or on the date when preceding versions of the ~~city's~~ City's zoning regulations became effective as to such building, structure, land, or use, or that the building, structure, land, or use was rendered nonconforming by an amendment to this Title subsequent to its effective date.

(c) A ~~certificate of occupancy~~ Certificate of Occupancy for a nonconformity ~~shall~~ will state ~~the manner in which~~ how the property is nonconforming and the date when the property became nonconforming.

(d) Any transfer of ownership of the building or structure which does not involve a change of use ~~shall effect a~~ will transfer ~~of~~ the ~~certificate of occupancy~~ Certificate of Occupancy to the new owner. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.10.060 Fees.

All applications for permits, ~~certificates of occupancy~~ Certificates of Occupancy, rezones, variances, site plan approvals, and appeals ~~shall~~ will be accompanied by the fees established for such applications by resolution of the Council. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.10.070 Right of Entry.

(1) *Application Constitutes Permission for Entry.* Application for any permit, ~~certificate of occupancy~~ Certificate of Occupancy, rezone, variance, site plan approval, or appeal constitutes permission for representatives of the ~~city~~ City to enter on the property involved ~~in order~~ to make inspections necessary ~~to~~ for permit review.

(2) *Investigation of Potential Violations.* The ~~city planner~~ Director of Community Development may enter upon private property to investigate potential violations of this Title if ~~he or she has~~ they have a good faith belief that a violation exists on the property. Before entering upon private property, the ~~city planner shall~~ Director of Community Development must present credentials to the owner or person in possession or charge of the property and request entry. If entry is refused, the ~~city planner~~ Director of Community Development may use any lawful means to obtain entry. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.10.080 Violations.

(1) It is unlawful for any person to do or cause any act to be done contrary to or in violation of this Title, and for any property owner to permit any act to be done contrary to or in violation of this Title.

(2) It is also unlawful for any applicant or permittee to fail to perform any activity or obligation required by this Title.

(3) When a use or activity was previously established pursuant to any of the ordinances listed as repealed in Ordinance No. 87-9 §2, any current violation of conditions applied to said use or activity that is less strict than required under current ordinances ~~shall~~ will be subject to enforcement in accordance with the provisions of this Title. (Ord. ~~01-5 §2, 2001; Ord. 87-9 §1, 1987~~ 24-X).

17.10.090 Enforcement and Penalties.

When the ~~city planner~~ Director of Community Development determines that a violation of this Title ~~with the exception of Chapter 17.100, Floodplain Management District~~ exists, ~~he or she~~ they may proceed against that violation using the procedures provided in this Section.

(1) *Initiation of Review.* A review under this subsection may be initiated by:

(a) the ~~city planner~~ Director of Community Development;

(b) a motion of the ~~City~~ Council;

(c) any aggrieved person believing that a violation or violations of this Title is occurring by making a written complaint to the ~~city planner~~ Director of Community Development.

(2) *Review Procedure.*

(a) The ~~city planner shall~~ Director of Community Development will within ~~sixty (~~60~~)~~ days after the receipt of such written allegations or motion of the ~~City~~ Council complete an investigation of the alleged violation(s) to determine the merits thereof.

(b) Within ~~fourteen (~~14~~)~~ days after the ~~city planner~~ Director of Community Development has completed the investigation, ~~he or she shall~~ they will take the following action:

(i) If the ~~city planner~~ Director of Community Development determines that no violation as alleged or otherwise is occurring, then notification of that decision ~~shall~~ will be given to the complaining person or a spokesperson for the complaining person, or in a written report to the ~~City~~ Council.

(ii) If the ~~city planner~~ Director of Community Development determines that a violation is occurring or has occurred as alleged, a Notice of Violation and Order to Correct or Cease Activity ~~shall~~ will be sent as specified in PCC 17.10.090(3).

(c) If the ~~city planner~~ Director of Community Development determines that the way to correct a violation is for the property owner or violator to cease the activity, or for the ~~city~~ City to impose new or changed conditions on a permit or plan that has been issued or approved, the ~~city planner shall~~ Director of Community Development will refer the matter to the ~~hearing examiner~~ Hearing Examiner,

~~planning commission~~ Commission, or staff for review depending upon which entity made the final decision on the matter under review.

(i) The ~~hearing examiner~~ Hearing Examiner or ~~planning commission shall~~ Commission will hold a public meeting to review the permit or approval, using criteria required for the original

(ii) If the ~~hearing examiner~~ Hearing Examiner or ~~planning commission~~ Commission finds that a violation exists, and that it can be reasonably resolved by imposing new or changed conditions on the permit or plan, the conditions may be changed. The ~~hearing examiner's~~ Hearing Examiner's action ~~shall~~ will be final as provided under PCC 1.22.090, whereas the ~~planning commission's~~ Commission's action ~~shall~~ will be a recommendation to the Council to be considered under PCC 17.180.040.

(iii) If the ~~hearing examiner~~ Hearing Examiner or ~~City~~ Council determines that the way to correct the violation is for the permittee to cease the violation, and the permittee fails or refuses to cease the violation, the ~~hearing examiner~~ Hearing Examiner or Council may revoke the permit or approved plan and may order the activity allowed by the permit or plan to cease.

(iv) If the violation is of a condition which was imposed by staff and staff finds that the violation can be reasonably resolved by imposing new or changed conditions on the permit or plan, conditions may be changed by staff.

(v) If the staff determines that the way to correct a violation is for the permittee to cease the violation and the permittee fails or refuses to cease the violation, the staff may revoke the permit or plan and may order activity allowed by the permit or plan to cease.

(3) *Notice of Violation and Order to Correct or Cease Activity.*

(a) *General.* If the ~~city planner~~ Director of Community Development determines that any activity, condition, structure, or use exists that does not conform to this Title, ~~with the exception of Chapter 17.100, Floodplain Management District~~, ~~he or she~~ they may issue a Notice of Violation and Order to Correct or Cease Activity. This Notice will specifically indicate the following:

(i) the name and address of the person(s) charged with the violation;

(ii) what provision of this Title is being violated;

(iii) the street address and a brief legal description of the site on which the violation has been determined to exist;

(iv) what is necessary to correct the violation;

(v) the time by which the violation is to be corrected or activity ceased; and,

(vi) a statement that the civil penalties established in PCC 17.10.090(5) ~~shall~~ will be assessed against the person(s) cited if the violation is not corrected within the specified time period.

(b) *Notice to Occupant and Owner.* The ~~city planner shall~~ Director of Community Development will deliver or cause to be delivered the Notice of Violation and Order to Correct or Cease Activity by U.S. postal mail, or certified mail return receipt requested, or personal service to: the occupant or person in charge of the property if the occupant or person in charge of the property is the violator; or, the owner of the property if the owner of the property is the violator.

A copy of the Notice of Violation and Order to Correct or Cease Activity ~~shall~~ will be sent to the complaining person or a spokesperson for complaining person.

(4) *Appeals.* Any Notice of Violation and Order to Correct or Cease Activity issued by the ~~city planner shall~~ Director of Community Development will be appealable to the ~~hearing examiner~~ Hearing Examiner under ~~Chapter~~ PCC 17.185.

(5) *Penalties.*

(a) Any violation for which a Notice of Violation and Order to Correct or Cease Activity has been issued but which has not been corrected within the time specified ~~shall~~ will incur a civil penalty of ~~two hundred fifty dollars (~~$250~~)~~ per day up to a ~~sum~~ total of ~~five thousand dollars (~~$5,000~~)~~, beginning on the day the correction was to be completed. The cumulative penalty provided for in this paragraph ~~shall~~ will not accrue while an appeal is pending, nor ~~shall~~ will the penalty preclude the initiation of appropriate legal action to correct the violation.

(b) If a penalty has been assessed pursuant to PCC 17.10.090(5)(a), a Court ~~shall~~ will assess that penalty and any additional penalty the Court considers appropriate plus court costs and attorney's fees.

(6) If the ~~city planner~~ Director of Community Development determines that the property owner or violator could reasonably correct the violation, but fails to do so within the time specified in the Notice of Violation and Order to Correct or Cease Activity, the ~~city planner~~ Director of Community Development may refer the matter to the ~~city attorney~~ City Attorney for civil enforcement by injunction or other appropriate action.

(7) *Compromise, Settlement, and Disposition of Disputes or Litigation.* The ~~city planner~~ Director of Community Development and the ~~city attorney~~ City Attorney may negotiate a settlement or compromise, or otherwise dispose of a dispute or litigation when to do so would be in the best interests of the ~~city~~ City. (Ord. ~~22-2 §8, 2022; Ord. 06-15 §1, 2006; Ord. 03-33 §2, 2003; Ord. 87-9 §1, 1987~~ 24-X).

Chapter 17.15

HISTORIC PRESERVATION

Sections:

17.15.010 Purpose.
17.15.020 Authority and Applicability.
17.15.030 Definitions.
17.15.040 Historic Preservation Commission.
17.15.050 Pullman Register of Historic Places.
17.15.060 Review of Alterations to Register Properties.
17.15.070 ~~Special Property Tax Valuation.~~ Demolition Permit Applications for Properties 45 Years Old or Older
17.15.080 ~~Violation – Penalty.~~ Special Property Tax Valuation.
17.15.090 ~~Severability.~~ Violation – Penalty.
17.15.100 Severability.

17.15.010 Purpose.

The purpose of this Chapter is to provide for the identification, evaluation, designation, and protection of significant historic and prehistoric resources within the City and preserve and rehabilitate eligible historic properties for future generations through special valuation, a property tax incentive, as provided in Chapter 84.26 RCW to:

(1) safeguard the heritage of the community as represented by those buildings, districts, objects, sites, and structures which reflect significant elements of its history;

(2) foster civic and neighborhood pride in the beauty and accomplishments of the past, and a sense of identity based on the community's history;

(3) encourage the stabilization or improvement of the aesthetic and economic vitality and values of such sites, improvements, and objects;

(4) assist, encourage, and provide incentives to private owners for preservation, restoration, redevelopment and use of outstanding historic buildings, districts, objects, sites, and structures;

(5) promote and facilitate the early identification and resolution of conflicts between preservation of historic resources and alternative land uses; and

(6) promote and facilitate the conservation of valuable material and energy resources through ongoing use and maintenance of the existing built environment. (Ord. 24-X).

17.15.020 Authority and Applicability.

(1) The Director of Community Development is authorized to administer the provisions of this Chapter.

(2) The provisions of this Chapter will be held to be the minimum requirements necessary for the promotion of the public health, safety, and general welfare, and said provisions will be liberally construed to serve the purpose of this Chapter.

(3) If the provisions of this Chapter conflict one with another, or with the provisions of another ordinance of the City, or with the laws, regulations, codes, or rules enacted by another authority having jurisdiction within the City, the most restrictive provision or the provision imposing the highest standard will prevail, except when constrained by federal or state law. (Ord. 24-X).

17.15.030 Definitions.

Words used in this Chapter will have their ordinary and customary meaning, unless specifically defined otherwise. The definitions below will be used in the interpretation and administration of this Chapter.

(1) *Actual Cost of Rehabilitation.* Costs incurred within 24 months prior to the date of application and directly resulting from one or more of the following:

(a) improvements to an existing building located on or within the perimeters of the original structure; or

(b) improvements outside of but directly attached to the original structure which are necessary to make the building fully useable but will not include rentable/habitable floor space attributable to new construction; or

(c) architectural and engineering services attributable to the design of the improvements; or

(d) all costs defined as "qualified rehabilitation expenditures" for purposes of the Federal Historic Preservation Investment Tax Credit.

(2) *Certificate of Alteration.* The document indicating that the HPC has reviewed the proposed changes to an individual property on the Register or any property within an Historic District on the Register and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation, in accordance with the provisions of Section 17.15.060.

(3) *Certificate of Demolition.* The document indicating that the HPC has reviewed the proposed whole or partial demolition of a structure(s) on an individual property on the Register or any property within an Historic District on the Register and, failing to find alternatives to demolition, allows the Building Official to issue a permit for demolition, in accordance with the provisions of PCC 17.15.060.

(4) *Certified Local Government (CLG).* The designation reflecting that the local government has been jointly certified by the State Historic Preservation Officer and the National Park Service as having established its own Historic Preservation Commission and a program meeting Federal and State standards.

(5) *Cost*. The actual cost of rehabilitation, which cost will be at least 25% of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.

(6) *Distinct Property*. A parcel of land that is separate from other parcels of land by means of a designated lot shown on an official recorded subdivision, a recorded deed, or other appropriate document filed with the Whitman County Auditor.

(7) *Emergency Measures.*

(a) Work necessary to prevent destruction or dilapidation to real property or structural accessories thereto immediately threatened or damaged by fire, flood, earthquake, or other disaster; or

(b) Work necessary to abate an unsafe condition associated with a structure formally determined by the Building Official to be an unsafe structure pursuant to PCC Title 2.

(8) *Historic District*. Historic property consisting of multiple buildings, sites, structures, or objects located in proximity to one another and related in historic period or theme and listed on the Register.

~~(9) *Historic Preservation Commission (HPC).* The HPC created by Section 17.15.040 and acting as the "Local Review Board (Board)" as used in Chapter 84.26 RCW and Chapter 254-20 WAC for the special valuation of historic properties.~~

~~(10)~~(9) *Historic Property*. Real property together with improvements thereon which is listed on the Register.

~~(11)~~(10) *Incentives*. Certain rights or privileges which the Council, or other local, state, or federal public body, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of Register properties, including, but not limited to, tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, or beneficial placement of public improvements or amenities.

~~(12)~~(11) *National Register of Historic Places*. The national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering, or cultural heritage.

~~(13)~~(12) *Object*. A thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

~~(14)~~(13) *Ordinary Repair and Maintenance*. Work for which a permit is not required under PCC Title 2, as it now exists or may hereafter be amended, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure accessory therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage; the term includes painting or repainting of interior or exterior surfaces of structures.

~~(15)~~(14) *Professional Staff*. The City's Director of Community Development.

~~(16)~~(15) *Pullman Register of Historic Places (Register).* The listing of locally designated historic properties provided for in Section 17.15.050.

(16) *Recognized Historical Significance.* A building or structure eligible for listing on a local, state, or national historic register. Pursuant to WAC 197-11-800(2)(g), demolition of a building of recognized historical significance will require a SEPA review.

(17) *Rehabilitation*. The process of returning a property to a state of utility through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its architectural and cultural values.

(18) *Significance or Significant*. A property with local, state, or national significance which helps in the understanding of the history or prehistory of the local area, state, or nation by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area can include the City of Pullman, Whitman County, or southeast Washington, or a modest geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

(19) *Site*. A place where a significant event or pattern of events occurred, and may include the location of prehistoric or historic occupation or activities that may be marked by physical remains, or a place that is the symbolic focus of a significant event or pattern of events and may not have been actively occupied, or the location of a ruined or now non-extant building or structure if the location itself possesses historic cultural or archaeological significance.

(20) *Special Valuation.* The local program available to property owners that gives a special tax valuation for rehabilitation of historic properties under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten years, the actual cost of the rehabilitation under the provisions of Section 17.15.080 and Chapter 84.26 RCW.

(21) *State Register of Historic Places*. The State listing of properties significant to the community, state, or nation but which may or may not meet the criteria of the National Register.

(22) *State Review Board*. The advisory council on historic preservation established under Chapter 27.34 RCW, or any successor agency designated by the State to act as the State Historic Preservation Review Board under federal law.

(23) *Universal Transverse Mercator (UTM).* The grid zone in metric measurement providing for an exact point of numerical reference. (Ord. 24-X).

17.15.040 Historic Preservation Commission.

(1) *Creation*. There is hereby established an HPC, as provided in Subsection 17.15.040(2) below. Said HPC will serve as the local review board pursuant to Chapter 84.26 RCW.

(2) *Organization*. The HPC will be organized in accordance with the following provisions.

(a) The HPC will consist of seven members appointed by the Mayor and confirmed by the Council. All members of the HPC will have a demonstrated interest and/or competence in historic preservation and possess qualities of impartiality and broad judgment.

(b) Members of the HPC will either be residents of the City or own real property within the City.

(c) A minimum of three positions on the HCP will be reserved for people who have experience in identifying, evaluating, and protecting historic resources and are selected from among the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines. The HPC action that would otherwise be valid will not be rendered invalid by the temporary vacancy of any or all the three positions, unless the HPC action is related to meeting CLG responsibilities cited in the Certification Agreement between the Mayor and the State Historic Preservation Officer on behalf of the State.

(d) The original appointment of members to the HPC will be as follows: two (2) members for two (2) years, two (2) members for three (3) years; and three (3) members for four (4) years. Thereafter, appointments will be made for a three (3) year term. Members may be appointed to successive terms. Vacancies will be filled for the unexpired term in the same manner as the original appointment. Members may be removed by the Mayor with the approval of the Council for inefficiency or neglect of duty.

(e) In making HPC appointments, the Mayor may consider names submitted from any source, but the Mayor should notify history and community development related organizations of vacancies so that names of interested and qualified individuals may be submitted by such organizations for consideration along with names from any other source.

(3) *Duties and Responsibilities*. The primary responsibilities of the HPC are to identify and actively encourage the conservation of the City's historic resources by initiating and maintaining a register of historic places and reviewing proposed changes to register properties; to raise community awareness of the City's history and historic resources; and to serve as the City's primary resource in matters of history, historic planning, and preservation.

In carrying out these responsibilities, the HPC will engage in the following activities:

(a) conduct and maintain a comprehensive inventory of historic resources within the boundaries of the City and adopt standards in its rules to guide this activity;

(b) initiate and administer the Register as set forth in PCC 17.15.050 and adopt standards in its rules to guide this activity;

(c) review proposals to construct, modify, remodel, move, demolish, or significantly affect properties or districts on the Register as provided in Section 17.15.060 and adopt standards in its rules to guide this review and the issuance of a Certificate of Alteration or Certificate of Demolition;

(d) serve as the local Board for special property tax valuation in accordance with the provisions of Section 17.15.080 and adopt standards in its rules to guide this activity;

(e) review nominations to the State and National Registers of Historic Places;

(f) provide for the review either by the HPC or its Professional Staff of all applications for approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to identified historic resources or adjacent properties;

(g) conduct and promote public educational and interpretive programs regarding historic and prehistoric resources, addressing such topics as maintenance and rehabilitation of historic properties to encourage appropriate use and preservation of historic resources and discourage the deterioration of historic properties due to neglect, abandonment, or other cause;

(h) cooperate with federal, state, and other local government entities on matters that further historic preservation objectives in the community;

(i) advise the Mayor and Council on matters pertaining to history and historic preservation, including recommendations on land use, housing, and capital improvement proposals that may affect local historic resources, recommending updates to 17.15 to Council for adoption, and communication about various federal, state, local or private funding sources available to promote historic preservation in the community;

(j) officially recognize excellence in the rehabilitation of historic buildings, structures, sites and districts, and new construction in historic areas, and encourage appropriate measures for such recognition;

(k) conduct all HPC meetings in compliance with Chapter 42.30 RCW, Open Public Meetings Act, to provide for adequate public participation, and adopt standards in its rules to guide this action; and

(l) perform such other duties and responsibilities as may be conferred by city ordinance or as directed by the Council.

(4) *Rules of Procedure*. The HPC will adopt, by resolution, rules for its own self-government, including provisions regarding:

(a) rules of procedure to address the activities described in PCC 17.15.040(3)(a)-(d);

(b) compliance with the Open Public Meetings Act (Chapter 42.30 RCW);

(c) rules of parliamentary procedure; and

(d) frequency of meetings.

(5) *Minutes*. The HPC will keep minutes of its proceedings showing the action of the HPC upon each question. Such minutes will include the names of interested persons who provide comments regarding a matter under consideration and the respective position of each. In addition, the minutes will document the HPC's decisions and reference any conditions imposed by the HPC. These minutes will be filed with the City Clerk and will be public records. (Ord. 24-X).

17.15.050 Pullman Register of Historic Places.

(1) *Criteria for Determining Designation in the Register*. Any building, structure, site, object, or district may be designated for inclusion in the Register if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community; if it has integrity; is at least 50 years old, or is of lesser age and has exceptional importance; and if it falls in at least one of the following categories:

(a) is associated with events that have made a significant contribution to the broad patterns of national, state, or local history;

(b) embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction;

(c) is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art;

(d) exemplifies or reflects special elements of the City's cultural, special, economic, political, aesthetic, engineering, or architectural history;

(e) is associated with the lives of persons significant in national, state, or local history;

(f) has yielded or may be likely to yield important archaeological information related to history or prehistory;

(g) is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with an historic person or event;

(h) is a birthplace or grave of an historical figure of outstanding importance and is the only surviving structure or site associated with that person;

(i) is a cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns;

(j) is a reconstructed building that has been executed in an historically accurate manner on the original site; or

(k) is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories.

(2) *Process for Designating Properties or Districts to the Register*.

(a) Any person may nominate a building, structure, site, object, or district for inclusion in the Register. Members of the HPC or the HPC as a whole may generate nominations. In its nomination decision, the HPC will consider the Pullman inventory of historic resources and the City comprehensive plan.

(b) In the case of individual properties, the nomination will include the written consent of the owner(s) of the subject property. The nomination documentation will also include the UTM reference and all features – interior and exterior – of principal structures and accessory buildings that contribute to its significance.

(c) In the case of districts, the nomination will include a description of the boundaries of the district; the characteristics of the district which justify its inclusion on the Register; and a list of all properties including features, structures, sites, and objects which contribute to the significance of the district. The nomination documentation will also include the written consent of the owners of at least 60% of the total number of distinct properties located within the proposed district.

(d) The HPC will consider the nomination at a public meeting. Notice of the nomination will be given to the public, the owner(s) of all properties that are the subject of the nomination and the authors of the nomination, if different, and lessees, if any, of any subject property, at least 30 days prior to the public meeting in accordance with rules established by the HPC pursuant to PCC 17.15.040(4). Such notice will include publication in a newspaper of general circulation in the City and posting of the property.

(e) The HPC will consider the merits of the nomination, according to the criteria in PCC 17.15.050(1), and according to nomination review standards that may be established by the HPC pursuant to PCC 17.15.040(4). If the HPC finds that the nominated property or district is eligible for the Register, the HPC will list the property or district in the Register. The public, the authors of the nomination, and the owner(s) of the subject property(ies) will be notified of the listing.

(3) *Effects of Listing on the Register.*

(a) Listing on the Register is an honorary designation denoting significant association with the historic, archaeological, engineering, or cultural heritage of the

community. Properties are listed individually or as located within an historic district.

(b) Prior to the commencement of any work on an historic property as defined herein or any property located within an historic district as defined herein, excluding ordinary repair and maintenance and emergency measures defined in PCC 17.15.030, the owner or their authorized agent must request and receive a Certificate of Alteration from the HPC for the proposed work. Violation of this provision will be grounds for the HPC to review the historic property or historic district for removal from the Register.

(c) Prior to whole or partial demolition of an historic property as defined herein or any property located within an historic district as defined herein, the owner must request and receive a Certificate of Demolition.

(d) Once the City is approved as a CLG, only historic properties listed on the Register are eligible for special tax valuation in accordance with the provisions of PCC 17.15.080.

(4) *Process for Removing Properties or Districts from the Register*. Any property or district that is no longer deemed appropriate for designation on the Register, the HPC, the owner of the subject property, or any owner within the subject district may propose the removal of that property or district from the Register by the same procedure set forth in PCC 17.15.050(2) for designating a property or district on the register. Owner consent for removal of a property or district from the register is not required.

(5) *Appeal of Decisions to Designate or Remove Properties on Register*. Any aggrieved party may appeal a decision of the HPC to designate or remove a property or district on the Register. Said appeal will be filed with the City Clerk and will be accompanied by an appeal fee, the amount of which will be set by resolution of the Council. An appeal of such a decision will be heard by the City Hearing Examiner in accordance with the procedures set forth in PCC 17.15.170. (Ord. 24-X).

17.15.060 Review of Alterations to Register Properties.

Except as otherwise provided in this section, no person will alter an individual property on the Register or any property within an historic district on the Register without receipt from the HPC of a Certificate of Alteration, or in the case of demolition, a Certificate of Demolition. The review process will apply to all features of the property, interior and exterior, that contribute to the designation of the property or an historic district as listed on the nomination form. The requirements below will apply to review of property alterations or demolitions under this Section.

(1) *Requests for Review*. The Building Official will notify the HPC or Professional Staff of any application for a permit to work on an individual property on the Register or any property within an historic district on the Register. If the activity is not exempt from review, the HPC or Professional Staff will notify the applicant of the review requirements. The Building Official will not issue any such permit until a Certificate of

Alteration or Certificate of Demolition is received from the HPC but will work with the HPC as appropriate to provide information regarding applicable building and fire code regulations. Said regulations will include the Washington State Historic Building Code provisions authorized in Chapter 19.27 RCW. Applications for a Certificate of Alteration or a Certificate of Demolition will be filed with the Director of Community Development.

(2) *Review of Applications for Certificate of Alteration.*

(a) *Application Materials*. Applications for a Certificate of Alteration will include the following information and materials:

(i) the applicant's name and address, and the owner's name, address, and written consent if the applicant is not the owner;

(ii) proof of ownership of the property;

(iii) a legal description of the property;

(iv) comprehensive exterior and interior photographs of the property;

(v) a scaled plot plan exhibiting dimensions and orientation of the property, location and dimensions of existing and proposed structures, and location and layout of parking areas, walkways, and landscaping, provided the proposal involves alterations to the exterior dimensions of any structure on the property;

(vi) architectural plans or other legible drawings, drawn to scale, depicting the proposed alteration activity, including a description of existing and proposed building materials and colors; and

(vii) an application fee, the amount of which will be set by resolution of the Council.

(b) *Exemptions*. The following activities do not require a Certificate of Alteration or review by the HPC:

(i) ordinary repair and maintenance, as defined in PCC 17.15.030;

(ii) emergency measures, as defined in PCC 17.15.030; or

(iii) work involving interior features of a property that the HPC has not designated as historic features unless the interior work is being considered for Special Tax Valuation.

(c) *HPC Review*.

(i) The HPC will meet with the applicant and review the proposed work according to the design review criteria in its rules established pursuant to PCC 17.15.040. Unless legally required, there will be no notice, posting, or publication requirements for action on the application, but all such actions will be made at regular or special meetings of the HPC. The HPC

will complete its review and make its recommendations within 45 calendar days of the date of receipt of a complete application. If the HPC is unable to process the request, the HPC may ask for an extension of time.

(ii) The HPC's recommendations will be in writing and will state the findings of fact and reasons relied upon in reaching its decision. Any conditions agreed to by the applicant in this review process will become conditions of approval of the permits granted. If the owner agrees to the HPC's recommendations, a Certificate of Alteration will be granted by the HPC according to standards established in the HPC's rules.

(iii) The HPC's recommendations and, if granted, the Certificate of Alteration will be transmitted to the Building Official. If a Certificate of Alteration is granted, the Building Official may then issue the permit.

(3) *Review of Applications for Certificate of Demolition.*

(a) *Application Materials.* Applications for a Certificate of Demolition will include the following information and materials:

(i) the applicant's name and address, and the owner's name, address, and written consent if the applicant is not the owner;

(ii) proof of ownership of the property;

(iii) a legal description of the property;

(iv) comprehensive exterior and interior photographs of the property;

(v) a scaled plot plan exhibiting dimensions and orientation of the property; location and dimensions of existing structures, with an indication of which structure(s) is proposed to be demolished; and location and layout of parking areas, walkways, and landscaping; and

(vi) an application fee, the amount of which will be set by resolution of the Council.

(b) *Exemption*. Emergency measures, as defined in PCC 17.15.030, do not require a Certificate of Demolition or review by the HPC.

(c) *HPC Review.*

(i) The HPC will meet with the applicant to find alternatives to demolition. Unless legally required, there will be no notice, posting, or publication requirements for action on the application, but all such actions will be made at regular or special meetings of the HPC. Negotiations between the HPC and applicant may last no longer than 45 calendar days from the initial meeting of the HPC, unless the applicant requests an extension of time. If no request for an extension is made and there is no agreement on an alternative to demolition, the HPC will act to approve or deny the Certificate of Demolition.

(ii) The HPC's decision to approve or deny a Certificate of Demolition will be in writing and will state the findings of fact and reasons relied upon in reaching its decision. When issuing a Certificate of Demolition, the HPC may require the owner to mitigate the loss of the structure(s) by means determined by the HPC at the meeting including the possible requirement to deconstruct and salvage building materials as part of the demolition process.

(iii) The HPC's decision and, if granted, the Certificate of Demolition will be transmitted to the Building Official. If a Certificate of Demolition is granted, the Building Official may then issue the permit.

(iv) After demolition is accomplished, the HPC will review the property to determine if it should be removed from the register.

(4) *HPC Rules*. The HPC is authorized to establish rules to guide its review of applications for a Certificate of Alteration or Certificate of Demolition.

(5) *Appeal of Decisions on Certificates of Alteration or Demolition*. Any aggrieved party may appeal a decision of the HPC regarding a Certificate of Alteration or Certificate of Demolition to the Council within 10 calendar days after the date of the decision being appealed. The appeal must state the grounds upon which the appeal is based. The appeal will be reviewed by the Council solely on the appeal documentation and the records of the HPC. Appeal of the Council's decision regarding a Certificate of Alteration or Certificate of Demolition may be made pursuant to Chapter 36.70C RCW, the Land Use Petition Act, in compliance with the statute and through the Whitman County Superior Court. (Ord. 24-X).

17.15.070 ~~Special Property Tax Valuation.~~ Demolition Permit Applications for Properties 45 Years Old or Older.

(1) *Images Required.* For properties that require a demolition permit and are not listed on the Register as provided in 17.15.060, any application for a demolition permit must be accompanied by digital images as specified below, unless the property has been previously inventoried through the City's Comprehensive Inventory of Historic Resources as described in 17.15.040(3)(a).

Images of each entire elevation, must be focused and of sufficient resolution so that details of the building or structure are clear.

(2) *Evaluation.* Eligibility for local register listing of buildings or structures proposed for demolition must be determined by the HPC, or on its behalf by individuals with professional qualifications that meet the Secretary of the Interior's Standards. Criteria for evaluation will be those defined in 17.15.050(1). Eligibility for listing at the State and/or National levels will be evaluated by the Washington State Department of Archaeology and Historic Preservation, unless the property has been previously inventoried through the City's Comprehensive Inventory of Historic Resources as described in 17.15.040(3)(a).

(3) *Environmental Review.* For the purposes of WAC 197-11-800(2)(g), a property that is eligible for listing on a Local, State, or National Historic Register may be considered to have recognized historic significance and demolition there of potentially subject to State Environmental Policy Act Environmental Review.

(4) *Mitigation.* Options such as allowing the structure to be moved, salvaging historic and/or reusable building materials, and documentation and interpretation of the structure may be required as conditions of approval for a demolition permit.

(5) *Exemption.* Emergency measures, as defined in PCC 17.15.030, are exempt from this procedure.

17.15.080 ~~Violation—Penalty.~~ Special Property Tax Valuation.

(1) *Eligible Property*. To be eligible to apply for special valuation in accordance with the provisions of this Chapter, a property must be individually listed on the Register or must be certified by the HPC as a contributing property within an historic district on the Register and said property must have undergone qualifying rehabilitation work within the standards set forth in this Section. The actual cost of rehabilitation work will be calculated based on expenses incurred for improvements or work elements completed during the 24-month period prior to the date of application. Properties subject to ongoing or phased rehabilitation work will be eligible for special valuation so long as the property meets the criteria of PCC 17.15.080(3)(a).

(2) *Application Requirements*. The requirements below will apply to applications for special valuation.

(a) The owner of an historic property desiring special valuation will apply to the assessor of the county in which the historic property is located upon forms prescribed by the Department of Revenue and supplied by the county assessor.

(b) In order to be eligible for special valuation, applications must be filed not later than October 1 of the calendar year preceding the assessment year for which special valuation is sought.

(c) Applications for special valuation must be accompanied by fees established for such applications, provided a resolution and/or interlocal agreement(s) has been approved by the Council for this purpose.

(d) Applications for special valuation will include the following information and materials:

(i) the applicant’s name and address, and the owner’s name, address, and written consent if the applicant is not the owner;

(ii) proof of ownership of the property;

(iii) a legal description of the property;

(iv) comprehensive exterior and interior photographs of the property before and after rehabilitation;

(v) architectural plans or other legible drawings, drawn to scale, depicting the completed rehabilitation work, including a description of applicable building materials and colors; and

(vi) documentation as to the actual cost of the rehabilitation project and the period during which the rehabilitation took place, and a notarized affidavit attesting to the accuracy of this information.

(e) The HPC is authorized to examine the applicant's records and may require the applicant to provide information in addition to the material required in PCC 17.15.080(2)(d) to assist in its review.

(3) *Application Procedures*. The procedures below will be followed regarding applications for special valuation.

(a) Following receipt of an application for special valuation from the county assessor, the HPC will conduct a public meeting to review the application consistent with the provisions of this Section and the HPC's rules. At said public meeting, the HPC will determine if the application is complete and if the property in question meets the following criteria:

(i) the property is historic property;

(ii) the property is included within a class of historic property determined eligible for special valuation by the provisions of this Section;

(iii) the property has been rehabilitated at a cost which meets the definition of "cost" set forth in PCC 17.15.030; and

(iv) the property has not been altered in any way that adversely affects those elements that qualify it as historically significant, utilizing for this purpose the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties set forth in WAC 254-20-100.

(b) If the HPC determines that the application for special valuation is complete and the property in question satisfies all the criteria set forth in PCC 17.15.080(3)(a), it will, on behalf of the City, enter into an agreement with the owner that meets the specifications of WAC 254-20-120. Upon execution of said agreement between the HPC and the owner, the HPC will approve the application for special valuation.

(c) If the HPC determines that the property in question does not meet all of the requirements for special valuation, including the criteria set forth in PCC 17.15.080(3)(a), it will deny the application.

(d) The HPC will certify its decision in writing and state the facts upon which the approval or denial is based. Within 10 days of issuing a decision, the HPC will file a copy of its certified written decision, all application materials, and any pertinent agreement(s) with the county assessor for recording. The HPC will also transmit a copy of the certification to the applicant. If the HPC has approved an

application for special valuation, the HPC will notify the State Review Board of such approval.

(e) Complete applications for special valuation filed on or before October 1 will be approved or denied by the HPC before December 31 of the calendar year in which the application is made.

(4) *Monitoring and Disqualification*.

(a) Following the execution of a special valuation agreement between the HPC and the property owner, no changes in standards of maintenance, public access, alteration, report requirements, or any other provisions of the agreement will be allowed during the special valuation period without the approval of all parties to the agreement.

(b) The HPC will monitor properties for which special valuation has been approved, and, if it suspects any irregularities, it will conduct a public meeting in accordance with its rules to determine whether or not a property is disqualified from special valuation due to:

(i) the owner's failure to comply with the terms of the agreement, or

(ii) a loss of historic value resulting from physical changes to the building or site, utilizing for this purpose the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties set forth in WAC 254-20-100.

(c) In the event that the HPC concludes that a property is no longer qualified for special valuation, it will notify the owner, the county assessor, and the State Review Board in writing and state the facts supporting its findings.

(5) *Appeals*.

(a) Any decision of the HPC acting on an application for classification as historic property eligible for special valuation may be appealed to Superior Court of Whitman County under Chapter 34.05.510 through 34.05.598 RCW in addition to any other remedy of law.

(b) Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the County Board of Equalization in accordance with 84.40.038 RCW.

(6) *Intergovernmental Agreement*. The City may enter into an agreement with Whitman County to establish specific procedures by which applications for special valuation will be processed. This agreement may include, but will not be limited to, provisions regarding fees and administrative responsibilities. (Ord. 24-X).

17.15.090 ~~Severability~~ Violation – Penalty.

Any violation of this Chapter will be a Class I infraction, punishable by a penalty of not less than $250.00 for a first offense. For each repeat violation of this Chapter, the penalty will be not less than $500.00. (Ord. 24-X).

17.15.100 Severability.

The provisions of this Chapter are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this Chapter or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this Chapter will not because of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid. (Ord. 24-X).

Chapter ~~16.60~~ 17.15

HISTORIC PRESERVATION

Sections:

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~~16.60.090~~ 17.15.090	~~Severability.~~ Violation – Penalty.
17.15.100	Severability.

~~16.60.010~~ 17.15.010 Purpose.

The purpose of this Chapter is to provide for the identification, evaluation, designation, and protection of significant historic and prehistoric resources within the ~~city of Pullman~~ City and preserve and rehabilitate eligible historic properties for future generations through special valuation, a property tax incentive, as provided in Chapter 84.26 RCW to:

(1) safeguard the heritage of the community as represented by those buildings, districts, objects, sites, and structures which reflect significant elements of its history;

(2) foster civic and neighborhood pride in the beauty and accomplishments of the past, and a sense of identity based on the community's history;

(3) encourage the stabilization or improvement of the aesthetic and economic vitality and values of such sites, improvements, and objects;

(4) assist, encourage, and provide incentives to private owners for preservation, restoration, redevelopment and use of outstanding historic buildings, districts, objects, sites, and structures;

(5) promote and facilitate the early identification and resolution of conflicts between preservation of historic resources and alternative land uses; and

(6) promote and facilitate the conservation of valuable material and energy resources through ongoing use and maintenance of the existing built environment. (Ord. 24-X).

~~16.60.020~~ 17.15.020 Authority and Applicability.

(1) The Director of Community Development or ~~his/her~~ their designee is authorized to administer the provisions of this Chapter.

(2) The provisions of this Chapter ~~shall~~ will be held to be the minimum requirements necessary for the promotion of the public health, safety, and general welfare, and said provisions ~~shall~~ will be liberally construed to serve the purpose of this Chapter.

(3) If the provisions of this Chapter conflict one with another, or with the provisions of another ordinance of the ~~city~~ City, or with the laws, regulations, codes, or rules enacted by another authority having jurisdiction within the ~~city~~ City, the most restrictive provision or the provision imposing the highest standard ~~shall~~ will prevail, except when constrained by federal or state law. (Ord. 24-X).

~~16.60.030~~ 17.15.030 Definitions.

Words used in this Chapter ~~shall~~ will have their ordinary and customary meaning, unless specifically defined otherwise. The definitions below ~~shall~~ will be used in the interpretation and administration of this Chapter.

(1) *Actual Cost of Rehabilitation.* Costs incurred within ~~twenty-four~~ 24 months prior to the date of application and directly resulting from one or more of the following:

(a) improvements to an existing building located on or within the perimeters of the original structure; or

(b) improvements outside of but directly attached to the original structure which are necessary to make the building fully useable but ~~shall~~ will not include rentable/habitable floor space attributable to new construction; or

(c) architectural and engineering services attributable to the design of the improvements; or

(d) all costs defined as "qualified rehabilitation expenditures" for purposes of the Federal Historic Preservation Investment Tax Credit.

~~(2) "Alter" or "Alteration" means modification of a building by changing its use, building a new structure, or reconstructing, modifying, restoring, remodeling, repairing, moving, or demolishing all or part of a structure, except as otherwise provided in this Chapter.~~

~~(3) "Building" means a structure constructed by human beings; the term includes both residential and nonresidential buildings, principal and accessory buildings.~~

~~(4) "Building Official" means the City Director of Public Works or his/her designee who is responsible for the administration of the Construction Code of the City of Pullman.~~

~~(5)~~(2) *Certificate of Alteration.* The document indicating that the ~~commission~~ HPC has reviewed the proposed changes to an individual property on the ~~Pullman~~ Register ~~of Historic Places~~ or any property within an Historic District on the Register and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation, in accordance with the provisions of Section ~~16.60.060~~ 17.15.060.

~~(6)~~(3) *Certificate of Demolition.* The document indicating that the ~~commission~~ HPC has reviewed the proposed whole or partial demolition of a structure(s) on an individual property on the ~~Pullman~~ Register ~~of Historic Places~~ or any property within an Historic District on the Register and, failing to find alternatives to demolition, allows the Building

Official to issue a permit for demolition, in accordance with the provisions of PCC ~~16.60.060~~ 17.15.060.

~~(7)~~(4) *Certified Local Government (CLG).* The designation reflecting that the local government has been jointly certified by the State Historic Preservation Officer and the National Park Service as having established its own Historic Preservation Commission and a program meeting Federal and State standards.

~~(8)~~(5) *Cost*. The actual cost of rehabilitation, which cost ~~shall~~ will be at least ~~twenty-five percent~~ 25% of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.

~~(9)~~(6) *Distinct Property*. A parcel of land that is separate from other parcels of land by means of a designated lot shown on an official recorded subdivision, a recorded deed, or other appropriate document filed with the Whitman County Auditor.

~~(10)~~(7) *Emergency Measures.*

(a) Work necessary to prevent destruction or dilapidation to real property or structural ~~appurtenances~~ accessories thereto immediately threatened or damaged by fire, flood, earthquake, or other disaster; or

(b) Work necessary to abate an unsafe condition associated with a structure formally determined by the Building Official to be an unsafe structure pursuant to PCC Title 2.

~~(11)~~(8) *Historic District*. Historic property consisting of multiple buildings, sites, structures, or objects located in proximity to one another and related in historic period or theme and listed on the ~~Pullman~~ Register ~~of Historic Places~~.

~~(12) *Historic Preservation Commission (HPC).* The HPC created by Section 17.15.040 and acting as the "Local Review Board (Board)" as used in Chapter 84.26 RCW and Chapter 254-20 WAC for the special valuation of historic properties.~~

~~(13)~~(9) *Historic Property*. Real property together with improvements thereon which is listed on the ~~Pullman~~ Register ~~of Historic Places~~.

~~(14)~~(10) *Incentives*. Certain rights or privileges which the ~~City~~ Council, or other local, state, or federal public body, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of Register properties, including, but not limited to, tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, or beneficial placement of public improvements or amenities.

~~(15)~~(11) *National Register of Historic Places*. The national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering, or cultural heritage.

~~(16)~~(12) *Object*. A thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

~~(17)~~(13) *Ordinary Repair and Maintenance*. Work for which a permit is not required under PCC Title 2, as it now exists or may hereafter be amended, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure ~~appurtenance~~ accessory therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage; the term includes painting or repainting of interior or exterior surfaces of structures.

~~(18) *Owner*. The owner of record according to the Whitman County Assessor's records.~~

~~(18)~~(14) *Professional Staff*. The City's Director of Community Development or ~~his/her~~ their designee(s).

~~(20)~~(15) *Pullman Register of Historic Places (Register)*. The listing of locally designated historic properties provided for in ~~Section 16.60.050~~ PCC 17.15.050.

~~(21) *RCW*. Revised Code of Washington~~

(16) *Recognized Historical Significance.* A building or structure eligible for listing on a local, state, or national historic register. Pursuant to WAC 197-11-800(2)(g), demolition of a building of recognized historical significance will require a SEPA review.

~~(22)~~(17) *Rehabilitation*. The process of returning a property to a state of utility through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its architectural and cultural values.

~~(23)~~(18) *Significance or Significant*. A property with local, state, or national significance which helps in the understanding of the history or prehistory of the local area, state, or nation by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area can include the ~~city~~ City of Pullman, Whitman County, or southeast Washington, or a modest geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

~~(24)~~(19) *Site*. A place where a significant event or pattern of events occurred, and may include the location of prehistoric or historic occupation or activities that may be marked by physical remains, or a place that is the symbolic focus of a significant event or pattern of events and may not have been actively occupied, or the location of a ruined or now non-extant building or structure if the location itself possesses historic cultural or archaeological significance.

~~(25)~~(20) *Special Valuation*. The local ~~option~~ program ~~which when implemented makes~~ available to property owners that gives a special tax valuation for rehabilitation of historic properties under which the assessed value of an eligible historic property is

determined at a rate that excludes, for up to ten years, the actual cost of the rehabilitation under the provisions of ~~Section 16.60.070~~ PCC 17.15.080 and Chapter 84.26 RCW.

~~(26)~~(21) *State Register of Historic Places*. The State listing of properties significant to the community, state, or nation but which may or may not meet the criteria of the National Register.

~~(27)~~(22) *State Review Board*. The advisory council on historic preservation established under Chapter 27.34 RCW, or any successor agency designated by the State to act as the State Historic Preservation Review Board under federal law.

~~(28) *Structure*. An edifice of building of any kind, or any piece of work artificially built up or composed of parts joined together~~

~~(29)~~(23) *Universal Transverse Mercator (UTM)*. The grid zone in metric measurement providing for an exact point of numerical reference. (Ord. 24-X).

~~(30) *WAC*. Washington Administrative Code.~~

~~16.60.040~~ 17.15.040 Historic Preservation Commission.

(1) *Creation*. There is hereby established an ~~Historic Preservation Commission~~ HPC, as provided in ~~Subsection 16.60.040(2)~~ PCC 17.15.040(2) below. Said ~~Commission shall~~ HPC will serve as the local review board pursuant to Chapter 84.26 RCW.

(2) *Organization*. The ~~Historic Preservation Commission shall~~ HPC will be organized in accordance with the following provisions.

(a) The ~~commission shall~~ HPC will consist of seven members appointed by the Mayor and confirmed by the ~~City~~ Council. All members of the ~~commission shall~~ HPC will have a demonstrated interest and/or competence in historic preservation and possess qualities of impartiality and broad judgment.

(b) Members of the ~~commission shall~~ HPC will either be residents of the ~~city of Pullman~~ City or own real property within the ~~city of Pullman~~ City.

(c) A minimum of three positions on the ~~commission shall~~ HCP will be reserved for people who have experience in identifying, evaluating, and protecting historic resources and are selected from among the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines. The ~~commission~~ HPC action that would otherwise be valid ~~shall~~ will not be rendered invalid by the temporary vacancy of any or all ~~of~~ the three positions, unless the ~~commission~~ HPC action is related to meeting ~~Certified Local Government (CLG)~~ CLG responsibilities cited in the Certification Agreement between the Mayor and the State Historic Preservation Officer on behalf of the State.

(d) The original appointment of members to the ~~commission shall~~ HPC will be as follows: two (2) members for two (2) years, two (2) members for three (3) years;

and three (3) members for four (4) years. Thereafter, appointments ~~shall~~ will be made for a three (3) year term. Members may be appointed to successive terms. Vacancies ~~shall~~ will be filled for the unexpired term in the same manner as the original appointment. Members may be removed by the Mayor with the approval of the ~~City~~ Council for inefficiency or neglect of duty.

(e) In making ~~commission~~ HPC appointments, the Mayor may consider names submitted from any source, but the Mayor should notify history and community development related organizations of vacancies so that names of interested and qualified individuals may be submitted by such organizations for consideration along with names from any other source.

(3) *Duties and Responsibilities*. The primary responsibilities of the ~~Historic Preservation Commission~~ HPC are to identify and actively encourage the conservation of the City's historic resources by initiating and maintaining a register of historic places and reviewing proposed changes to register properties; to raise community awareness of the City's history and historic resources; and to serve as the City's primary resource in matters of history, historic planning, and preservation.

In carrying out these responsibilities, the ~~historic preservation commission shall~~ HPC will engage in the following activities:

(a) conduct and maintain a comprehensive inventory of historic resources within the boundaries of the City and adopt standards in its rules to guide this activity;

(b) initiate and administer the ~~Pullman~~ Register ~~of Historic Places~~ as set forth in ~~Section 16.60.050~~ PCC 17.15.050 and adopt standards in its rules to guide this activity;

(c) review proposals to construct, modify, remodel, move, demolish, or significantly affect properties or districts on the Register as provided in ~~Section 16.60.060~~ PCC 17.15.060 and adopt standards in its rules to guide this review and the issuance of a Certificate of Alteration or Certificate of Demolition;

(d) serve as the local review board for special property tax valuation in accordance with the provisions of ~~Section 16.60.070~~ PCC 17.15.080 and adopt standards in its rules to guide this activity;

(e) review nominations to the State and National Registers of Historic Places;

(f) provide for the review either by the ~~commission~~ HPC or its Professional Staff of all applications for approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to identified historic resources or adjacent properties;

(g) conduct and promote public educational and interpretive programs regarding historic and prehistoric resources, addressing such topics as maintenance and rehabilitation of historic properties to encourage appropriate use and preservation

of historic resources and discourage the deterioration of historic properties due to neglect, abandonment, or other cause;

(h) cooperate with federal, state, and other local government entities on matters that further historic preservation objectives in the community;

(i) advise the Mayor and ~~City~~ Council on matters pertaining to history and historic preservation, including recommendations on land use, housing, and capital improvement proposals that may affect local historic resources, recommending updates to 17.15 to Council for adoption, and communication about various federal, state, local or private funding sources available to promote historic preservation in the community;

(j) officially recognize excellence in the rehabilitation of historic buildings, structures, sites and districts, and new construction in historic areas, and encourage appropriate measures for such recognition;

(k) conduct all ~~commission~~ HPC meetings in compliance with Chapter 42.30 RCW, Open Public Meetings Act, to provide for adequate public participation, and adopt standards in its rules to guide this action; and

(l) perform such other duties and responsibilities as may be conferred by city ordinance or as directed by the ~~City~~ Council.

(4) *Rules of Procedure*. The ~~historic preservation commission shall~~ HPC will adopt, by resolution, rules for its own self-government, including provisions regarding:

(a) rules of procedure to address the activities described in ~~Parapgraphs 16.60.040(3)(a)-(d)~~ PCC 17.15.040(3)(a)-(d);

(b) compliance with the Open Public Meetings Act (Chapter 42.30 RCW);

(c) rules of parliamentary procedure; and

(d) frequency of meetings.

(5) *Minutes*. The ~~Historic Preservation Commission shall~~ HPC will keep minutes of its proceedings showing the action of the ~~commission~~ HPC upon each question. Such minutes ~~shall~~ will include the names of interested persons who provide comments regarding a matter under consideration and the respective position of each. In addition, the minutes ~~shall~~ will document the ~~commission's~~ HPC's decisions and reference any conditions imposed by the ~~commission~~ HPC. These minutes ~~shall~~ will be filed with the City Clerk and ~~shall~~ will be public records. (Ord. 24-X).

~~16.60.050~~ 17.15.050 Pullman Register of Historic Places.

(1) *Criteria for Determining Designation in the Register*. Any building, structure, site, object, or district may be designated for inclusion in the ~~Pullman~~ Register ~~of Historic Places~~ if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community; if it has integrity; is at least 50 years

old, or is of lesser age and has exceptional importance; and if it falls in at least one of the following categories:

(a) is associated with events that have made a significant contribution to the broad patterns of national, state, or local history;

(b) embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction;

(c) is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art;

(d) exemplifies or reflects special elements of the City's cultural, special, economic, political, aesthetic, engineering, or architectural history;

(e) is associated with the lives of persons significant in national, state, or local history;

(f) has yielded or may be likely to yield important archaeological information related to history or prehistory;

(g) is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with an historic person or event;

(h) is a birthplace or grave of an historical figure of outstanding importance and is the only surviving structure or site associated with that person;

(i) is a cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns;

(j) is a reconstructed building that has been executed in an historically accurate manner on the original site; or

(k) is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories.

(2) *Process for Designating Properties or Districts to the Register*.

(a) Any person may nominate a building, structure, site, object, or district for inclusion in the ~~Pullman~~ Register ~~of Historic Places~~. Members of the ~~Historic Preservation Commission or the commission~~ HPC or the HPC as a whole may generate nominations. In its nomination decision, the ~~commission shall~~ HPC will consider the Pullman inventory of historic resources and the City comprehensive plan.

(b) In the case of individual properties, the nomination ~~shall~~ will include the written consent of the owner(s) of the subject property. The nomination documentation

~~shall~~ will also include the UTM reference and all features – interior and exterior – of principal structures and accessory buildings that contribute to its significance.

(c) In the case of districts, the nomination ~~shall~~ will include a description of the boundaries of the district; the characteristics of the district which justify its inclusion on the Register; and a list of all properties including features, structures, sites, and objects which contribute to the significance of the district. The nomination documentation ~~shall~~ will also include the written consent of the owners of at least 60% ~~percent~~ of the total number of distinct properties located within the proposed district.

(d) The ~~commission shall~~ HPC will consider the nomination at a public meeting. Notice of the nomination ~~shall~~ will be given to the public, the owner(s) of all properties that are the subject of the nomination and the authors of the nomination, if different, and lessees, if any, of any subject property, at least 30 days prior to the public meeting in accordance with rules established by the ~~commission~~ HPC pursuant to ~~Subsection 16.60.040(4)~~ PCC 17.15.040(4). Such notice ~~shall~~ will include publication in a newspaper of general circulation in the City and posting of the property.

(e) The ~~Historic Preservation Commission shall~~ HPC will consider the merits of the nomination, according to the criteria in ~~Subsection 16.60.050(1)~~ PCC 17.15.050(1), and according to nomination review standards that may be established by the ~~commission~~ HPC pursuant to ~~Subsection 16.60.040(4)~~ PCC 17.15.040(4). If the ~~commission~~ HPC finds that the nominated property or district is eligible for the Register, the ~~commission shall~~ HPC will list the property or district in the Register. The public, the authors of the nomination, and the owner(s) of the subject property(ies) ~~shall~~ will be notified of the listing.

(3) *Effects of Listing on the Register.*

(a) Listing on the ~~Pullman~~ Register ~~of Historic Places~~ is an honorary designation denoting significant association with the historic, archaeological, engineering, or cultural heritage of the community. Properties are listed individually or as located within an historic district.

(b) Prior to the commencement of any work on an historic property as defined herein or any property located within an historic district as defined herein, excluding ordinary repair and maintenance and emergency measures defined in ~~Section 16.60.030~~ PCC 17.15.030, the owner or ~~his/her~~ their authorized agent must request and receive a Certificate of Alteration from the ~~commission~~ HPC for the proposed work. Violation of this provision ~~shall~~ will be grounds for the ~~commission~~ HPC to review the historic property or historic district for removal from the Register.

(c) Prior to whole or partial demolition of an historic property as defined herein or any property located within an historic district as defined herein, the owner must request and receive a Certificate of Demolition.

(d) Once the ~~city of Pullman~~ City is approved as a CLG, only historic properties listed on the ~~Pullman~~ Register ~~of Historic Places~~ are eligible for special tax valuation in accordance with the provisions of ~~Section 16.60.070~~ PCC 17.15.080.

(4) *Process for Removing Properties or Districts from the Register*. ~~In the event any~~ Any property or district that is no longer deemed appropriate for designation on the ~~Pullman~~ Register ~~of Historic Places~~, the ~~Historic Preservation Commission~~ HPC, the owner of the subject property, or any owner within the subject district may propose the removal of that property or district from the Register by the same procedure set forth in ~~Subsection 16.60.050(2)~~ PCC 17.15.050(2) for designating a property or district on the Register. Owner consent for removal of a property or district from the register is not required.

(5) *Appeal of Decisions to Designate or Remove Properties on Register*. Any aggrieved party may appeal a decision of the ~~Historic Preservation Commission~~ HPC to designate or remove a property or district on the ~~Pullman~~ Register ~~of Historic Places~~. Said appeal ~~shall~~ will be filed with the City Clerk and ~~shall~~ will be accompanied by an appeal fee, the amount of which ~~shall~~ will be set by resolution of the ~~City~~ Council. An appeal of such a decision ~~shall~~ will be heard by the City Hearing Examiner in accordance with the procedures set forth in ~~Pullman City Code Section 16.39.170~~ PCC 17.15.170. (Ord. 24-X).

~~16.60.060~~ 17.15.060 Review of Alterations to Register Properties.

Except as otherwise provided in this section, no person ~~shall~~ will alter an individual property on the ~~Pullman~~ Register ~~of Historic Places~~ or any property within an historic district on the Register without receipt from the ~~Historic Preservation Commission~~ HPC of a Certificate of Alteration, or in the case of demolition, a Certificate of Demolition. The review process ~~shall~~ will apply to all features of the property, interior and exterior, that contribute to the designation of the property or an historic district as listed on the nomination form. The requirements below ~~shall~~ will apply to review of property alterations or demolitions under this Section.

(1) *Requests for Review*. The Building Official ~~shall~~ will notify the ~~historic preservation commission~~ HPC or Professional Staff of any application for a permit to work on an individual property on the ~~Pullman~~ Register ~~of Historic Places~~ or any property within an historic district on the Register. If the activity is not exempt from review, the ~~commission~~ HPC or Professional Staff ~~shall~~ will notify the applicant of the review requirements. The Building Official ~~shall~~ will not issue any such permit until a Certificate of Alteration or Certificate of Demolition is received from the ~~commission~~ HPC but ~~shall~~ will work with the ~~commission~~ HPC as appropriate to provide information regarding applicable building and fire code regulations. Said regulations ~~shall~~ will include the Washington State Historic Building Code provisions authorized in Chapter 19.27 RCW. Applications for a Certificate of Alteration or a Certificate of Demolition ~~shall~~ will be filed with the Director of Community Development.

(2) *Review of Applications for Certificate of Alteration.*

(a) *Application Materials*. Applications for a Certificate of Alteration ~~shall~~ will include the following information and materials:

(i) the applicant's name and address, and the owner's name, address, and written consent if the applicant is not the owner;

(ii) proof of ownership of the property;

(iii) a legal description of the property;

(iv) comprehensive exterior and interior photographs of the property;

(v) a scaled plot plan exhibiting dimensions and orientation of the property, location and dimensions of existing and proposed structures, and location and layout of parking areas, walkways, and landscaping, provided the proposal involves alterations to the exterior dimensions of any structure on the property;

(vi) architectural plans or other legible drawings, drawn to scale, depicting the proposed alteration activity, including a description of existing and proposed building materials and colors; and

(vii) an application fee, the amount of which ~~shall~~ will be set by resolution of the ~~City~~ Council.

(b) *Exemptions*. The following activities do not require a Certificate of Alteration or review by the ~~commission~~ HPC:

(i) ordinary repair and maintenance, as defined in ~~Section 16.60.030~~ PCC 17.15.030;

(ii) emergency measures, as defined in ~~Section 16.60.030~~ PCC 17.15.030; or

(iii) work involving interior features of a property that the ~~commission~~ HPC has not designated as historic features unless the interior work is being considered for Special Tax Valuation.

(c) ~~*Commission*~~ *HPC Review*.

(i) The ~~commission shall~~ HPC will meet with the applicant and review the proposed work according to the design review criteria in its rules established pursuant to ~~Subsection 16.60.040~~ PCC 17.15.040. Unless legally required, there ~~shall~~ will be no notice, posting, or publication requirements for action on the application, but all such actions ~~shall~~ will be made at regular or special meetings of the ~~commission~~ HPC. The ~~commission shall~~ HPC will complete its review and make its recommendations within 45 calendar days of the date of receipt of a complete application. If the ~~commission~~ HPC is unable to process the request, the ~~commission~~ HPC may ask for an extension of time.

(ii) The ~~commission's~~ HPC's recommendations ~~shall~~ will be in writing and ~~shall~~ will state the findings of fact and reasons relied upon in reaching its decision. Any conditions agreed to by the applicant in this review process ~~shall~~ will become conditions of approval of the permits granted. If the owner agrees to the ~~commission's~~ HPC's recommendations, a Certificate of Alteration ~~shall~~ will be granted by the ~~commission~~ HPC according to standards established in the ~~commission's~~ HPC's rules.

(iii) The ~~commission's~~ HPC's recommendations and, if granted, the Certificate of Alteration ~~shall~~ will be transmitted to the Building Official. If a Certificate of Alteration is granted, the Building Official may then issue the permit.

(3) *Review of Applications for Certificate of Demolition.*

(a) *Application Materials.* Applications for a Certificate of Demolition ~~shall~~ will include the following information and materials:

(i) the applicant's name and address, and the owner's name, address, and written consent if the applicant is not the owner;

(ii) proof of ownership of the property;

(iii) a legal description of the property;

(iv) comprehensive exterior and interior photographs of the property;

(v) a scaled plot plan exhibiting dimensions and orientation of the property; location and dimensions of existing structures, with an indication of which structure(s) is proposed to be demolished; and location and layout of parking areas, walkways, and landscaping; and

(vi) an application fee, the amount of which ~~shall~~ will be set by resolution of the ~~City~~ Council.

(b) *Exemption*. Emergency measures, as defined in ~~Section 16.60.030~~ PCC 17.15.030, do not require a Certificate of Demolition or review by the ~~commission~~ HPC.

(c) *~~Commission~~ HPC Review.*

(i) The ~~commission shall~~ HPC will meet with the applicant ~~in an attempt~~ to find alternatives to demolition. Unless legally required, there ~~shall~~ will be no notice, posting, or publication requirements for action on the application, but all such actions ~~shall~~ will be made at regular or special meetings of the ~~commission~~ HPC. Negotiations between the ~~commission~~ HPC and applicant may last no longer than 45 calendar days from the initial meeting of the ~~commission~~ HPC, unless the applicant requests an extension of time. If no request for an extension is made and there is no

agreement on an alternative to demolition, the ~~commission shall~~ HPC will act to approve or deny the Certificate of Demolition.

(ii) The ~~commission's~~ HPC's decision to approve or deny a Certificate of Demolition ~~shall~~ will be in writing and ~~shall~~ will state the findings of fact and reasons relied upon in reaching its decision. When issuing a Certificate of Demolition, the ~~board~~ HPC may require the owner to mitigate the loss of the structure(s) by means determined by the ~~commission~~ HPC at the meeting including the possible requirement to deconstruct and salvage building materials as part of the demolition process.

(iii) The ~~commission's~~ HPC's decision and, if granted, the Certificate of Demolition ~~shall~~ will be transmitted to the Building Official. If a Certificate of Demolition is granted, the Building Official may then issue the permit.

(iv) After demolition is accomplished, the ~~commission shall~~ HPC will review the property to determine if it should be removed from the register.

(4) ~~*Commission*~~ *HPC Rules*. The ~~Historic Preservation Commission~~ HPC is authorized to establish rules to guide its review of applications for a Certificate of Alteration or Certificate of Demolition.

(5) *Appeal of Decisions on Certificates of Alteration or Demolition*. Any aggrieved party may appeal a decision of the ~~Historic Preservation Commission~~ HPC regarding a Certificate of Alteration or Certificate of Demolition to the ~~City~~ Council within ~~ten~~ 10 calendar days after the date of the decision being appealed. The appeal must state the grounds upon which the appeal is based. The appeal ~~shall~~ will be reviewed by the ~~City~~ Council solely on the appeal documentation and the records of the ~~Historic Preservation Commission~~ HPC. Appeal of the ~~City~~ Council's decision regarding a Certificate of Alteration or Certificate of Demolition may be made pursuant to Chapter 36.70C RCW, the Land Use Petition Act, in compliance with the statute and through the Whitman County Superior Court. (Ord. 24-X).

~~16.60.070~~ 17.15.070 ~~Special Property Tax Valuation.~~ Demolition Permit Applications for Properties 45 Years Old or Older.

(1) *Images Required.* For properties that require a demolition permit and are not listed on the Register as provided in 17.15.060, any application for a demolition permit must be accompanied by digital images as specified below, unless the property has been previously inventoried through the City's Comprehensive Inventory of Historic Resources as described in 17.15.040(3)(a).

Images of each entire elevation, must be focused and of sufficient resolution so that details of the building or structure are clear.

(2) *Evaluation.* Eligibility for local register listing of buildings or structures proposed for demolition must be determined by the HPC, or on its behalf by individuals with professional qualifications that meet the Secretary of the Interior's Standards. Criteria for evaluation will be those defined in 17.15.050(1). Eligibility for listing at the State and/or National levels will be evaluated by the Washington State Department of Archaeology and Historic Preservation, unless the property has been previously inventoried through the City's Comprehensive Inventory of Historic Resources as described in 17.15.040(3)(a).

(3) *Environmental Review.* For the purposes of WAC 197-11-800(2)(g), a property that is eligible for listing on a Local, State, or National Historic Register may be considered to have recognized historic significance and demolition there of potentially subject to State Environmental Policy Act Environmental Review.

(4) *Mitigation.* Options such as allowing the structure to be moved, salvaging historic and/or reusable building materials, and documentation and interpretation of the structure may be required as conditions of approval for a demolition permit.

(5) *Exemption.* Emergency measures, as defined in PCC 17.15.030, are exempt from this procedure. (Ord. 24-XX).

~~16.60.070~~ 17.15.080 ~~Violation – Penalty.~~ Special Property Tax Valuation.

(1) *Eligible Property*. ~~In order to~~ To be eligible to apply for special valuation in accordance with the provisions of this Chapter, a property must be individually listed on the ~~Pullman~~ Register ~~of Historic Places~~ or must be certified by the ~~Historic Preservation Commission~~ HPC as a contributing property within an historic district on the ~~Pullman~~ Register ~~of Historic Places~~ and said property must have undergone qualifying rehabilitation work within the standards set forth in this Section. The actual cost of rehabilitation work ~~shall~~ will be calculated based ~~of~~ on expenses incurred for improvements or work elements completed during the 24-month period prior to the date of application. Properties subject to ongoing or phased rehabilitation work ~~shall~~ will be eligible for special valuation so long as the property meets the criteria of ~~Paragraph 16.60.070(3)(a)~~ PCC 17.15.080(3)(a).

(2) *Application Requirements*. The requirements below ~~shall~~ will apply to applications for special valuation.

(a) The owner of an historic property desiring special valuation ~~shall~~ will apply to the assessor of the county in which the historic property is located upon forms prescribed by the Department of Revenue and supplied by the county assessor.

(b) In order to be eligible for special valuation, applications must be filed not later than October 1 of the calendar year preceding the assessment year for which special valuation is sought.

(c) Applications for special valuation must be accompanied by fees established for such applications, provided a resolution and/or interlocal agreement(s) has been approved by the ~~City~~ Council for this purpose.

(d) Applications for special valuation ~~shall~~ will include the following information and materials:

(i) the applicant's name and address, and the owner's name, address, and written consent if the applicant is not the owner;

(ii) proof of ownership of the property;

(iii) a legal description of the property;

(iv) comprehensive exterior and interior photographs of the property before and after rehabilitation;

(v) architectural plans or other legible drawings, drawn to scale, depicting the completed rehabilitation work, including a description of applicable building materials and colors; and

(vi) documentation as to the actual cost of the rehabilitation project and the period during which the rehabilitation took place, and a notarized affidavit attesting to the accuracy of this information.

(e) The ~~Historic Preservation Commission~~ HPC is authorized to examine the applicant's records and may require the applicant to provide information in addition to the material required in ~~Paragraph 16.60.070(2)(d)~~ PCC 17.15.080(2)(d) to assist in its review.

(3) *Application Procedures*. The procedures below ~~shall~~ will be followed ~~with regard to~~ regarding applications for special valuation.

(a) Following receipt of an application for special valuation from the county assessor, the ~~Historic Preservation Commission shall~~ HPC will conduct a public meeting to review the application consistent with the provisions of this Section and the ~~commission's~~ HPC's rules. At said public meeting, the ~~commission shall~~ HPC will determine if the application is complete and if the property in question meets the following criteria:

(i) the property is historic property;

(ii) the property is included within a class of historic property determined eligible for special valuation by the provisions of this Section;

(iii) the property has been rehabilitated at a cost which meets the definition of "cost" set forth in ~~Section 16.60.030~~ PCC 17.15.030; and

(iv) the property has not been altered in any way that adversely affects those elements that qualify it as historically significant, utilizing for this purpose the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties set forth in WAC 254-20-100.

(b) If the ~~Historic Preservation Commission~~ HPC determines that the application for special valuation is complete and the property in question satisfies all the criteria

set forth in ~~Paragraph 16.60.070(3)(a)~~ PCC 17.15.080(3)(a), it ~~shall~~ will, on behalf of the ~~city of Pullman~~ City, enter into an agreement with the owner that meets the specifications of WAC 254-20-120. Upon execution of said agreement between the ~~commission~~ HPC and the owner, the ~~commission shall~~ HPC will approve the application for special valuation.

(c) If the ~~Historic Preservation Commission~~ HPC determines that the property in question does not meet all of the requirements for special valuation, including the criteria set forth in ~~Paragraph 16.60.070(3)~~ PCC 17.15.080(3)(a), it ~~shall~~ will deny the application.

(d) The ~~Historic Preservation Commission shall~~ HPC will certify its decision in writing and state the facts upon which the approval or denial is based. Within ~~ten~~ 10 days of issuing a decision, the ~~commission shall~~ HPC will file a copy of its certified written decision, all application materials, and any pertinent agreement(s) with the county assessor for recording. The ~~commission shall~~ HPC will also transmit a copy of the certification to the applicant. If the ~~commission~~ HPC has approved an application for special valuation, the commission shall HPC will notify the State Review Board of such approval.

(e) Complete applications for special valuation filed on or before October 1 shall ~~will~~ be approved or denied by the ~~Historic Preservation Commission~~ HPC before December 31 of the calendar year in which the application is made.

(4) *Monitoring and Disqualification*.

(a) Following the execution of a special valuation agreement between the ~~Historic Preservation Commission~~ HPC and the property owner, no changes in standards of maintenance, public access, alteration, report requirements, or any other provisions of the agreement ~~shall~~ will be allowed during the special valuation period without the approval of all parties to the agreement.

(b) The ~~Historic Preservation Commission shall~~ HPC will monitor properties for which special valuation has been approved, and, if it suspects any irregularities, it ~~shall~~ will conduct a public meeting in accordance with its rules to determine whether or not a property is disqualified from special valuation due to:

(i) the owner's failure to comply with the terms of the agreement, or

(ii) a loss of historic value resulting from physical changes to the building or site, utilizing for this purpose the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties set forth in WAC 254-20-100.

(c) In the event that the ~~Historic Preservation Commission~~ HPC concludes that a property is no longer qualified for special valuation, it ~~shall~~ will notify the owner, the county assessor, and the State Review Board in writing and state the facts supporting its findings.

(5) *Appeals*.

(a) Any decision of the ~~Historic Preservation Commission~~ HPC acting on an application for classification as historic property eligible for special valuation may be appealed to Superior Court of Whitman County under Chapter 34.05.510 through 34.05.598 RCW in addition to any other remedy of law.

(b) Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the County Board of Equalization in accordance with 84.40.038 RCW.

(6) *Intergovernmental Agreement*. The ~~city of Pullman~~ City may enter into an agreement with Whitman County to establish specific procedures by which applications for special valuation ~~shall~~ will be processed. This agreement may include, but ~~shall~~ will not be limited to, provisions regarding fees and administrative responsibilities. (Ord. 24-X).

~~16.60.080~~ 17.15.090 ~~Severability~~ Violation – Penalty.

Any violation of this Chapter ~~shall~~ will be a Class I infraction, punishable by a penalty of not less than $250.00 for a first offense. For each repeat violation of this Chapter, the penalty ~~shall~~ will be not less than $500.00. (Ord. 24-X).

~~16.60.090~~ 17.15.100 Severability.

The provisions of this Chapter are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this Chapter or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this Chapter ~~shall~~ will ~~not as a result~~ because of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid. (Ord. 24-X).

Chapter 17.20

PLANNING COMMISSION

Sections:

17.20.005 Purpose.
17.20.010 Planning Commission Establishment.
17.20.020 Membership and Term of Office.
17.20.030 Residence of Members.
17.20.040 Instruction of Members.
17.20.050 Vacancies and Removal.
17.20.060 Appearance of Fairness.
17.20.070 Duties and Responsibilities of the Commission.
17.20.080 Meetings of the Commission.
17.20.090 Officers of the Commission.
17.20.100 Rules and Regulations.
17.20.110 Minutes and Records.

17.20.005 Purpose.

The purpose of this Chapter is to establish the body to serve in an advisory capacity to the ~~City~~ Council on matters related to land use; and to set forth the duties, responsibilities, and procedures for the operation of the ~~planning commission~~ Commission. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.20.010 Planning Commission Establishment.

Pursuant to the authority conferred by RCW 35A.63, a ~~planning commission~~ Planning Commission is created. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.20.020 Membership and Term of Office.

The ~~planning commission shall~~ Commission will consist of seven (7) members, each of whom ~~shall~~ will serve terms of four (4) years, subject to resignation or removal. The members ~~shall~~ will be appointed by the Mayor and confirmed by the ~~City~~ Council. ~~Planning commission~~ Commission members may be appointed to successive terms. No member of the ~~commission~~ Commission may simultaneously be a member of the ~~City~~ Council. (Ord. ~~22-9 §1, 2022; Ord. 22-2 §4, 2022; Ord. 87-9 §1, 1987~~ 24-X).

17.20.030 Residence of Members.

All members of the ~~planning commission shall~~ Commission must be residents of the ~~city~~ City. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.20.040 Instruction of Members.

During the first six (6) months of their initial term, members of the ~~planning commission~~ Commission should take instruction for a minimum of three (3) hours, consisting of lectures, seminars, or other presentations designed to afford an understanding of:

(1) the general principles of land use planning as applied to the ~~city~~ City, its environs, and the region;

(2) the nature and elements of the Comprehensive Plan for the ~~city~~ City;

(3) the duties, responsibilities, scope of authority, and limitations on discretion of the ~~planning commission~~ Commission with emphasis on constitutional and other legal aspects thereof;

(4) appropriate standards to be applied in arriving at findings of fact and formulating recommendations. (Ord. ~~22-9 §2, 2022; Ord. 87-9 §1, 1987~~ 24-X).

17.20.050 Vacancies and Removal.

(1) Vacancies occurring other than through the expiration of terms ~~shall~~ will be filled for the unexpired terms by appointment by the ~~mayor~~ Mayor with the confirmation by the ~~City~~ Council.

(2) Members may be removed by the ~~mayor~~ Mayor with the approval of the ~~City~~ Council for inefficiency or neglect of duty. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.20.060 Appearance of Fairness.

If any member of the ~~planning commission~~ Commission concludes that ~~he or she has~~ they have an appearance of fairness conflict with respect to a matter pending before the ~~commission~~ Commission such that ~~he or she~~ they cannot discharge ~~his or her~~ their duties on the ~~commission~~ Commission, ~~he or she shall~~ they will disqualify ~~himself or herself~~ themselves from participating in the deliberations and the decision-making process with respect to the matter. If this occurs, the ~~mayor~~ Mayor with the approval of the ~~City~~ Council may appoint a person to serve as an alternate on the ~~planning commission~~ Commission to serve ~~in place of~~ for the disqualified member ~~in regard to~~ regarding such a matter. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.20.070 Duties and Responsibilities of the Commission.

The ~~planning commission shall~~ Commission will serve in an advisory capacity to the ~~City~~ Council and ~~shall~~ will have the following advisory duties and responsibilities:

(1) To hear and make recommendations on amendments to the Official Zoning Map (rezones);

(2) To hear and make recommendations on the text of Zoning Code (PCC Title 17);

(3) To hear and make recommendations on amendments to the Comprehensive Plan;

(4) To hear and make recommendations on ~~planned residential (~~PRDs~~)~~, Planned Unit Developments (PUDs), manufactured home parks, and recreational vehicle parks, and any accompanying applications for conditional use permits;

(5) To review and make recommendations on land use management ordinances and regulations of the ~~city~~ City;

(6) To meet with Department of Community Development staff of the ~~city~~ City as requested by the chairperson of the ~~planning commission~~ Commission with the concurrence of the Director of Community Development to review land use decisions and to determine if the ~~city's~~ City's Comprehensive Plan and land use management ordinances and regulations

are promoting orderly and coordinated development within the ~~city~~ City. Where development or the absence of development indicates a condition, a problem, a new element, or expansion unforeseen and not anticipated by the Plan, the ~~commission shall~~ Commission will study the subject; and if the ~~commission~~ Commission determines that an amendment, refinement, or clarification of the Plan may be advisable, the ~~commission~~ Commission may initiate an amendment to the ~~plan~~ Plan as provided in PCC 17.175.030(4) and ~~Chapter~~ PCC 17.110 ~~PCC~~, Changes to the Comprehensive Plan;

(7) To review and make recommendations on pending annexations to the ~~city~~ City;

(8) To perform design review and make recommendations when required by this Title;

(9) To recommend, establish priorities for, and review studies of geographic subareas in the ~~city~~ City;

(10) To submit an annual report to the ~~City~~ Council on work completed during the past fiscal year;

(11) To review and make recommendations to the ~~City~~ Council concerning the ~~city's~~ City's Capital Improvements Program, Six-Year Transportation Improvement Plan, and other planning studies and analyses, as they relate to land use or the Comprehensive Plan;

(12) To review all private projects requiring ~~city~~ City review and approval for consistency with the Comprehensive Plan, unless that review is delegated to some other appointed body or City staff;

(13) To review and report to the ~~City~~ Council on the location, extent, and consistency with the Comprehensive Plan regarding proposals for the establishment, improvement, abandonment, construction, authorization, vacation or dedication of any street, park, or other public way, public building, or structure. The ~~planning commission~~ Commission may recommend such conditions as are considered appropriate ~~in order that~~ for the proposal ~~will~~ to be consistent with the Comprehensive Plan; and

(14) To perform such other duties and responsibilities as may be conferred by City ordinance or as directed by the Council. (Ord. ~~22-2 §5, 2022; Ord. 01-5 §6, 2001; Ord. 87-9 §1, 1987~~ 24-X).

17.20.080 Meetings of the Commission.

(1) The ~~planning commission shall~~ Commission will meet once a month on the fourth Wednesday at 7:00 pm in the Council Chambers of Pullman City Hall, but if there is no scheduled business to come before the ~~commission~~ Commission, the meeting may be cancelled.

(2) Four (4) members ~~shall~~ will constitute a quorum for conducting business. A favorable vote of ~~a~~ the majority of ~~a~~ the quorum ~~shall~~ will be required to recommend a decision in favor of the applicant. Failure to obtain favorable votes from ~~a~~ the majority of ~~a~~ the quorum ~~shall~~ will constitute a denial recommendation. A tie vote ~~shall~~ will be reported to the ~~City~~ Council with no recommendation. (Ord. ~~22-9 §3, 2022; Ord. 03-33 §4, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.20.090 Officers of the Commission.

The ~~planning commission shall~~ Commission will elect a chairperson and vice-chairperson, and the Director of Community Development ~~shall~~ will serve as technical advisor and secretary of the ~~commission~~ Commission. The Department of Community Development staff of the ~~city~~ City and ~~city attorney shall~~ City Attorney will provide staff assistance necessary to carry out the functions of the ~~planning commission~~ Commission. (Ord. ~~22-9 §4, 2022; Ord. 87-9 §1, 1987~~ 24-X).

17.20.100 Rules and Regulations.

The ~~planning commission shall~~ Commission will adopt, by resolution, rules and regulations for its own self-government. (Ord. ~~87-9§1, 1987~~ 24-X).

17.20.110 Minutes and Records.

(1) The ~~planning commission shall~~ Commission will keep minutes of its proceedings showing the action of the ~~commission~~ Commission upon each question. Such minutes ~~shall~~ will include the names of interested persons ~~appearing in support of or in opposition to an application under consideration~~ and the respective position of each. ~~In addition, the~~ The minutes ~~shall~~ will include the reasons for the ~~commission's~~ Commission's decision, reference to any conditions imposed by the ~~commission~~ Commission, and reference to specific findings of fact and conclusions upon which the action is based in quasi-judicial matters. These minutes ~~shall~~ will be filed with the ~~Director of Community Development~~ City Clerk and ~~shall~~ will be public records.

(2) A sound recording or other verbatim recording of the proceedings of any ~~commission~~ Commission meeting ~~shall~~ will be made. Such recording ~~shall~~ will be retained by the Director of Community Development for a period of seven (7) years, or, until pending litigation, if any, is finally concluded, whichever occurs last. (Ord. ~~22-9 §5, 2022; Ord. 01-5 §7, 2001; Ord. 87-9 §1, 1987~~ 24-X).

Chapter 17.25

ASSURANCES

Sections:

17.25.010 Purpose.
17.25.020 Site Improvement Assurance.
17.25.030 Maintenance Assurance.
17.25.040 Release of Assurances.
17.25.050 Assurance Administration.

17.25.010 Purpose.

The purpose of this Chapter is to establish the requirements and procedures for assurances when required to ensure compliance with the completion and maintenance of Manufactured Home Parks, Recreational Vehicle Parks, ~~and Planned Residential Developments~~ PRDs, and PUDs. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.25.020 Site Improvement Assurance.

Before the ~~city planner~~ Director of Community Development approves the issuance of a Temporary Certificate of Occupancy for a Manufactured Home Park, Recreational Vehicle Park, PUDs, or ~~Planned Residential Development~~ PRDs for which the ~~City~~ Council has required site improvements, the developer or owner of the property involved ~~shall~~ will provide the ~~city~~ City with a bond or other similar security adequate to ensure that the required site improvements will be completed before a Final Certificate of Occupancy is issued. The bond ~~shall~~ will be based on the full cost of the uncompleted required site improvements, including drainage and landscaping. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.25.030 Maintenance Assurance.

Before the ~~city planner~~ Director of Community Development approves the ~~final~~ Final Certificate of Occupancy, the developer or owner ~~shall~~ will provide a bond, or other similar security, for ~~ten (~~10%~~) percent~~ of the cost of the site improvements including drainage which ~~shall~~ will be adequate to ensure the maintenance of the site improvements for one (1) year after the site improvements are completed, provided, however, that a prorated security to ensure the maintenance of landscaping improvements ~~shall~~ will be retained for a period of two (2) years after the landscaping improvements are completed. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.25.040 Release of Assurances.

The ~~city planner shall~~ Director of Community Development will release the site improvement assurance only after the site improvements are complete and satisfactory, and the developer or owner has provided the required maintenance assurance. The ~~city planner shall~~ Director of Community Development will release the maintenance assurance or portions thereof not obligated to ensure maintenance not performed not less than one (1) year after the effective date of the assurance, except in the case of a landscaping assurance which ~~shall~~ will be two (2) years. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.25.050 Assurance Administration.

The ~~city planner shall~~ Director of Community Development will consult with the ~~city attorney~~ City Attorney and ~~public works director~~ Director of Public Works to determine the amount of the assurance, time limits, alternate acceptable assurances, release of portions of assurances on completion of phases of work, additional assurances for extensions of time, and related matters. Assurances ~~shall~~ will be kept in the custody of the ~~city finance director~~ City Director of Finance & Administrative Services. (Ord. ~~87-9 §1, 1987~~ 24-X).

Chapter 17.30

NONCONFORMING USES, BUILDING OR STRUCTURE, AND LOTS

Sections:

17.30.010 Purpose.
17.30.020 Nonconforming Uses.
17.30.030 Nonconforming Buildings or Structures.
17.30.040 Nonconforming Lots.

17.30.010 Purpose.

The purpose of this Chapter is to allow certain nonconforming uses, buildings, and lots to continue while prohibiting further nonconformity. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.30.020 Nonconforming Uses.

(1) *Definition.* A nonconforming use is a use that was once allowed by applicable land use regulations, but is no longer allowed due to the passage or later change of this Title, or where applicable of prior land use regulations of the ~~city~~ City.

(2) *Continuation.* Except as qualified in PCC 17.30.020(3), a nonconforming use may continue, but it may not be altered or changed in any way except as herein allowed, nor may the structure in which it is located be enlarged or extended in any way such as by increasing square footage, increasing building or structure height or the extension thereof by the addition of accessory buildings or structures, or other similar extension. Changes in a nonconforming use such as the addition of more employees, the addition of more or better equipment, extending the hours of operation, and other similar changes which could or do result in an intensification of a nonconforming use are allowed and conditional use permits ~~shall~~ will not be required for making any such change or changes.

(3) *Nonconforming Single-Family Dwellings in the C2 and C3 Districts.* Nonconforming single-family dwellings in the C2 and C3 districts may be enlarged or expanded provided that the setback requirements for residences in the R4 ~~zone~~ zoning district are observed.

(4) *Lapse of Time.*

(a) If any nonconforming use is not occupied or operated for a continuous period of one (1) year, any later use of the property occupied by the former nonconforming use ~~shall~~ will conform to all provisions of this Title.

(b) If any nonconforming use is not occupied or operated because its building has sustained damage amounting to less than ~~seventy-five (~~75%~~) percent~~ of its value, that use may be reestablished if construction of a new or repaired building begins within one (1) year of the date the damage occurred.

(5) *Conditional Uses.* A legal use does not become nonconforming if the ~~zone~~ zoning district in which it is located is changed to a ~~zone~~ zoning district in which a conditional use permit is required for that use. However, the use may not be altered or changed; nor may the building or structure in which it is located be enlarged or extended without obtaining

a conditional use permit. Any use legally existing prior to the effective date of this Title, or prior to the effective date of subsequent amendments to this Title or the Official Zoning Map which is within the scope of uses permitted by a conditional use permit in the district in which the property is located ~~shall~~ will be deemed a conditional use without the necessity of a conditional use permit, provided that any expansion or alteration of said use ~~shall~~ will conform to all regulations pertaining to conditional uses.

(6) *Conversions.* A nonconforming use may be converted to another nonconforming use if the ~~hearing examiner~~ Hearing Examiner issues a conditional use permit for the conversion, pursuant to the procedures of ~~Chapter~~ PCC 17.125. The ~~hearing examiner~~ Hearing Examiner may issue such a conditional use permit only after finding that

(a) the structure housing the existing nonconforming use cannot reasonably be used for any permitted use because of its ~~particular~~ design; and,

(b) the proposed use will be as compatible with uses permitted in the ~~zone~~ zoning district as the existing nonconforming use; and,

(c) measures will be taken, where necessary, to protect the neighborhood from any detrimental effects to the public health and welfare that will or probably will result from the conversion of the nonconforming use.

In cases involving the conversion of nonconforming uses, it is not necessary for the ~~hearing examiner~~ Hearing Examiner to make the findings as set forth in PCC 17.125.020 in addition to the findings required by this subsection. (Ord. ~~22-2 §8, 2022; Ord. 87-9 §1, 1987~~ 24-X).

17.30.030 Nonconforming Buildings or Structures.

(1) *Definition.* A nonconforming building or structure is one that was once allowed by applicable land use regulations, but no longer would be allowed, due to the passage or later change of this Title or, where applicable, prior land use regulations of the ~~city~~ City.

(2) *Continuation.* A nonconforming building or structure may be continued, but it may not be altered, enlarged, or extended unless this alteration, enlargement, or extension fully conforms with existing standards. The terms “enlarged and extended” as used herein mean the enlargement of a building or structure by increasing square footage, increasing building or structure height, or the extension thereof by the addition of accessory buildings or structures or other similar extensions.

(3) *Value.* The value of a nonconforming building or structure will be determined from the ~~International Conference of Building Officials (ICBO)~~ International Code Council (ICC) building ~~permit~~ valuation data tables in use on the date the damage occurs. The owner of a damaged building or structure may obtain an independent appraisal. Any discrepancies as to value between the two appraisals ~~shall~~ will be referred to the ~~hearing examiner~~ Hearing Examiner for resolution.

(4) *Maintenance and Alterations.*

(a) Ordinary maintenance and repair of a nonconforming building or structure are allowed.

(b) Alterations which conform to all provisions of this Title, do not result in any enlargement or extension of a nonconforming use, building, or structure are allowed.

(c) Alterations required by law to meet health and safety regulations are allowed.

(5) *Damage and Reconstruction.*

(a) If any nonconforming structure located in a nonresidential zone is destroyed or sustains damages amounting to ~~seventy-five (~~75%~~) percent~~ or more of its value, then any future use of the property formerly occupied by that building or structure ~~shall~~ will conform to all requirements of this Title.

(b) If any nonconforming structure located in a nonresidential zone sustains damages amounting to less than ~~seventy-five (~~75%~~) percent~~ of its value, it may be reconstructed and used for the nonconforming use in existence at the time the damage occurred if the reconstruction begins within one (1) year from the date the damage occurred. The structure may be rebuilt having the same zoning nonconformities, but no more than as existed before the damage occurred. The damage to the structure must be the result of some unforeseen event such as a fire or flood, or the result of natural deterioration, as opposed to the voluntary demolition of part of the structure by the owner.

(c) If any nonconforming residential structure located in a residential zone is destroyed or sustains damages up to ~~one hundred (~~100%~~) percent~~ of its value, the structure may be reconstructed having the same zoning nonconformities, but no more than as existed before the damage occurred; provided, however, parking ~~shall~~ will conform to the requirements of the Zoning Code in existence at the time of application for a building permit to repair or replace the damaged structure. The damage to the structure must be the result of some unforeseen event such as a fire or flood, or the result of natural deterioration, as opposed to the voluntary demolition of all or part of the structure by the owner. (Ord. ~~22-2 §8, 2022; Ord. 03-33 §5, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.30.40 Nonconforming Lots.

(1) *Definition.* A nonconforming lot is one that was once allowed by applicable land use regulations but is no longer allowed, due to the passage or later change of this Title or, where applicable, prior land use regulations of the city.

(2) *Continuation.*

(a) For a period of five (5) years following the date of approval of a long plat, lots in any subdivision filed for record, regardless of whether the lots are in single and separate or contiguous ownership, may be developed for the uses and densities allowed at the time of the final plat approval. Any development regulations

enacted during this five (5) year period other than use and density regulations become applicable to such a subdivision at the time of the adoption of those regulations. Parcels platted under the short plat procedure ~~shall~~ will not be covered by the provisions of this subsection.

(b) Any nonconforming lot not subject to the exception stated in PCC 17.30.040(2)(a), and not contiguous to other lots in the same ownership may be used for any use allowed in the ~~zone~~ zoning district in which it is located, even though that lot does not meet the size, width, depth, or other dimensional requirements of that district, so long as all other applicable standards are met, or a variance from those standards is obtained. "Other applicable standards," as used in this Paragraph, include density, building height, required yards, open space, landscaping, and off-street parking. Documenting proof of the fact that the lot existed of record at the time of the passage of this Title ~~shall~~ will be submitted by the person claiming the benefits of this section.

(c) Notwithstanding the provisions of this subsection, the establishment of one single family house on a nonconforming lot in a residential ~~zone~~ zoning district is allowed.

(3) *Lot Line Adjustments.* When an existing lot is subdivided or is the subject of a lot line adjustment, the new lot lines ~~shall~~ will not make any existing improvements nonconforming to the regulations of this Title. (Ord. ~~03-33 §6 Ord. 87-9 §1, 2003~~ 24-X).

Chapter 17.35

EXCEPTIONS AND SPECIAL PROVISIONS PERTAINING TO USES, DEVELOPMENT REGULATIONS, AND PERFORMANCE STANDARDS

Sections:

17.35.010 Purpose.
17.35.020 General Exceptions.
17.35.030 Fences.
17.35.035 Pedestrian Walkways.
17.35.040 Temporary Uses.
17.35.050 Animals and Fowl.
17.35.060 Bees.
17.35.070 Swine.
17.35.080 Special Use Provisions.
17.35.085 Grading.
17.35.090 Light and Glare.
17.35.100 Hazardous Waste Treatment and Storage Facilities.

17.35.010 Purpose.

The purpose of this Chapter is to establish provisions for exceptions to standards and requirements imposed by this Title to afford the flexibility necessary to make this Zoning Code as broadly applicable as possible, and ~~also~~ to establish provisions for certain uses which are supplementary or in addition to other standards and requirements imposed by this Title. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.35.020 General Exceptions.

(1) To Building Height Limitations. Except for the height limitations established for Airport Area Height Limitation Overlay Districts, which apply to all structures and structural elements as set forth in PCC 17.95.050, the building height limitations established in this Title do not apply to the following structures or structural parts:

(a) tanks;

(b) church spires, belfries, or domes;

(c) flagpoles;

(d) fire training and hose towers;

(e) smokestacks, chimneys, and vents;

(f) cooling towers;

(g) skylights;

(h) public utility towers and poles when erected and maintained by a public utility which has as its primary purpose the provision of a public service to the general public, not including wireless communication facilities.

The height of these structures may be limited by the ~~city's~~ City's building codes, in which case the provisions thereof ~~shall~~ will control.

(2) *To Yard Requirements.* The following structures or improvements may be allowed in required yards as follows, subject to the provisions of PCC 17.35.020(3):

(a) Cornices, eaves, sills, awnings, canopies, bay windows, greenhouse windows, and similar ornamental or structural features may extend no more than ~~twenty-four (24)~~ inches (2 feet) into any required yard.

(b) Balconies, stairs, ramps, landings, and fire escapes more than ~~thirty (30)~~ inches (2.5 feet) in height above grade that are not covered by a roof may extend:

(i) no more than ~~thirty-six (36)~~ inches (3 feet) into any required front or side yard, and

(ii) no more than ~~forty-eight (48)~~ inches (4 feet) into any required rear yard.

(c) Porches, decks, ramps, or landings less than ~~thirty (30)~~ inches (2.5 feet) in height above grade that are not covered by a roof may extend:

(i) no more than ~~sixty (60)~~ inches (5 feet) into any required front or rear yard, and

(ii) no more than ~~thirty-six (36)~~ inches (3 feet) into any required side yard.

(d) Hard-surfaced areas ~~thirty (30)~~ inches (2.5 feet) or less in height may extend into required yards except so much thereof as may be required to be landscaped or maintained as open space under the provisions of this Title.

(e) Fences may be ~~located~~ in required yards subject to the provisions of PCC 17.35.030.

(f) Rockeries and retaining walls may be ~~located~~ in required yards if

(i) the rockery or retaining wall is not being used as a direct structural support for a major structural improvement; and

(ii) the rockery or retaining wall is reasonably necessary to provide support to a cut or slope.

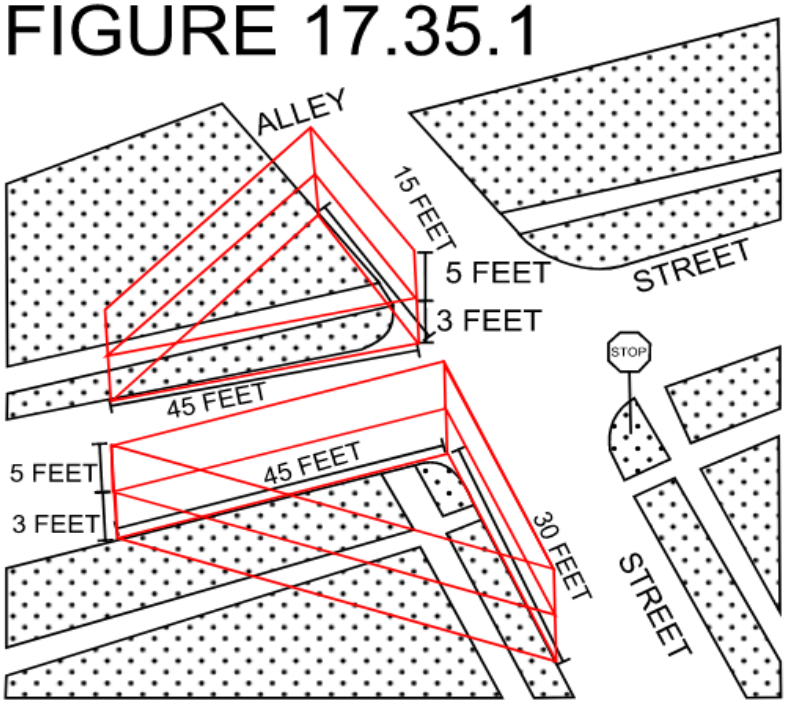
(g) Trellises or support structures for plant material, flagpoles, birdbaths, birdhouses, decorative pools and fountains, decorative lights, and structures required by the ~~city~~ City for ~~the purpose of~~ public safety may be ~~located~~ in required yards.

(3) *To Vision Clearance at Intersections.* Except in C2, C3, I1 and I2 ~~zone~~ zoning districts, vision clearance areas ~~shall~~ will be established at the intersection of two (2) streets, or a street and an alley, or a street and a railroad. The distance establishing the size of a vision clearance area ~~shall~~ will be a minimum of ~~forty-five (45)~~ feet measured at street grade along the curb line, except that the distance may be reduced to ~~thirty (30)~~ feet on both sides of a street which is controlled with either a stop or yield sign, and the distance may be reduced to ~~fifteen (15)~~ feet on the alley portion of intersections including an alley.

When the angle of intersection between streets, alleys, and railroads is less than ~~thirty (30)~~ degrees, the distance for the street ~~shall~~ will be increased by ~~ten (10)~~ feet each. A vision clearance area ~~shall~~ will contain no structure, landscaping, or fence between the heights of three (3) feet and eight (8) feet as measured at street grade, provided, however, that vision clearance areas may contain street signs, traffic signs, utility poles and boxes, and retaining walls. Vision clearance areas may also contain buildings that have been constructed prior to July 1, 1991. Vision clearance areas may also contain tree trunks if the ~~city planner~~ Director of Community Development determines that ~~sufficient~~ enough visibility is maintained between these tree trunks to allow motor vehicles, non-motorized vehicles, and pedestrians to safely enter and exit the intersection under normal conditions when observing traffic regulations. Where the curb lines at intersections have rounded corners, the curb lines will be extended in a straight line to a point of intersection.

See Figures 17.35.1 and 17.35.2.

FIGURE 17.35.1



(Ord. ~~03-33 §7, 2003; Ord. 91-5 §1, 1991; Ord. 89-13 §1, 1989; Ord. 87-9 §1, 1987~~ 24-X).

17.35.030 Fences.

(1) *Electric Fences.* Electric fences are prohibited in the city, except under the following circumstances:

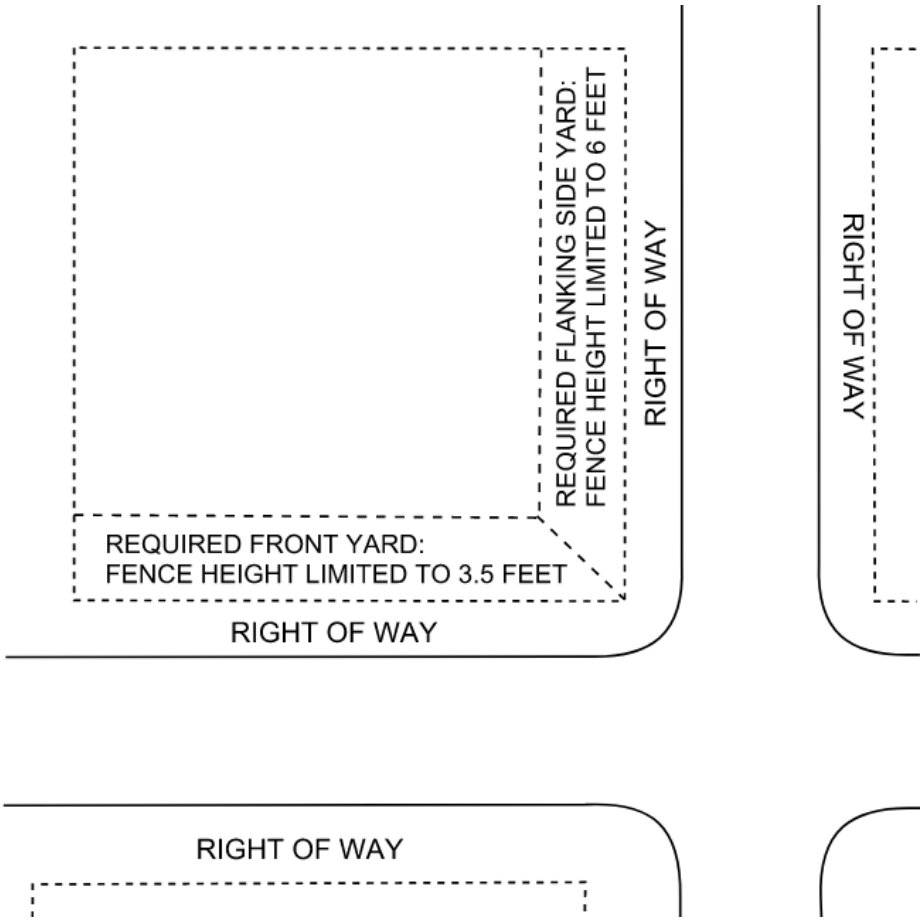
(a) the lot on which the electric fence is installed has a lot area of at least 20,000 square feet;

(b) the electric fence is wholly contained within a double-fence assembly consisting of a non-electric fence on the outside and an inside electric fence located a

minimum of ~~twenty-four (~~24~~)~~ horizontal inches (2 horizontal feet) from the outside fence; and,

(c) the electric fence must use a charger listed by Underwriters Laboratories (UL).

(2) *Fence Height.* Except as otherwise required by this Title, fences composed of constructed materials ~~shall~~ must not be more than ~~forty-two (~~42~~)~~ inches (3.5 feet) in height in required front yards or ~~seventy-two (~~72~~)~~ inches (6 feet) in height in required flanking street side yards. (Ord. ~~14-12 §2, 2014; Ord. 03-33 §8, 2003; Ord. 02-32 §2, 2002; Ord. 90-27 §1, 1990; Ord. 89-13 §1, 1989; Ord. 87-9 §1, 1987~~ 24-X).



17.35.035 Pedestrian Walkways.

(1) *Walkways Required.* Unless otherwise provided in this Title, any development that requires site plan review in accordance with ~~Chapter~~ PCC 17.135 ~~shall~~ will conform to the following standards:

(a) Each development ~~shall~~ must provide a direct and continuous pedestrian walkway between the main entrance of each building and/or dwelling unit on the property and a public sidewalk or street adjacent to said property;

(b) The required pedestrian walkway ~~shall~~ must be paved, with a minimum unobstructed width of four and one- half ~~(4½~~4.5~~)~~ feet, except that within off-street parking areas the minimum unobstructed width of the required pedestrian walkway ~~shall~~ must be three (3) feet; and

(c) If the required pedestrian walkway is located within an off-street parking area, said walkway ~~shall~~ must be grade separated from the parking area except where said walkway crosses a driveway, traffic aisle, or other area accessible to vehicles at a perpendicular angle to the direction of vehicular traffic, in which case said walkway may be established at the same grade as the parking area or driveway if the walkway is marked as a crosswalk with paint, striping, or contrasting pavement material.

(2) *Modification of Requirements.* The ~~city planner~~ Director of Community Development may waive or modify the requirements of this section when any of the following conditions apply:

(a) The pedestrian walkway would create an unsafe condition or security concern;

(b) There are topographical constraints, or existing or required structures effectively blocking access; or

(c) The development would not generate the need for pedestrian access, or the public would not be allowed access to the development.

(3) *Exempt Developments.* The following developments are exempt from the provisions of this Section:

(a) single family dwellings;

(b) manufactured homes on lots outside a manufactured home park;

(c) duplex dwellings; and

(d) manufactured home parks and recreational vehicle parks, provided these developments ~~shall~~ must comply with the pedestrian circulation standards contained in ~~Chapter~~ PCC 17.105. (Ord. ~~06-15 §2, 2006; Ord. 03-33 § 9, 2003; Ord. 02-32 §3, 2002~~ 24-X).

17.35.040 Temporary Uses.

(1) *Contractors Offices and Equipment Storage.* Contractors offices, including accessory living quarters for security personnel, and equipment storage are permitted on the premises of the construction site in any ~~zone~~ zoning district for the period of construction. Such offices and accessory living quarters ~~shall~~ must be connected to city utilities or have otherwise adequate arrangements for sewage disposal.

(2) *Emergency Housing.* Emergency housing is permitted in a manufactured home during reconstruction of a dwelling following damage from earthquake, fire, storm, or other natural disaster in any ~~zone~~ zoning district for two (2) years or for the period of construction, whichever is less. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.35.050 Animals and Fowl.

This section establishes special regulations that govern the keeping of animals and fowl in any ~~zone~~ zoning district where a dwelling unit is permitted but nothing in this section eliminates the need to comply with any other regulations of the state, county, or city pertaining to the keeping of animals and fowl. Service animals and emotional support animals do not count as pets under federal guidelines and do not count toward overall limits of animals and fowl.

(1) *Household Pets.* The following are categorized as household pets and ~~shall~~ will be regulated as provided herein:

(a) *Household Pets Category.* Three (3) dogs or less per dwelling unit; three (3) cats or less per dwelling unit; four (4) rabbits or less per dwelling unit; six (6) hens or less per dwelling unit; gerbils; guinea pigs; hamsters; caged mice or rats; caged birds; non-venomous reptiles, amphibians, and fish; and such other pets as are normally associated with a dwelling unit, and which are generally housed within the dwelling unit, but excluding wild or exotic animals.

(b) *Household Pet Regulation.* Household pets are regulated as follows:

(i) The keeping of household pets categorized in subsection (1)(a) of this section does not require approval from the ~~city~~ City.

(ii) The maximum number of household pets over six (6) months of age allowed per dwelling unit is as follows: three (3) dogs; three (3) cats; four (4) rabbits; and six (6) hens; provided the total cumulative number of dogs, cats, rabbits, and hens per dwelling unit does not exceed eight (8) pets. There is no limit on the number of other household pets.

(iii) Rabbit pens, dog runs, hen coops, and similar structures ~~shall~~ must conform to the minimum required yard standards set forth in PCC 17.75.070(7) and said structures must be located at least ~~twenty (~~20~~)~~ feet from any perennial or intermittent watercourse.

(iv) Household pets, excluding dogs, cats, rabbits, and hens, must be housed within the dwelling unit.

(2) *Small Domestic Animals and Fowl.* The following are categorized as small domestic animals and fowl and ~~shall~~ will be regulated as provided herein:

(a) *Small Domestic Animal and Fowl Category.* More than three (3) dogs per dwelling unit; more than three (3) cats per dwelling unit; more than four (4) rabbits per dwelling unit; more than six (6) hens per dwelling unit; and one (1) or more miniature pigs per dwelling unit.

(b) *Small Domestic Animal and Fowl Regulations.* The ~~city planner shall~~ Director of Community Development will review applications for the keeping of small domestic animals and fowl as set forth in PCC 17.175.050 in accordance with the following standards:

(i) Proximity to dwelling units both on and off the subject property;

(ii) Lot size of at least 10,000 square feet and isolation of the lot;

(iii) A minimum of 1,000 square feet of land per hen, and 2,000 square feet of land per other animal;

(iv) Structures or pens used to house animals or fowl ~~shall~~ will conform to the minimum required yard standards set forth in PCC 17.75.070(7), and said structures or pens ~~shall~~ will be located at least ~~twenty (~~20~~)~~ feet from any perennial or intermittent watercourse;

(v) Potential noise impacts; and

(vi) Compatibility with surrounding uses.

(3) *Large Domestic Animals and Fowl.* The following are categorized as large domestic animals and fowl and ~~shall~~ will be regulated as provided herein:

(a) *Large Domestic Animal and Fowl Category.* Fowl, horses, cattle, sheep, goats, and other grazing or foraging animals.

(b) *Large Domestic Animal and Fowl Regulations.* The ~~city planner shall~~ Director of Community Development will review applications for the keeping of large domestic animals and fowl as set forth in PCC 17.175.050 in accordance with the following standards:

(i) Proximity to dwelling units both on and off the subject property;

(ii) Lot size of at least 20,000 square feet and isolation of the lot;

(iii) A minimum of 10,000 square feet of land per horse or cow, 5,000 square feet of land per goat or sheep, and 1,000 square feet of land per individual fowl;

(iv) Structures or pens used to house animals ~~shall~~ will be located at least ~~forty (~~40~~)~~ feet from property lines, and said structures or pens ~~shall~~ will be located at least ~~twenty (~~20~~)~~ feet from any perennial or intermittent watercourse;

(v) Roaming or grazing areas ~~shall~~ will be a distance of at least ~~twenty (~~20~~)~~ feet from property lines, unless an abutting property owner files a signed statement in support of a lesser distance, in which event the ~~city~~ City may permit roaming or grazing areas to extend to the property line in common with the abutting property;

(vi) Provision of a suitable structure or pen to house the animal(s);

(vii) Potential noise impacts; and

(viii) Compatibility with surrounding uses. (Ord. ~~21-9 §2, 2021; Ord. 14-12 §3, 2014; Ord. 03-33, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.35.060 Bees.

Beekeeping is permitted in the city provided that

(1) the number, location, and ownership of the hives ~~shall~~ must be recorded with the State Bee Inspector; and,

(2) hives ~~shall~~ must be located a minimum of ~~fifty (~~50~~)~~ feet from an inhabited residence other than the residence occupied by the beekeeper, a public sidewalk or a public street.

(3) a source of water ~~shall~~ must be set out on the property where the hives are located. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.35.070 Swine.

The keeping of any swine that does not meet the definition of "miniature pig" in ~~Section~~ PCC 17.05.020 is prohibited in the ~~city~~ City. (Ord. ~~14-12 §4, 2014; Ord. 87-9 §1, 1987~~ 24-X).

17.35.080 Special Use Provisions.

(1) *Purpose.* In addition to other standards and requirements imposed by this Title, all uses included in this Section ~~shall~~ must comply with the provisions stated herein. Should a conflict arise between the requirements of this Section and other requirements of this Title, the more restrictive provisions ~~shall~~ will control.

(2) *Gasoline Service Stations.* Service station pump islands ~~shall~~ will be set back at least ~~fifteen (~~15~~)~~ feet from any property line.

(3) *Residential Care Facility.* Residential care facilities are permitted in ~~R1, RT, R2, R3, R4~~ all residential zoning districts, and the C1 ~~zone districts~~ zoning district. In addition to all other considerations mandated by this Title, a residential care facility must obtain all necessary state licenses and permits.

(4) *Retirement Homes, ~~Sanitariums~~, Convalescent, and Rest Homes.* Retirement homes, ~~sanitariums~~, convalescent, and rest homes located in residential districts ~~shall~~ will be buffered from contiguous residential uses with a Type I buffer as set forth in ~~Chapter~~ PCC 17.45, or with a sight obscuring fence.

(5) *Professional Offices in Residential Districts.* Professional offices except those that qualify as home occupations may be permitted in designated residential districts only when their scale and hours of operation are reasonably compatible with the surrounding neighborhood. Offices requiring parking areas with more than five (5) spaces or operating earlier than 7 a.m. or later than 6 p.m. ~~shall~~ will not be ~~located in~~ permitted in any residential district. See PCC 17.45.050(1).

(6) *Schools in Residential Districts.* Schools located in residential districts should be on a site of at least one (1) acre. School buildings, playgrounds, and parking areas should have a minimum setback of ~~fifteen (~~15~~)~~ feet from property lines. See PCC 17.45.050(1).

(7) *Churches in Residential Districts.* Church buildings, playgrounds, and parking areas should have a minimum setback of ~~fifteen (~~15~~)~~ feet from property lines. See PCC 17.45.050(1).

(8) *Greenhouses, Hothouses, and Sunspaces.* Greenhouses, hothouses, and sunspaces intended for the collection of passive solar heat may be maintained as accessory structures to a dwelling.

(9) *Accessory TV Reception or Amateur Radio/Citizens Radio Antennas.*

(a) *Definition.* The following definitions ~~shall~~ will apply in the interpretation and enforcement of this subsection:

(i) *Antenna.* The arrangement of wires, metal rods, or other equipment used in the sending and receiving of electromagnetic waves, including satellite dishes.

(ii) *Antenna Support Structure.* Any structure, mast pole, tripod, or tower utilized for ~~the purpose of~~ supporting an antenna or antennas for the purpose of transmission or reception of electromagnetic waves by federally licensed amateur radio or citizen band radio operators or the reception of television electromagnetic waves.

(iii) *Antenna Height.* The overall vertical length of the antenna and antenna support structure above grade. If such system is located on a building, then the overall vertical length includes the height of the building upon which the structure is mounted.

(b) Antenna support structures including guy wires ~~shall~~ will not ~~be located~~ locate in front yards, flanking street side yards, required side yards, or required rear yards.

(c) Antennas and antenna support structures are allowed as set forth in the Use Chart in ~~Section~~ PCC 17.70.030.

(d) No person ~~shall~~ will install, construct, or increase the height of any antenna support structure without first obtaining a building permit, except that no permit ~~shall~~ will be required if the height of the antenna support structure (excluding the height of any building to which the antenna support structure is attached) is ~~fifteen (~~15~~)~~ feet or less.

(10) *Commercial Parking Areas and Commercial Parking Garages in Residential Zones.* Commercial parking areas and commercial parking garages are permitted with a conditional use permit in ~~R1, RT, R2, R3, and R4~~ all residential ~~zone~~ zoning districts on land which has existing parking facilities. In addition to all other considerations mandated by this Title, a commercial parking area or commercial parking garage in a residential zone must comply with all ~~of~~ the following conditions:

(a) the existing parking facility must have been legally established to serve a permitted use within the residential ~~zone~~ zoning district prior to the application for conditional use permit for commercial parking; ~~and,~~

(b) it must be paved; ~~and,~~

(c) it must be on College Hill bordered by the city limits on the north and east, east Main Street on the south, and north Grand on the west; ~~and,~~

(d) the applicant must meet the requirements of ~~Section~~ PCC 17.40.070(2) Joint Use of Parking; ~~and,~~

(e) the applicant ~~shall~~ will demonstrate that the use of the parking area or parking garage for commercial purposes will not impair the use for which the parking facility was originally established; ~~and,~~

(f) the ~~hearing examiner shall~~ Hearing Examiner will review the conditional use permit at a public meeting approximately one (1) year from the date of issuance and may vote to continue, revise, or revoke the permit; and,

(g) the permittee ~~shall~~ will notify the Director of Community Development of an anticipated transfer of the permit at least 45 calendar days prior to the anticipated date of transfer.

The provisions contained within this subsection do not apply to interim use of land for parking that meets the requirements of ~~Subsection~~ PCC 17.35.080(12).

(11) *Wireless Communication Facilities.*

(a) Wireless communication facilities are allowed as set forth in the Use Chart in ~~Section~~ PCC 17.70.030.

(b) Unless otherwise stated, the provisions contained in this subsection apply to any wireless communication facility regardless of whether it is a permitted use or conditional use in the ~~zone~~ zoning district in which it is proposed to be located.

(c) Unless waived wholly or in part by the Director of Community Development, an applicant for a wireless communication facility ~~shall~~ must submit with the application the following information in addition to other application materials required for said facility by this Title:

(i) precise drawings, in plan and profile view, of all proposed components of the facility, including, but not limited to, equipment structures, support structures, and transmission and/or reception devices, which display proposed heights, materials, colors, and lighting;

(ii) documentation from a licensed professional engineer demonstrating the proposed facility's compliance with applicable building code standards, and describing the general structural capacity of the proposed facility, including the number and type of transmission and/or reception devices that can be accommodated and the basis for the calculation of capacity;

(iii) a description of the expected noise level from the proposed facility along with any proposed noise abatement measures;

(iv) a description of the need for the proposed facility at the proposed location, the procedures involved in site selection, and an evaluation of alternative sites and existing structures on which the proposed facility could be located or ~~collocated~~ attached.

(d) The height of wireless communication facilities ~~shall~~ will be measured as follows:

(i) For a wireless communication attached facility, the height ~~shall~~ will be the overall vertical length of the transmission and/or reception device above the highest point of the building or support structure to which it is attached.

(ii) For a wireless communication freestanding facility, the height ~~shall~~ will be the overall vertical length of the transmission and/or reception device combined with the support structure to which it is attached, as measured from the existing grade prior to construction.

(e) The minimum required setbacks for wireless communication facilities ~~shall~~ will be as follows:

(i) A wireless communication freestanding facility ~~shall~~ will have a minimum setback of 15 feet from all property lines; provided that, when a wireless communication freestanding facility exceeds 30 feet in height, said facility ~~shall~~ must be set back at least one additional foot from each 15-foot setback line for every five feet in height by which said facility exceeds 30 feet (for example, a wireless communication freestanding facility of 80 feet in height would have a minimum required setback of 25 feet from all property lines).

(ii) For an equipment structure associated with either a wireless communication attached facility or a wireless communication freestanding facility, the minimum setbacks ~~shall~~ will be the same as the minimum required yard dimensions for any building in the ~~zone~~ zoning district in which said equipment structure is located.

(iii) Transmission and/or reception devices for a wireless communication attached facility may be attached on an existing structure regardless of whether said structure meets the minimum required yard dimensions for the ~~zone~~ zoning district in which said structure is located.

(f) Screening requirements for wireless communication facilities ~~shall~~ will be as follows:

(i) The base of any wireless communication freestanding facility, or any equipment structure associated with either a wireless communication attached facility or a wireless communication freestanding facility, ~~shall~~ will be screened around its entire perimeter with a minimum six (6) foot high screening device such as a sight-obscuring fence or a minimum five

(5) foot wide planting area with Type I landscaping as set forth in PCC 17.45.080.

(ii) If a security fence or wall is used to prevent access into a wireless communication freestanding facility or any equipment structure associated with either a wireless communication attached facility or a wireless communication freestanding facility, and landscaping is chosen as the screening method in accordance with ~~Subparagraph~~ PCC 17.35.080(11)(f)(i), said landscaping ~~shall~~ will be placed outward of such security fence or wall.

(iii) The screening requirements of this paragraph may be waived if the existing topography of the subject property decreases or eliminates the need for screening, if existing vegetation at the subject property would result in as good or better satisfaction of the provisions of this paragraph, or if, in the opinion of the Site Plan Review Committee, screening should not be required.

(g) Wireless communication facilities ~~shall~~ will be designed to be compatible with the natural and built environment. This includes, but is not necessarily limited to, building and structure design and the use of exterior materials and colors harmonious with the character of the surrounding neighborhood. All radio electronics equipment and associated cabling ~~shall~~ must be enclosed within a structure or ~~shall~~ will be concealed, camouflaged, or placed underground.

(h) Parabolic antennas that are a component of a wireless communication facility ~~shall~~ will not exceed a diameter of six feet.

(i) A wireless communication attached facility ~~shall~~ will not be allowed to be attached to any building which has a dwelling unit in it whether occupied or not.

(j) Wireless communication facilities ~~shall~~ must conform to the light and glare standards set forth in ~~Section~~ PCC 17.35.090.

(k) Wireless communication facilities ~~shall~~ must comply with State noise level standards under WAC 173.60, as they exist now or may hereafter be amended. For purposes of this subsection, wireless communication facilities ~~shall~~ will be considered a Class B noise source pursuant to WAC 173-60-040. The City may require noise attenuation devices or other noise mitigation measures to implement the standards of this subsection. Generators associated with wireless communication facilities may be permitted only for emergency operation purposes.

(l) Wireless communication facilities may be ~~collocated~~ attached on an existing support structure. Where a wireless communication freestanding facility requires a conditional use permit, ~~collocation~~ attachment of an additional transmission and/or reception device(s) on said freestanding facility ~~shall~~ will be permitted without an additional conditional use permit, provided there are no substantial

changes made to the existing support structure and provided the additional transmission and/or reception device(s) does not increase the height of said freestanding facility.

(m) The site plan review provisions of ~~Chapter~~ PCC 17.135 ~~shall~~ will apply to all wireless communication facilities.

(n) Minor modifications of existing wireless communication facilities, whether emergency or routine, are allowed, provided there is no remarkably significant change in the visual appearance of the facility. Minor modifications are those modifications, including the addition of transmission and/or reception device(s), to conforming wireless communication facilities that meet the provisions of this subsection.

(o) A wireless communication facility ~~shall~~ will be removed by the facility owner within six months of the date it ceases to be operational.

(12) *Interim Use of Land for Parking.* Interim use of land for a commercial parking area or other forms of parking may be permitted for a maximum of 10 years, provided the following requirements are met:

(a) the property must be located on College Hill, bordered by the city limits on the north and east, east Main Street on the south, and North Grand on the west; ~~and,~~

(b) the maximum size of the parking area ~~shall~~ will be 20 parking spaces or 6,000 square feet, whichever is less; ~~and,~~

(c) the parking surface must either be paved or graveled to the specifications set forth in ~~Subsection~~ PCC 17.40.040(2); ~~and,~~

(d) none of the parking spaces may be established as required parking to serve a use in the area; ~~and,~~

(e) prior to establishment of the interim use, the owner ~~shall~~ will apply for site plan review as set forth in ~~Chapter~~ PCC 17.135; and,

(f) prior to establishment of the interim use, the owner ~~shall~~ will enter into a written agreement with the Department of Community Development to address such matters as the duration of the interim use and the owner's plans for permanent use of the property; this agreement ~~shall~~ will be renewed every two years up to the maximum 10-year limit.

Any violation of the provisions of this subsection, including interim use beyond the maximum 10-year period, ~~shall~~ will be enforced in accordance with ~~Chapter~~ PCC 17.10.

(13) *Recreational Marijuana.*

(a) No property, building, or structure may be used for the production, processing, or retailing of recreational marijuana unless compliant with RCW 69.50, WAC 314-55, and the Pullman City Code, as they now exist or may hereafter be amended.

(b) A marijuana production, processing, or retail facility ~~shall~~ will only be established or conducted within a fully-enclosed and secure structure that complies with ~~Pullman City Code~~ PCC Title 2 (Construction Code) and Title 3 (Fire).

(c) Each marijuana retail facility is limited to 6,000 square feet of net floor area.

(d) Marijuana retail facilities ~~shall~~ will not include as part of their operation drive-through sales, exterior sales, or off-site sales.

(e) Marijuana retail facilities ~~shall~~ will not be open to the public between the hours of 12:00 a.m. and 8:00 a.m.

(f) No marijuana production, processing, or retail facility ~~shall~~ will be established or conducted in a building that contains a dwelling unit.

(g) Signs and advertising for marijuana production, processing, or retail facilities ~~shall~~ will be allowed only in accordance with ~~Chapter~~ PCC 17.50 and the additional standards set forth in WAC 314-55, as they now exist or may hereafter be amended.

(h) Displays for marijuana production, processing, or retail facilities ~~shall~~ will not include any form of marijuana or marijuana paraphernalia against or within ~~ten (~~10~~)~~ feet of exterior windows.

(i) No marijuana production, processing, or retail facility may be established within ~~one thousand (~~1,000~~)~~ feet of the following "sensitive uses":

(i) elementary or secondary school;

(ii) playground;

(iii) recreation center or facility;

(iv) child care center;

(v) public park;

(vi) public transit center;

(vii) library;

(viii) any game arcade where admission is not restricted to persons age ~~twenty-one (~~21~~)~~ and older; or

(ix) any entity set forth in WAC 314-55-050(10), as it now exists or may hereafter be amended.

In calculating the measurement of the distance between a marijuana production, processing, or retail facility and a sensitive use, such distance ~~shall~~ will be measured by extending a straight line between the nearest lot line of a lot containing a marijuana facility to the nearest lot line of a lot containing a sensitive use.

(j) The subsequent establishment of a sensitive use listed in Paragraph (i) within 1,000 feet of a legally established and licensed marijuana production, processing,

or retail facility ~~shall~~ will not render the marijuana production, processing, or retail facility nonconforming ~~with regard to~~ about location under this subsection.

(k) Marijuana production, processing, and retail facilities ~~shall~~ will comply with all applicable development and administrative standards contained in the Pullman City Code.

(l) Marijuana production, processing, and retail facilities ~~shall~~ will 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.

(m) Marijuana production, processing, and retail facilities ~~shall~~ will not adversely affect the health or safety of the community and ~~shall~~ must be operated in a manner as to not create or be considered a nuisance. Nothing in this subsection ~~shall~~ will be construed as a limitation on the ~~city's~~ City's authority to abate any nuisance under ~~Pullman City Code~~ PCC Title 5 (Health and Sanitation) which may exist from the production, processing, or retailing of recreational marijuana at any location, including from within a fully enclosed and secure building.

(n) No use that constitutes or ~~purports~~ claims to be a marijuana production, processing, or retail facility for recreational marijuana, which was engaged in that activity prior to the adoption of these regulations, ~~shall~~ will be deemed to have been a legally established use under the provisions of the Pullman City Code and that use ~~shall~~ will not be entitled to claim legal nonconforming status.

(o) The production, processing, and retailing of marijuana for any purpose is and remains illegal under federal law. Nothing herein or as provided elsewhere in the Pullman City Code is an authorization to circumvent federal law or provide permission to any person or entity to violate federal law. Only state-licensed marijuana production, processing, or retail facilities may locate in the City of Pullman and then only pursuant to a license issued by the State of Washington. The purposes of these provisions are to acknowledge the enactment by Washington voters of Initiative 502 and a state licensing procedure and to permit, but only to the extent provided by state law, marijuana production, processing, or retail facilities to operate in designated zones within the City. (Ord. ~~22-2 §8, 2022; Ord. 21-15 §6, 2021; Ord. 14-4 §2, 2014; Ord. 06-15 §3, 2006; Ord. 03-33 §11, 2003; Ord. 00-3 §2, 2000; Ord. 96-19 §2, 1996; Ord. 92-29 §1, 1992; Ord. 87-9§1, 1987~~ 24-X).

17.35.085 Grading.

Developments should incorporate as nearly as possible the existing grades in the overall design of the project. Large grade changes should be divided by a series of benches and terraces, and individual retaining walls should be limited to eight (8) feet in height wherever possible. Buildings with multiple stories should be designed with both uphill and downhill floor plans if the site involves significant slopes. (Ord. ~~03-33 §68, 2003~~ 24-X).

17.35.090 Light and Glare.

(1) All sources of illumination will be directed and, when necessary, shielded so as not to produce directed glare on adjacent properties.

(2) No industrial or commercial use will cause a level of illumination exceeding 0.5 footcandles in a contiguous or adjacent residential district. ~~Light intensity shall be measured using the procedures established by the Illuminating Engineering Society in the current IES Lighting Handbook.~~

(3) No source of intense light or glare, such as arc welding ~~shall~~ will be visible from any point beyond the property line of the use generating that light or glare. Construction welding is exempt from this standard. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.35.100 Hazardous Waste Treatment and Storage Facilities.

(1) *Definitions.* The following definitions ~~shall~~ will apply in the interpretation and enforcement of this section:

(a) *Hazardous Substances.* Any liquid, solid, gas, sludge, including any material, substance, product, commodity, or waste, regardless of quantity that exhibits any of the characteristics or criteria of hazardous waste as defined in RCW 70.105.010 as now existing or hereafter amended.

(b) *Hazardous Waste.* All dangerous and extremely hazardous waste as defined in RCW 70.105.010 as now existing or hereafter amended.

(c) *Hazardous Waste Storage.* The holding of dangerous waste for a temporary period. Accumulation of dangerous waste by the generator or the site of generation is not storage ~~as long as~~ if the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201 as now existing or hereafter amended.

(d) *Hazardous Waste Treatment.* The physical, chemical, or biological processing of dangerous wastes to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

(e) *Hazardous Waste Storage and Treatment Facilities (Off-site).* Facilities that treat and store wastes from generators on properties other than those on which the off-site facilities are located.

(f) *Hazardous Waste Storage and Treatment Facilities (On-site).* Facilities that treat and store wastes generated on the same property.

(2) Off-site and On-site Hazardous Waste Treatment and Storage Facilities are allowed as set forth in the Use Chart in ~~Section~~ PCC 17.30.030.

(3) All Hazardous Waste Treatment and Storage Facilities must comply with the State Location Standards for Siting Hazardous Waste Management Facilities as adopted pursuant to the provisions of RCW 70.105.020. (Ord. ~~88-6 §1, 1988~~ 24-X).

Chapter 17.37

ADULT ENTERTAINMENT BUSINESS

Sections:

17.37.010 Purpose.
17.37.020 Definitions.
17.37.030 Applicability.
17.37.040 Limitations.
17.37.050 ~~Configuration and Operation of Adult Arcades.~~ Separation Standards.
17.37.060 ~~Separation Standards.~~ General Provisions.
~~17.37.070 General Provisions.~~

17.37.010 Purpose.

(1) *Objective.* The objective of this Chapter is to provide for regulation of adult entertainment establishments in a manner that fosters land use compatibility within the ~~city~~ City.

(2) *Findings.* The ~~City~~ Council ~~of the City of Pullman~~, based upon evidence generated by other jurisdictions that is reasonably believed to be relevant to the issues addressed herein by the City ~~of Pullman~~, finds that the commercial offering of adult entertainment businesses~~, especially those containing adult arcade devices,~~ is a use which, although afforded some constitutional protection, often creates or exacerbates undesirable secondary effects in the community. These adverse secondary effects include a wide range of unlawful activities that have regularly and historically occurred, within or in close proximity to such businesses including acts of prostitution, narcotics and liquor law violations, breaches of the peace, assaults and sexual conduct and other criminal activity and, further, the concentration of such adult entertainment businesses can result in a decline in the market value of surrounding property, and can contribute to a general deterioration of ~~the downtown core area~~ areas of the ~~city~~ City.

(3) *Intent.* It is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the adverse secondary effects of adult entertainment businesses. (Ord. 24-X).

17.35.020 Definitions.

(1) *Adult Entertainment.* Adult entertainment is defined as:

(a) Any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance involves a person(s) who is unclothed or clothed in such costume, attire, or clothing as to expose any "specified anatomical areas" as defined in PCC 17.37.020(4);

(b) Any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation of, or relation to, "specified sexual activities" as defined in PCC 17.37.020(5); or

(c) Any exhibition, performance, or dance conducted in a premises where such exhibition, performance, or dance is performed for, arranged with, or engaged in with fewer than all patrons on the premises at that time, with separate consideration paid, either directly or indirectly, for such exhibition, performance, or dance where such exhibition, performance, or dance involves a person who is unclothed or clothed in such costume, attire or clothing as to expose any "specified anatomical areas" as defined in PCC 17.37.020(4). For purposes of example and not limitation, such exhibitions, performances, or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing, or straddle dancing.

(2) *Adult Entertainment Business.* Adult entertainment business means the following establishments:

~~(a) *Adult Arcade.* An establishment containing any individual viewing areas or booths, where, for any form of consideration, including a membership fee, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines are used to show films, motion pictures, video cassettes, slides, or other photographic reproduction of sexual conduct, or adult entertainment.~~

~~(b)~~(a) *Adult Cabaret.* A nightclub, bar, restaurant, theater, ~~or~~ auditorium, or similar commercial establishment, whether or not alcoholic beverages are served, which presents adult entertainment.

~~(c)~~(b) *Adult Motel.* A hotel, motel, or similar commercial establishment which:

(i) offers sleeping accommodation to the public for any form of consideration and, as a significant purpose of its business, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified anatomical areas" as defined in PCC 17.37.020(4) or "specified sexual activities" as defined in PCC 17.37.020(5) and are not rated G, PG, PG-13, NC-17, or R by the Motion Picture Association of America; or

(ii) does a significant business renting sleeping rooms for a period ~~of time~~ that is less than ~~ten (~~10~~)~~ hours; or

(iii) allows a tenant or occupant of a sleeping room to sub-rent the room for a period ~~of time~~ that is less than ~~ten (~~10~~)~~ hours.

A hotel or motel providing overnight accommodations is not considered an adult motel merely because it provides adult closed-circuit television programming in its rooms for its registered overnight guests.

~~(d)~~(c) *Adult Motion Picture Theater.* A commercial establishment or drive-in theater where a significant portion of the films, motion pictures, video cassettes, slides, or

similar photographic reproductions are shown for any form of consideration and are characterized by the depiction or description of "specified anatomical areas" as defined in PCC 17.37.020(4) or "specified sexual activities" as defined in PCC 17.37.020(5) and are not rated G, PG, PG-13, NC-17, or R by the Motion Picture Association of America.

~~(e)~~(d) *Adult Retail Store.* An enclosed building, or any portion thereof which, for money or any other form of consideration, devotes a significant or substantial portion of its stock in trade to the sale, exchange, retail, loan, trade, transfer, or viewing of "adult-oriented merchandise" as defined in PCC 17.37.020(3). For purposes of this definition, a retail store devotes a significant or substantial portion of its stock in trade to adult-oriented merchandise if the sale, exchange, rental, loan, trade, transfer or viewing of such adult-oriented merchandise is clearly material to the economic viability of the business. It is rebuttably presumed that such adult-oriented merchandise is clearly material to the viability of the retail business if adult-oriented merchandise accounts for:

~~(1)~~(i) 30% ~~percent~~ or more of the display area of the store open to the public;

~~(2)~~(ii) 30% ~~percent~~ or more of the retail dollar value of all merchandise displayed in the store; or

~~(3)~~(iii) 30% ~~percent~~ or more of the store's inventory (whether measured by retail dollar value or number of items). In no event ~~shall~~ will a retailer whose transactions only incidentally or marginally relate to adult-oriented merchandise be considered an adult retail store.

~~(f)~~(e) *Other Adult Entertainment Establishment.* Any commercial establishment to which any patron is invited or admitted and where adult entertainment is presented or sold as a substantial portion of its volume or trade, including, but not limited to, escort agencies, semi-nude or nude modeling studios, or similar establishments.

(3) *Adult-oriented Merchandise.* Any goods, products, commodities, or other ~~ware~~ wares including but not limited to videos, CD ROMs, DVDs, computer disks or other storage devices, magazines, books, pamphlets, posters, cards, periodicals, or non-clothing novelties which depict, describe or simulate "specified anatomical areas" as defined in PCC 17.37.020(4) or "specified sexual activities" as defined in PCC 17.37.020(5).

(4) *Specified Anatomical Areas.* Specified anatomical areas means:

(a) human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, when such areas are less than completely and opaquely covered; and

(b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(5) *Specified Sexual Activities.* Specified sexual activities means:

(a) human genitals in a state of sexual stimulation or arousal;

(b) acts of human masturbation, sexual intercourse, or ~~sodomy~~ oral or digital stimulation; and

(c) fondling or other erotic touching of human genitals, pubic region, buttock, or female breast. (Ord. 24-X).

17.37.030 Applicability.

The standards established in this Chapter apply to all adult entertainment business as defined herein. (Ord. 24-X).

17.37.040 Limitations.

The standards set forth in this Chapter ~~shall~~ will not be construed to restrict or prohibit the following activities or products: expressive dance; plays, operas, musicals, or other dramatic works; classes, seminars, or lectures conducted for a scientific or educational purpose; printed materials or visual representations intended for educational or scientific purposes; women nursing infants; nudity within a locker room or other similar facility used for changing clothing in connection with athletic or exercise activities; nudity within a hospital, clinic, or other similar medical facility for health-related purposes; and all movies and videos that are rated G, PG, PG-13, NC-17, or R by the Motion Picture Association of America. (Ord. 24-X).

~~**17.37.050 Configuration and Operation of Adult Arcades.**~~

~~All owners of adult arcade premises must ensure that the premises comply with the following criteria:~~

~~(1) *Adult Arcade Booth or Station.*~~

~~(a) All adult arcade stations or booths must be open to an adjacent public room so that the area inside is visible by direct line of sight to persons in the adjacent public room. No adult arcade station, booth, or viewing area may be obscured by any curtain, door, wall, or other non-transparent enclosure.~~

~~(b) The unobstructed view into the adult arcade booths or stations from the adjacent public room by direct line of sight must remain unobstructed by any doors, walls, merchandise, display racks, or other materials at all times.~~

~~(2) *Ventilation and Other Holes in Booths.* All ventilation devices between adult arcade booths must be covered by a permanently affixed ventilation cover. Ventilation holes may only be located one foot from the top of the booth walls or one foot from the bottom of the booth walls. There may not be any other holes or openings between the booths.~~

~~(3) *Steps/Risers in Booths.* No steps or risers are allowed in any adult arcade booth or station.~~

~~(4) *Lighting.* The premises of an adult arcade must be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons, members, or customers are permitted access at an illumination of not less than ten footcandles as~~

~~measured at the floor level at all times while patrons, members, or customers are permitted within the premises.~~

~~(5) *Interior Signs.* There must be permanently posted and maintained in at least two conspicuous locations on the interior of all adult arcade premises a sign stating substantially the following:~~

~~Occupancy of any station or booth is at all times limited to one person. There may be no acts of lewd conduct in the stations or booths or on the premises. Violators are subject to criminal prosecution under Pullman City Code Section [*number of applicable section*].~~

~~Each sign must be conspicuously posted and not screened from the patron's view. The letters and numerals must be on a contrasting background and be no smaller than three-quarters of an inch in height.~~

~~17.37.060~~ 17.37.050 Separation Standards.

(1) As set forth in PCC 17.70.030, an adult entertainment business ~~is allowed to~~ can locate only in a C2 or C3 ~~zone~~ zoning district. Within a C2 or C3 ~~zone~~ zoning district, an adult entertainment business ~~shall~~ will not be permitted to locate within 500 feet of any of the following ~~zone~~ zoning districts or uses (hereinafter referred to as "sensitive ~~zone~~ zoning districts" and "sensitive uses"):

(a) any residential ~~zone~~ zoning district;

(b) a C1 ~~zone~~ zoning district;

(c) a WSU ~~zone~~ zoning district;

(d) a child day care facility;

(e) a public or private nursery school, preschool, or educational service;

(f) a public park;

(g) a church or other similar religious facility; and

(h) any other adult entertainment business.

(2) In calculating the measurement of the distance between an adult entertainment business and a sensitive ~~zone~~ zoning district or use, such distance ~~shall~~ will be measured by extending a straight line between the nearest boundary line of a sensitive ~~zone~~ zoning district or nearest lot line of a lot containing a sensitive use to the nearest lot line of a lot containing the adult entertainment business.

(3) The ~~city planner~~ Director of Community Development may grant an administrative variance in accordance with ~~Chapter~~ PCC 17.130 to modify the separation standards of this Section if the applicant can demonstrate that the following criteria are met:

(a) the physical features of the land and/or the ~~manner in which~~ way the proposed adult entertainment business is to be designed would result in an effective

separation between the proposed adult entertainment business and any sensitive ~~zone~~ zoning districts or uses in terms of visibility and access;

(b) the proposed adult entertainment business is compatible with surrounding uses; and,

(c) the proposed adult entertainment business otherwise complies with the purposes of this Title.

(4) An adult entertainment business ~~shall~~ will be deemed a nonconforming use if a sensitive ~~zone~~ zoning district or use locates within 500 feet of said adult entertainment business after said adult entertainment business has been established in accordance with the requirements of this Chapter. (Ord. 24-X).

~~17.37.070~~ 17.37.060 General Provisions.

(1) Advertisements, displays, signs, or other promotional material depicting or describing adult entertainment ~~shall~~ will not be ~~shown so as~~ displayed to be visible from any public right-of-way or other public space.

(2) All entries, windows, and other openings in a building containing an adult entertainment business ~~shall~~ will be located or screened in such a manner as to prevent a view of adult entertainment activity or material from any public right-of-way or other public space. No adult entertainment activity or material ~~shall~~ will otherwise be visible from any public right-of-way or other public space.

(3) An adult entertainment business ~~may~~ must not be operated or otherwise open to the public between the hours of 2:00 a.m. and 10:00 a.m. (Ord. ~~03-33 §72, 2003~~ 24-X).

Chapter 17.40

OFF-STREET PARKING AND LOADING

Sections:

17.40.010 Purpose.
17.40.020 Applicability.
17.40.030 Permit Review Requirements.
17.40.040 Off-street Parking Area Design.
17.40.050 Off-street Parking Area Location.
17.40.060 Off-street Parking Space Requirements.
17.40.070 Mixed Uses and Joint Use of Parking.
17.40.080 Off-street Loading Requirements—Freight Vehicles.
17.40.090 Pedestrian Loading Areas.

17.40.010 Purpose.

The purpose of this Chapter is to assure the provision of adequately sized and designed off-street parking and loading areas and, by so doing, to reduce traffic congestion, reduce the crowding of on-street parking spaces, enhance traffic and pedestrian safety, enhance the appearance of parking areas, and protect adjacent properties from the adverse impacts of uses with inadequate off-street parking. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.40.020 Applicability.

Except as otherwise provided in this Title, off-street parking and loading spaces ~~shall~~ will be provided in conformance with the provisions of this Chapter.

(1) *New Structure or Use.* At the time a new structure is erected or a new use is established, off-street parking ~~shall~~ must be provided.

(2) *Change in Use.* Where a change in the use of a structure results in an increased requirement for parking spaces, such additional spaces ~~shall~~ must be provided.

(3) *Expansion or Enlargement.* Where the square footage of a structure is enlarged or the square footage of the use within a structure is expanded, parking spaces in addition to existing spaces ~~shall~~ must be required for the expansion or enlargement only.

(4) *Other Parking Areas.* All new parking areas or additions to existing parking areas ~~shall~~ must be constructed in accordance with the provisions of this Chapter.

(5) *Alterations.* Alterations to parking lots ~~shall~~ must be made in conformance with the provisions of this Title. Alterations may be made to nonconforming lots where there is no reduction in the number of parking spaces provided.

(6) *Nonconformities.* Any use which, on the effective date of this Title or any amendments hereto, is nonconforming in terms of required off-street parking and loading spaces and design may continue in the same manner as if it were conforming.

(7) *C2 Central Business District.* The C2 District ~~shall~~ will be exempt from the provisions of this Title as they relate to the number of off-street parking spaces or loading berths, but

all other requirements of this Title ~~shall~~ will apply. (Ord. ~~03-33 §12, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.40.030 Permit Review Requirements.

(1) *When Review is Required.* The review of all applications for building permits, conditional use permits, zone changes, and site plan approvals ~~shall~~ will include a determination of the proposed use's compliance or failure to comply with the parking provisions of this Title.

(2) *Application Contents.* All applications for any permit or plan approval made pursuant to this Title ~~shall~~ must indicate how applicable requirements of this Chapter will be met, including the location and dimensions of the following:

(a) individual parking and loading spaces;

(b) circulation area necessary to serve spaces;

(c) access to streets and property to be served;

(d) curb cuts;

(e) areas reserved for landscaping, types of plants, and any other materials or improvements;

(f) continuity and substance of fencing or other types of screening;

(g) grading, surfacing, drainage, and subgrading details;

(h) obstacles, if any, to parking and traffic circulation in the finished parking area;

(i) signs, wheel stops, and markings to identify individual spaces; and

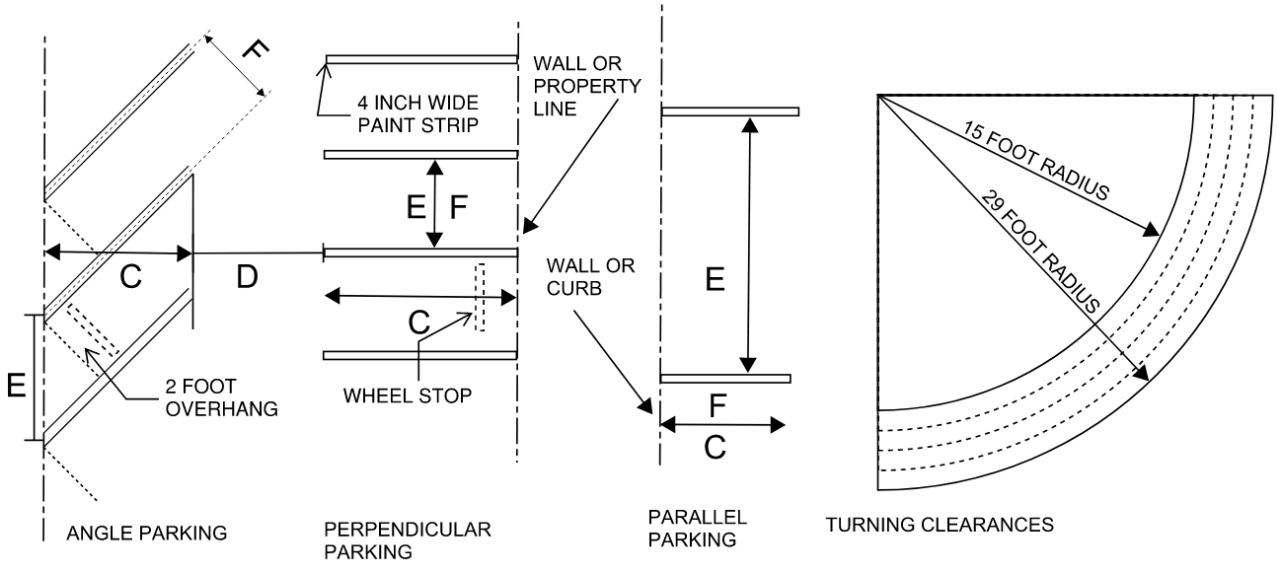
(j) lighting.

(3) *Certificate of Occupancy.* All required off-street parking and loading areas must be completed in accordance with the provisions of this Title before any ~~permanent certificate of occupancy~~ Final Certificate of Occupancy is issued. (Ord. ~~87-9 §1, 1987~~ 24-X).

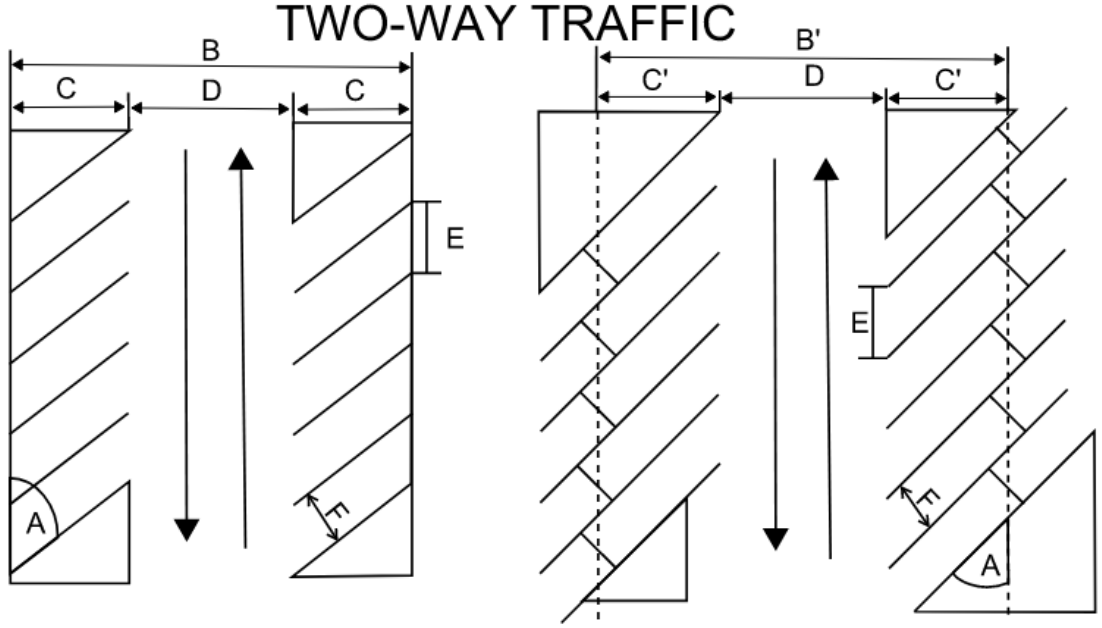
17.40.040 Off-street Parking Area Design.

(1) *Off-street Parking Space and Area Dimension.* Except as otherwise provided in this Title, off-street parking spaces and areas ~~shall~~ must be designed and constructed in accordance with the standards of Figure 17.40.1. In all ~~zone~~ zoning districts except residential ~~zone~~ zoning districts, up to ~~twenty-five (~~25%~~) percent~~ of the spaces provided in any parking area of more than five (5) spaces may be sized for compact cars. In all residential ~~zone~~ zoning districts, up to ~~fifty (~~50%~~) percent~~ of the spaces provided in any parking area of more than five (5) spaces may be sized for compact cars.

FIGURE 17.40.1

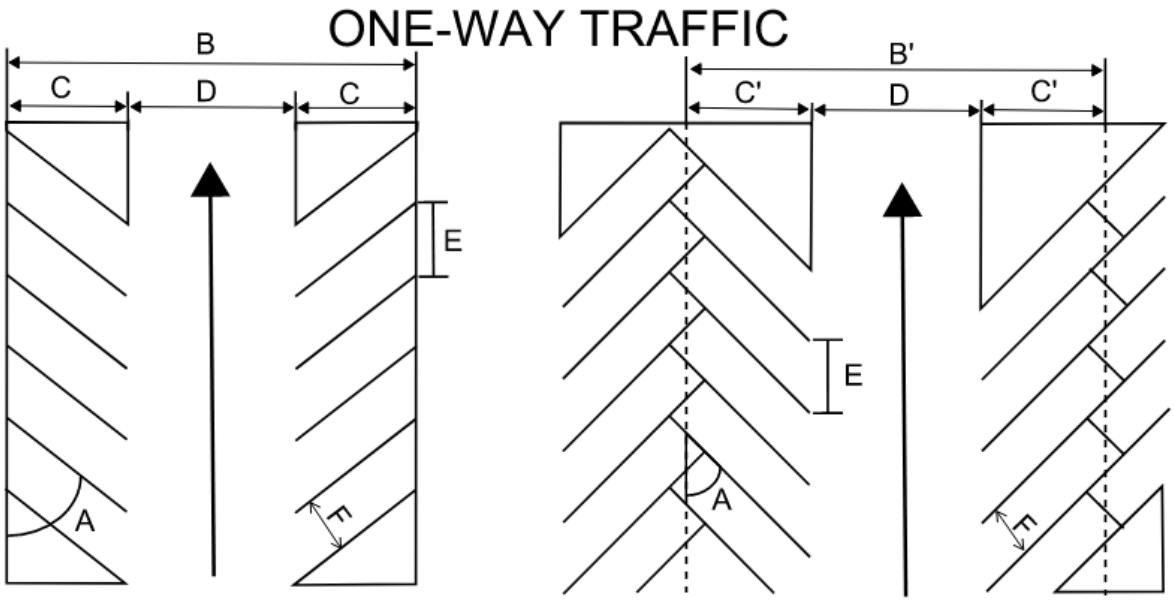


TWO-WAY TRAFFIC



A	B	C	D	E	F	B’	C’
PARKING ANGLE (DEGREE)	PARKING SECTION WIDTH	PARKIKNG BANK WIDTH	TRAFFIC AISLE WIDTH	CURB LENGTH PER CAR	CAR STALL WIDTH	PARKING SECTION WIDTH	PARKING BANK WIDTH
STANDARD VEHICLES							
0	36’	8’	20’	23’	8’		
45	58’	19’	20’	12’	8.5’	51’	15.5’
60	60’	20’	20’	9.8’	8.5’	55’	17.5’
90	64’	20’	24’	9’	9’		

COMPACT VEHICLES							
0	35’	7.5’	20’	15’	7.5’		
45	52’	16’	20’	11.3’	8’	47’	13.3’
60	53.6’	16.8’	20’	9.2’	8’	50’	14.9’
90	50’	15’	20’	8’	8’		



A	B	C	D	E	F	B’	C’
PARKING ANGLE (DEGREE)	PARKING SECTION WIDTH	PARKIKNG BANK WIDTH	TRAFFIC AISLE WIDTH	CURB LENGTH PER CAR	CAR STALL WIDTH	PARKING SECTION WIDTH	PARKING BANK WIDTH
STANDARD VEHICLES							
0	28’	8’	12’	23’	8’		
45	58’	19’	12’	12’	8.5’	43’	15.5’
60	55	20’	12’	9.8’	8.5’	50’	17.5’
COMPACT VEHICLES							
0	27’	7.5’	12’	15’	7.5’		
45	44’	16’	12’	11.3’	8’	39’	13.3’
60	48.6’	16.8’	15’	9.2’	8’	45’	14.9’

(2) *Off-street Parking Area Surface.* Except as otherwise provided in this Title, off-street parking areas which include five (5) or more spaces and their attendant driveways ~~shall~~ must be paved with a minimum of two (2) inches of asphalt over eight (8) inches of gravel base or, ~~four (4)~~ five and one half (5.5) inches of portland cement concrete over four (4) inches of gravel base or a similar impermeable or suitable permeable surface approved by the ~~director~~ Director of Public Works. ~~over a~~ All gravel base must be compacted to ~~ninety-five (~~95%~~) percent~~ maximum density as determined by a modified Proctor analysis (ASTM D1557). Parking areas of fewer than five (5) spaces and their attendant driveways ~~shall~~ must either be paved in the manner described above ~~for parking~~

~~areas of five or more spaces~~ or be surfaced with four (4) or more inches of gravel compacted to ~~ninety-five (~~95~~%) percent~~ maximum density as determined by a modified Proctor analysis (ASTM D1557). Suitable substitutes for compacted gravel to control dust and erosion may be approved by the ~~director~~ Director of Public Works.

(3) *Wheel Stops.* All parking spaces located along the outer boundary of any parking area ~~shall~~ must be equipped with wheel stops to prevent vehicles from protruding over the property line. Wheel stops ~~shall~~ must also be installed wherever necessary to protect parking area landscaping and screening.

(4) *Marking and Signs.* In off-street parking areas of five (5) or more spaces, all parking spaces ~~shall~~ must be clearly delineated with pavement markings. All signs or pavement markings needed to facilitate traffic and pedestrian circulation into, through, and out of the area ~~shall~~ must be provided. All special parking spaces such as those for the handicapped, compact cars, RVs and other large vehicles ~~shall~~ must also be clearly marked.

(5) *Drainage.* All parking lots of five (5) or more spaces ~~shall~~ must be graded and drained so that all surface water is collected on-site, and ~~shall~~ must contain provisions for ~~detainage~~ detention or ~~retainage~~ retention of storm water so that the peak runoff volume is not increased as required by the ~~city~~ City of Pullman Design Standards. Grading and drainage facilities ~~shall~~ must be designed to limit water draining across sidewalks to the extent practicable.

(6) *Accessible Parking.* Accessible parking ~~shall~~ must be provided in accordance with WAC 51-50 as it now exists or may hereafter be amended.

(7) *Screening and Landscaping.* Screening and landscaping of off-street parking areas are required as set forth in PCC 17.45.030.

(8) *Lighting.* Lighting ~~shall~~ must be deflected so as not to shine directly on any contiguous residentially zoned lot or residential use.

(9) *Access and Circulation in Off-street Parking Areas.*

(a) *Access Points.* All points of access for any off-street parking area ~~shall~~ must be designed and constructed in accordance with the Design Standards of the ~~city~~ City of Pullman. The number, location, and design of access points may be restricted where necessary to protect the safety of vehicular and pedestrian traffic in the public right-of-way. When deemed appropriate by the ~~director~~ Director of Public Works, access to an off-street parking area from an adjacent alley is encouraged.

(b) *Internal Circulation.* The circulation pattern of off-street parking areas, ~~excepting~~ except driveways serving single or two-family dwellings, ~~shall~~ will not have as a part of the pattern any backing or parking maneuvers on a public sidewalk, highway, road, or street.

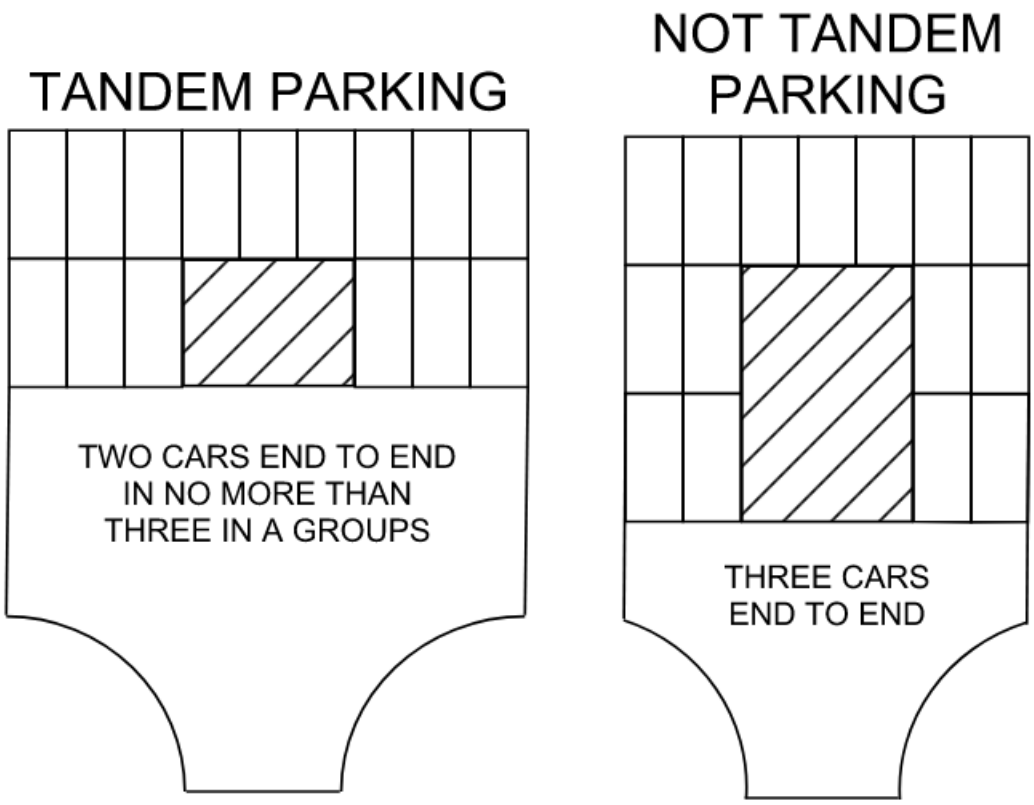
(c) *Driveways.*

(i) Driveways serving loading areas and fire access lanes ~~shall~~ will have a minimum width of ~~twenty (~~20~~)~~ feet, all of which must be paved.

(ii) A driveway may straddle the lot line of abutting lots in separate ownership if it leads to required parking spaces or loading berths on both lots.

(iii) Driveways serving drive-in windows such as for restaurants and banks ~~shall~~ must have a minimum of ~~eighty (~~80~~)~~ feet of waiting space for each drive-in window.

(10) *Tandem Parking.* Tandem parking, in which off-street parking spaces are arranged end to end and access to one ~~or more~~ parking ~~spaces~~ space may potentially be blocked by a vehicle parked in another parking space, ~~is allowed to~~ can meet the parking space requirements of PCC 17.40.060 for single-family dwellings, manufactured homes, individual dwelling units of a duplex, and individual dwelling units in a townhouse development. Tandem parking for other uses is prohibited unless the ~~city planner~~ Director of Community Development determines that the proposed parking arrangement would not create an adverse impact on the property under consideration or surrounding properties. In no circumstance ~~shall~~ will the number of tandem parking spaces established to meet the parking space requirements of PCC 17.40.060 exceed three (3) ~~in any one row~~ groups of two (2) cars end to end.



(11) *Off-Street Parking Areas in Required Yards.* Except as otherwise provided in this subsection, all off-street parking areas and driveways established or enlarged within a residential ~~zone~~ zoning district after December 31, 2002, ~~may~~ will cover no more than ~~fifty (~~50%~~) percent~~ of a required front yard and required flanking street side yard. If a required front or flanking street side yard is less than ~~thirty-six (~~36~~)~~ feet wide along that portion of the required yard bordering the street, the percentage of the required front or flanking street side yard that may be covered by parking areas and driveways may increase by three (3) percentage points over ~~fifty (~~50%~~) percent~~ for each foot under ~~thirty-six (~~36~~)~~ feet that exists along that portion of the required yard bordering the street (e.g., a 25-foot lot dimension along the street would limit coverage of parking areas and driveways in the required yard to 83 percent). (Ord. ~~06-15 §4, 2006; Ord. 03-33 §13, 2003; Ord. 02-32 §4, 2002; Ord. 00-8 §2, 2000; Ord. 87-9 §1, 1987~~ 24-X).

17.40.050 Off-street Parking Area Location.

(1) *Maximum Distance to Use Served.* The nearest parking space in the required off-street parking area ~~shall~~ must be located within the distance of the use served shown in Table 17.40.1.

Table 17.40.1. DISTANCE TO NEAREST REQUIRED OFF-STREET PARKING SPACE

Use Served	Maximum Distance to Parking
Detached dwellings, including manufactured homes, townhouse dwellings, duplex units	On the same lot
All other living quarters except membership lodging	Within 200 feet
All other uses, including membership lodging and extra guest parking in residential developments	Within 500 feet

(2) *Access to Off-street Parking.* Off-street parking ~~shall~~ will not be located across an arterial or collector street from the use it serves except where a pedestrian overpass or underpass or signal-controlled crosswalk is available or provided to allow pedestrians to cross safely from the parking area to the use.

(3) *Garage Structure.* In all ~~zone~~ zoning districts, if the required off-street parking spaces for a single-family dwelling or a duplex are not provided in a garage or carport, one (1) such space ~~shall~~ must be located so that at a future date it may be covered by a garage structure in accordance with the provisions of this Title. (Ord. ~~03-33 §14, 2003; Ord. 02-32§5, 2002; Ord. 87-9 §1, 1987~~ 24-X).

17.40.060 Off-street Parking Space Requirements.

The number of off-street parking spaces required depends on the nature of the proposed use. The Use Chart set forth in ~~Section~~ PCC 17.70.030 shows the number of off-street parking spaces required. All fractional requirements ~~shall~~ will be rounded up to the next whole number. For uses not specified in the Use Chart, the ~~city planner shall~~ Director of Community Development will determine the number of spaces required by comparing the proposed use to similar uses for which a space requirement is listed. Determinations made by the ~~city planner~~ Director of

Community Development may be appealed to the ~~hearing examiner~~ Hearing Examiner, as provided in ~~Chapter~~ PCC 17.185. (Ord. ~~22-2 §8, 2022; Ord. 87-9 §1, 1987~~ 24-X).

17.40.070 Mixed Uses and Joint Use of Parking.

(1) *Mixed Use.* In the case of mixed uses the total requirements for the various uses ~~shall~~ will be computed separately and ~~shall~~ will be the sum of the requirements for the various concurrent uses. Facilities containing mixed uses may qualify for joint use of parking areas as specified below.

(2) *Joint Use.* Requests for joint use of parking areas ~~shall~~ will be processed by the ~~City Planner~~ Director of Community Development as provided in PCC 17.175.050. Upon application, the ~~City Planner~~ Director of Community Development may authorize joint use of parking areas, provided:

(a) the applicant shows that there is no substantial conflict in the principal operating hours of the buildings, structures, or uses for which the joint use of the parking area is proposed;

(b) the property owners sharing in a joint use of an off-street parking area ~~shall~~ must submit a written agreement signed by both parties to be recorded in the office of the Whitman County Auditor and a copy thereof filed with the ~~city planner~~ Department of Community Development;

(c) if there is a change in the uses involved in the joint use of parking areas during the term of the written agreement cited in PCC 17.40.070(2)(b), a new application for joint use of parking areas ~~shall~~ must be submitted in the manner set forth in PCC 17.40.070(2). (Ord. ~~03-33 §15, 2003; Ord. 00-8 §3, 2000; Ord. 87-9 §1, 1987~~ 24-X).

17.40.080 Off-street Loading Requirements—Freight Vehicles.

(1) *Applicability.* All new buildings and uses ~~shall~~ must meet the berthing requirements for freight hauling vehicles herein specified except in the C2 Central Business District. All off-street loading berths and access, whether required by this Chapter or not, ~~shall~~ must be designed and constructed in accordance with its provisions.

(2) *Minimum Number Required.*

(a) Any building intended for retail, wholesale, warehouse, freight, hospital, industrial, or manufacturing uses ~~shall~~ must be provided with off-street loading berths according to this schedule:

(i) one (1) berth for each building containing 10,000 to 35,000 square feet of net floor area;

(ii) two (2) berths for each building containing more than 35,000 square feet of net floor area.

(b) Any building intended to be used for a hotel, food and beverage business, community center, convention hall, membership lodging, or other similar use ~~shall~~ must be provided with off-street loading berths according to this schedule:

(i) one (1) berth for each building containing 20,000 to 50,000 square feet of net floor area;

(ii) two (2) berths for each building containing more than 50,000 square feet of net floor area.

(3) *Loading Design Standards.* Off-street loading facilities ~~shall~~ must be designed and maintained in accordance with the following standards:

(a) Each loading berth ~~shall~~ will be at least ~~ten (~~10~~)~~ feet wide and ~~forty-five (~~45~~)~~ feet long.

(b) Loading berths ~~shall~~ must not be located within any required yard except in a required rear yard.

(c) Loading berths ~~shall~~ must be located entirely on the property they are intended to serve and designed in such a way that the street does not serve as a maneuvering area.

(d) Access to loading berths ~~shall~~ must be from an alley when possible and designed ~~so as~~ to minimize the potential for congestion and to ensure traffic and pedestrian safety.

(e) If desirable, two (2) or more buildings having a common wall may locate their required loading berths together in a single location, provided that the number of berths ~~shall~~ must not be less than the sum of the required berths for all the buildings concerned, and that there be access from each building to the loading berth. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.40.090 Pedestrian Loading Areas.

Uses such as hospitals, schools, churches, government buildings and similar uses which serve many people and have their principal access on collector or arterial streets, ~~shall~~ must provide at least one safe off-street pedestrian loading areas. (Ord. ~~87-9 §1, 1987~~ 24-X).

Chapter 17.45

LANDSCAPING AND SCREENING

Sections:

17.45.010 Purpose.
17.45.020 Applicability.
17.45.030 Landscaping and Screening Requirements for Parking Areas and Loading Berths.
17.45.040 Landscaping of Required Open Space.
17.45.050 Screening Between Uses and Districts.
17.45.060 Outdoor Storage—Commercial and Industrial Districts.
17.45.065 Scrap and Waste Material—Industrial Districts.
17.45.067 Screening of Solid Waste Dumpsters and Self-contained, Liquid-tight, Compacting Solid Waste Containers.
17.45.070 Definition and Retention of Significant Trees.
17.45.080 Types of Landscaping Requirements.
17.45.090 Modification of Landscaping Requirements.
17.45.100 Landscaping Plan Requirements.
17.45.110 Installation and Maintenance Standards.

17.45.010 Purpose.

The purpose of this Chapter is to establish minimum requirements for the landscaping and screening needed to increase compatibility between different intensities of land use, to provide visual relief from the barren expanse of paved parking lots, to screen undesirable views that have a blighting impact on surrounding properties, and to provide a visual separation and physical buffer between incompatible abutting land uses.

It is the intent of these requirements to encourage the retention of existing vegetation including significant trees to the extent feasible and to require replacement if significant existing trees are removed; to reduce erosion and storm water runoff; to preserve and promote urban wildlife habitats; to minimize the impacts of noise, light and glare; to aid in regulating vehicular circulation; and to make the city a more aesthetically pleasing place to live, shop, and work. In all cases, low water use landscaping is preferred over that which demands more significant amounts of irrigation. (Ord. ~~03-33 §16, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.45.020 Applicability.

Except as otherwise provided in this Title, the provisions of this Chapter ~~shall~~ will apply to:

(1) all new developments;

(2) any addition to an existing structure when the cost of the addition exceeds ~~fifty (~~50%~~)~~ ~~percent~~ of the current assessed valuation of the existing structure;

(3) any expansion of a manufactured home park in which the number of new manufactured home lots exceeds ~~fifty (~~50%~~) percent~~ of the number of existing manufactured home lots;

(4) situations where this Chapter imposes a requirement for buffering or screening between two (2) uses, one of which is existing and the other new. The responsibility for satisfying this requirement rests entirely on the new use. (Ord. ~~03-33 §17, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.45.030 Landscaping and Screening Requirements for Parking Areas and Loading Berths.

Parking areas and loading berths ~~shall~~ will comply with the following requirements:

(1) Parking areas with ~~twenty (~~20~~)~~ or more spaces ~~shall~~ must have at least ~~ten (~~10%~~) percent~~ of the total parking area landscaped. Parking areas with ~~one hundred (~~100~~)~~ or more spaces ~~shall~~ must have at least ~~twenty-five (~~25%~~) percent~~ of the required ~~ten (~~10%~~) percent~~ to be landscaped located in the interior of the lot.

(2) No required planting areas ~~shall~~ will be less than ~~twenty-four (~~24~~)~~ square feet in area with the exception of raised planter boxes around or in close proximity to buildings.

(3) When landscaping is required as set forth in subsection (1) of this ~~section~~ Section, then an average of at least one (1) tree ~~shall~~ must be planted for every ~~ten (~~10~~)~~ single row parking stalls or every ~~twenty (~~20~~)~~ double row parking stalls within the parking area.

(4) Landscaping material ~~shall~~ must be selected with careful consideration to eventual size and spread, susceptibility to disease and pests, durability and adaptability to existing soil and climatic conditions, and ability to prosper with limited irrigation.

(5) Landscaping in the interior of the parking area ~~shall~~ must be contained by a bumper rail or curb which is at least four (4) inches high.

(6) All off-street parking areas which include five (5) or more parking spaces and all loading berths ~~shall~~ must be screened from a contiguous residentially zoned lot or residential use. Such screening ~~shall~~ must be in the form of a wall, fence, or earth berm or slope not less than four (4) feet in height and sufficient in density to shield from direct lighting, including automobile headlights. A Type I landscape strip as set forth in PCC 17.45.080 may be substituted for such wall, fence, or berm.

(7) All off-street parking areas which include five (5) or more parking spaces and all loading berths ~~shall~~ must be screened from a residentially zoned lot or residential use that is located across a street from said parking area or loading berth. Such screening ~~shall~~ must be in the form of a Type I landscape strip as set forth in PCC 17.45.080. Breaks or modifications in required screening may be permitted to provide vehicular or pedestrian access to a public right- of-way and to conform with the vision clearance area provisions set forth in PCC 17.35.020(3). (Ord. ~~03-33 §18, 2003; Ord. 02-32 §6, 2002; Ord. 87-9 §1, 1987~~ 24-X).

17.45.040 Landscaping of Required Open Space.

All open space areas required by the provisions of this Title ~~shall~~ must be landscaped with planting materials except those portions of the area covered by sidewalks or recreational facilities such as a swimming pool or tennis court which require a special surface. Planting

materials may include lawn, shrubs, flowers, decorative rock, bark chips, and/or deciduous and evergreen trees.

Existing vegetation may be incorporated into the landscape design as set forth in PCC 17.45.090 and ~~shall~~ will be considered in lieu of new plantings, provided that it contributes to achieving the purpose of this Chapter. The installation of low water use landscaping is ~~encouraged~~ preferred. (Ord. ~~03-33 §19, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.45.050 Screening Between Uses and Districts.

The following screening requirements ~~shall~~ will be applicable:

(1) When a nonresidential use except a park abuts a residentially zoned property or a residential use, the following screening provisions ~~shall~~ will apply to the nonresidential use:

(a) a minimum six (6) foot high screening device, such as a sight-obscuring fence or wall ~~shall~~ musts be installed along the abutting property line between the nonresidential use and the residentially zoned property or residential use; and

(b) a landscape strip of evergreen trees and/or evergreen shrubs ~~shall~~ must be planted within ~~ten (~~10~~)~~ horizontal feet of the screening device required in PCC 17.45.050(1)(a), with said trees and/or shrubs being a minimum height of eight (8) feet at time of planting and spaced ~~so as~~ to grow together within three (3) years of their planting in a manner sufficient to screen views along the length of the landscape strip.

(2) When a high-density residential zone (R3~~,~~ or R4) abuts a low-density residential zone (R1~~, RT,~~ or R2), the following screening provisions ~~shall~~ will apply to any development in the R3 or R4 zone that requires site plan review in accordance with ~~Chapter~~ PCC 17.135:

(a) a minimum six (6) foot high screening device, such as a sight-obscuring fence or wall ~~shall~~ will be installed along the abutting property line between the R3 or R4 zone and the R1, RT, or R2 zone;~~ and,~~ or

(b) a landscape strip of evergreen trees and/or evergreen shrubs ~~shall~~ must be planted within ~~ten (~~10~~)~~ horizontal feet of the screening device required in PCC 17.45.050(2)(a), with said trees and/or shrubs being a minimum height of eight (8) feet at time of planting and spaced ~~so as~~ to grow together within three (3) years of their planting in a manner sufficient to screen views along the length of the landscape strip. (Ord. 24-X).

~~(c) When a fence is used as the screening device in accordance with this Section, said fence shall be composed of wood, vinyl, or other solid material approved by the city planner. A chain link fence with slats may not be used to meet this requirement. (Ord. 03-33 §20, 2003; Ord. 02-32 §7, 2002; Ord. 87-9 §1, 1987).~~

17.45.060 Outdoor Storage—Commercial and Industrial Districts.

Permitted outdoor storage and outdoor storage areas in commercial and industrial districts exposed to view from any street adjacent to the property on which the storage area is located ~~shall~~ must be screened by a sight-obscuring fence or a minimum five (5) foot wide planting area with Type I landscaping as set forth in PCC 17.45.080.

Materials covered by buildings with roofs only but without any sides ~~shall~~ will be considered outdoor storage and ~~shall~~ must be subject to the screening provisions of this section. This provision ~~shall~~ will not apply to the display of new or used agricultural implements, motor vehicles, or watercraft where such activities are an integral part of an automobile, agricultural implement, or watercraft dealership or storage facility. (Ord. ~~90-15 §1, 1990; Ord. 87-9 §1, 1987~~ 24-X).

17.45.065 Scrap and Waste Material—Industrial Districts.

Facilities or sites for the storage, processing, and/or sale of scrap or waste materials, such as scrap metals, hides, and wrecked vehicles, ~~shall~~ must be completely fenced; and ~~shall~~ must be fully screened from view with a Type I buffer, as defined in ~~Chapter~~ PCC 17.45 or, with a fence fully screening the facility or site from view. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.45.067 Screening of Solid Waste Dumpsters and Self-contained, Liquid- tight, Compacting Solid Waste Containers.

Dumpsters and self-contained, liquid-tight, compacting solid waste containers placed in all ~~zone~~ zoning districts to serve structures for which building permits are issued after the effective date of the ordinance ~~shall~~ must be screened as follows:

(1) Dumpsters and self-contained, liquid-tight, compacting solid waste containers on property that is not within the public right of way ~~shall~~ must be screened on a minimum of three sides by a building, hillside, sight-obscuring fence, or sight-obscuring landscaping, or combination thereof. Dumpsters and self-contained, liquid-tight, compacting solid waste containers ~~shall~~ must be screened on the side of the ~~Dumpster~~ dumpster or container facing a public street(s) as one of the minimum three sides required to be screened.

(2) Dumpsters and self-contained, liquid-tight, compacting solid waste containers within the public right of way ~~shall~~ must be screened on four sides by a building, hillside, sight-obscuring fence, or sight obscuring landscaping.

(3) Screening ~~shall~~ must not be required for dumpsters located on a temporary one-time basis to handle special circumstances such as construction projects and large-scale clean-up efforts.

Where screening is required, the ~~city planner shall~~ Director of Community Development will consult with the solid waste collector prior to ~~making a determination of~~ deciding the exact requirements for screening ~~in an attempt~~ to prevent the required screening from becoming unduly burdensome on the solid waste collector or the person required to provide the screening. (Ord. ~~03-33 §21, 2003; Ord. 90-15 §2, 1990~~ 24-X).

17.45.070 Definition and Retention of Significant Trees.

Significant trees are defined and ~~shall~~ must be retained as follows:

(1) *Definition.* Significant trees are those trees which fall into the following categories:

(a) healthy trees over ~~twenty-five (~~25~~)~~ feet in height;

(b) trees over ~~ten (~~10~~)~~ feet in height which form a continuous canopy.

(2) *Retention.* Significant trees ~~shall~~ must be retained to the maximum extent possible.

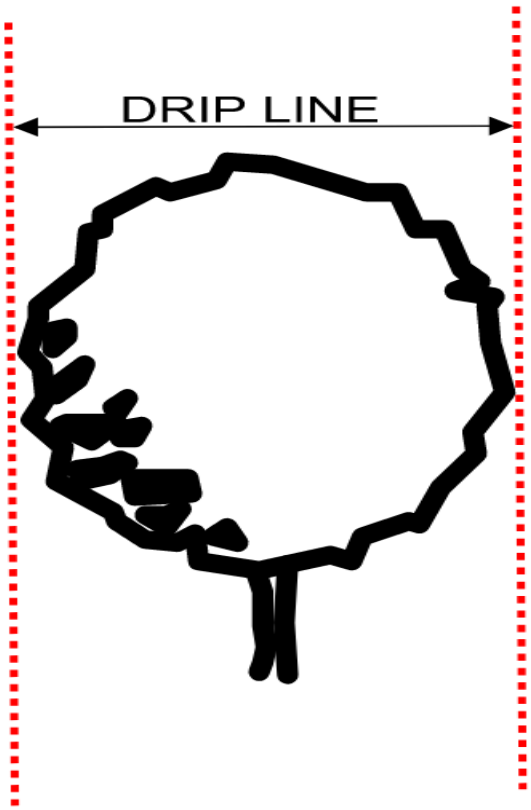
(a) *Minor Site Plan Changes Required by the City.* The ~~city~~ City may require minor alterations in the arrangement of buildings and other elements of the proposed development ~~in order~~ to achieve the maximum retention of significant trees, but the ~~city~~ City may not require an alteration which will result in an unreasonable added expenditure to the applicant or in any decrease in the number of units or bulk of structures permitted.

(b) *Replacement of Removed Significant Trees.* If any significant trees on the subject property are ~~to be~~ removed ~~as a result of the development~~, the ~~city~~ City may require the applicant to plant trees on the subject property. The maximum number of trees that the ~~city~~ City may require the applicant to plant is three (3) times the number of significant trees that are removed. The trees that are planted must be at least eight (8) feet in height and two (2) inches in diameter as measured one (1) foot above grade. When determined appropriate by the ~~city planner~~ Director of Community Development to meet the purposes of this Chapter, ~~he or she~~ they may specify the species of trees to be planted. If trees are removed prior to the approval of the development plan, all trees removed must be replaced.

(c) *Protection Techniques.* ~~In order to~~ To provide conditions likely to result in the retention of significant trees, the applicant ~~shall~~ must comply with the following requirements:

(d) *Removal of Unhealthy Trees.* If significant trees are removed due to being unhealthy and a safety hazard, documentation is required to show that the trees are unhealthy otherwise the trees must be replaced as described in Section (b) above.

(i) The applicant ~~shall~~ will not excavate within the area defined by the drip line of any tree to be retained.



(ii) During the period of construction when a significant tree will be endangered, the applicant ~~shall~~ must erect a temporary but immovable four (4) foot high sturdy enclosure generally corresponding to the drip line of each tree to be retained.

(iii) If the grade level adjoining a tree to be retained is to be raised, the applicant ~~shall~~ must construct a dry rock wall or rock well around the tree. The diameter of this wall or well must be equal to the diameter of the tree plus five (5) feet.

(iv) The applicant ~~shall~~ must not install impervious surface within the area defined by the drip line of any tree to be retained.

(v) The applicant ~~shall~~ will prune branches and roots, fertilize, and water as appropriate.

(vi) The grade level around any tree to be retained ~~shall~~ will not be lowered within the greater of the following areas:

(aa) the area defined by the drip line of the tree;

(bb) an area around the tree equal to one (1) foot in diameter for each one (1) inch of tree diameter as measured one (1) foot above grade.

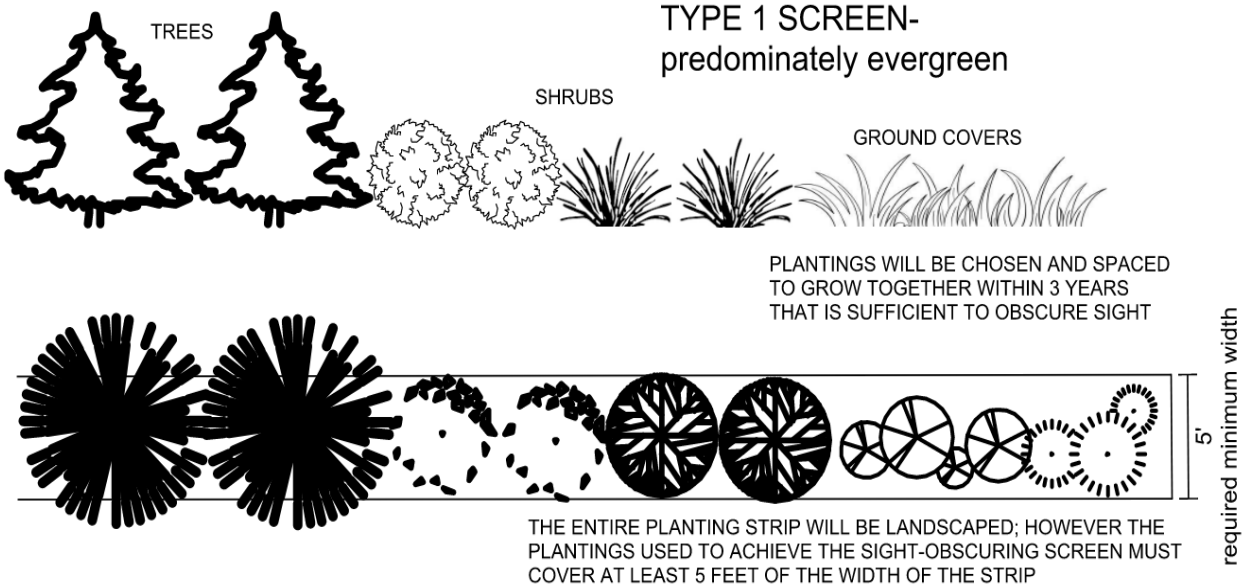
(d) *Alternative Techniques.* The ~~city planner~~ Director of Community Development may approve the use of alternative tree protection techniques if the significant trees will be protected to an equal or greater degree than by the techniques listed in PCC 17.45.070(2)(c).

(e) *Tree Restoration.* If any tree designated for retention or required to be planted is damaged or destroyed during construction or within two (2) years following the end of construction through the fault of the applicant, the applicant ~~shall~~ must obtain and plant in the immediate vicinity of the damaged or destroyed tree a replacement tree of the same species at least two (2) inches in diameter as measured one (1) foot above grade. The ~~city~~ City may require the applicant to remove the damaged or destroyed tree. (Ord. ~~03-33 §22, 2003; Ord. 87-9 §1, 1987~~ 24-X).

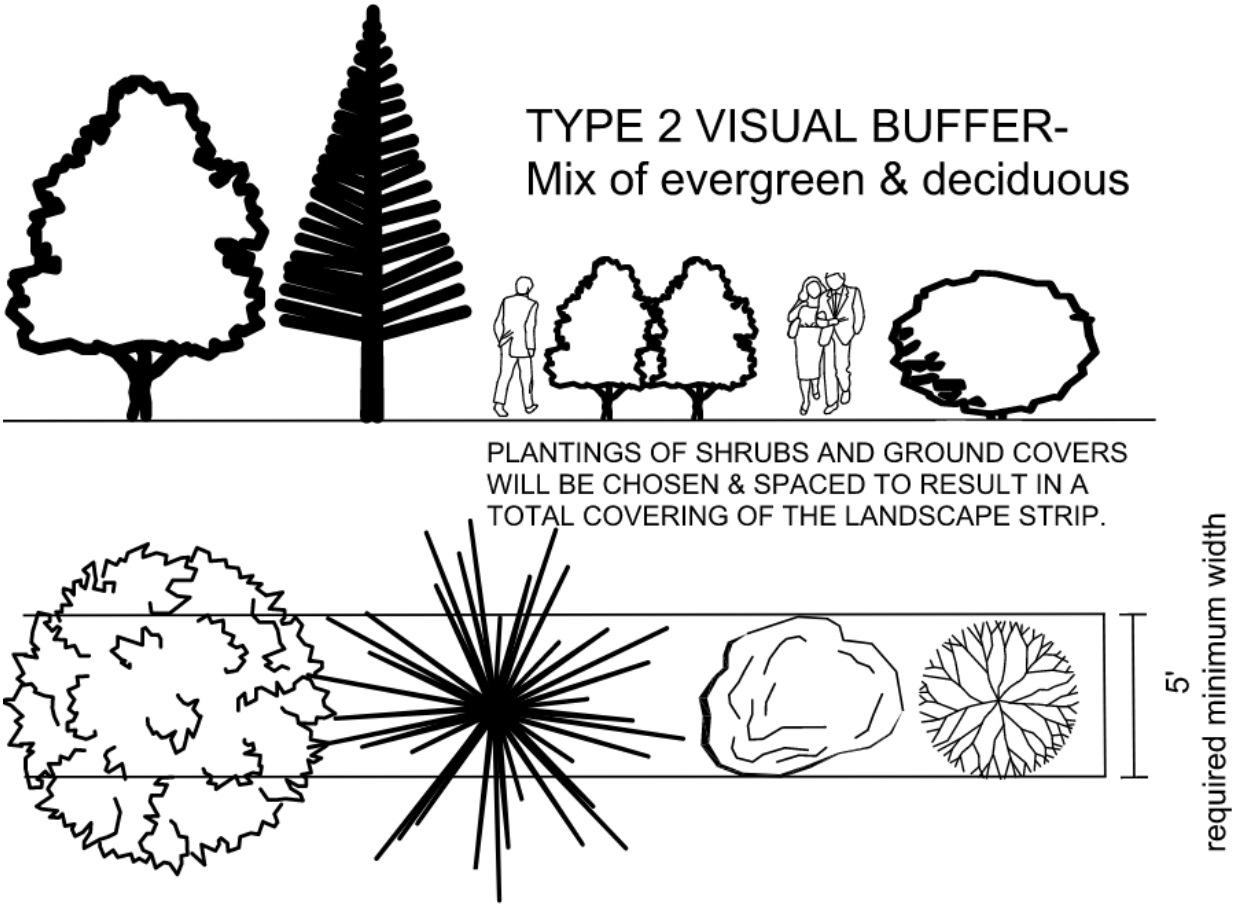
17.45.080 Types of Landscaping Requirements.

The following are the types of landscaping required by the provisions of this Title. All proposed plant material, sizes, and characteristics ~~shall~~ must be in accordance with the American Standard for Nursery Stock (ANSI Z60.1~~.1980~~-2014):

(1) *TYPE I: SCREEN.* Type I landscaping ~~shall~~ must generally consist of a mix of predominantly evergreen plantings including trees, shrubs, and ground covers. Evergreen trees ~~shall~~ must be a minimum height of four (4) feet at time of planting. Plantings ~~shall~~ must be chosen and spaced ~~so as~~ to grow together within three (3) years of their planting in a manner that is sufficient to obscure sight through the barrier. The entire planting strip ~~shall~~ must be landscaped; however, those plantings used to achieve the sight-obscuring screen ~~shall~~ will cover at least five (5) feet of the width of the strip. Existing vegetation may be incorporated into the landscape design as set forth in PCC 17.45.090 and ~~shall~~ will be considered acceptable in lieu of new plantings, provided ~~that~~ it contributes to achieving the purpose of this Chapter.

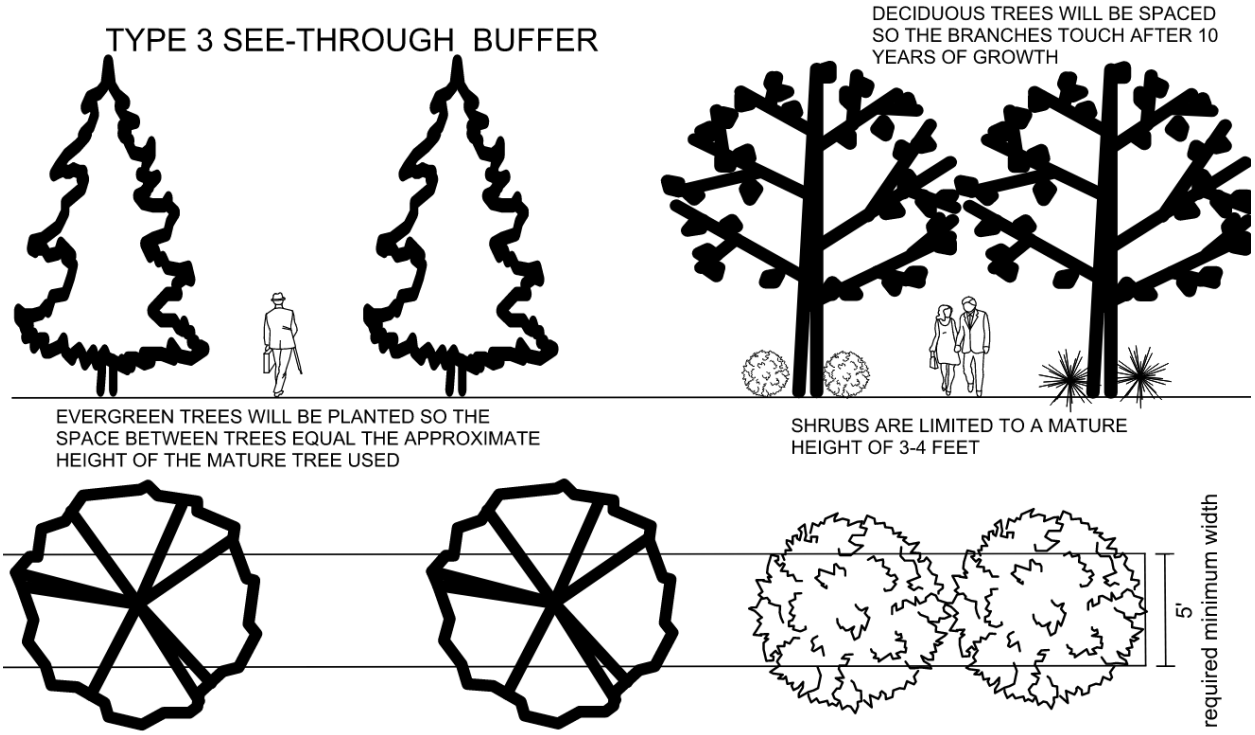


(2) *TYPE II: VISUAL BUFFER.* Type II landscaping ~~shall~~ must consist of a mix of evergreen and deciduous plantings including trees, shrubs, and ground covers. Plantings of shrubs and ground covers ~~shall~~ must be chosen and spaced to result in a total covering of the landscape strip. Shrubs ~~shall~~ must be of a type that achieve a height of approximately six (6) feet within three (3) years of their planting in a manner sufficient to screen views along the length of the planting strip. Deciduous trees ~~shall~~ must have a minimum trunk diameter of one and three-quarter (1-3/4) inches at time of planting. All trees ~~shall~~ will be spaced at intervals which should result in the touching of branches after ~~ten (~~10~~)~~ years of normal growth. Existing vegetation may be incorporated into the landscape design as set forth in PCC 17.45.090 and ~~shall~~ will be considered acceptable in lieu of new plantings, provided t~~hat~~ it contributes to achieving the purposes of this Chapter.

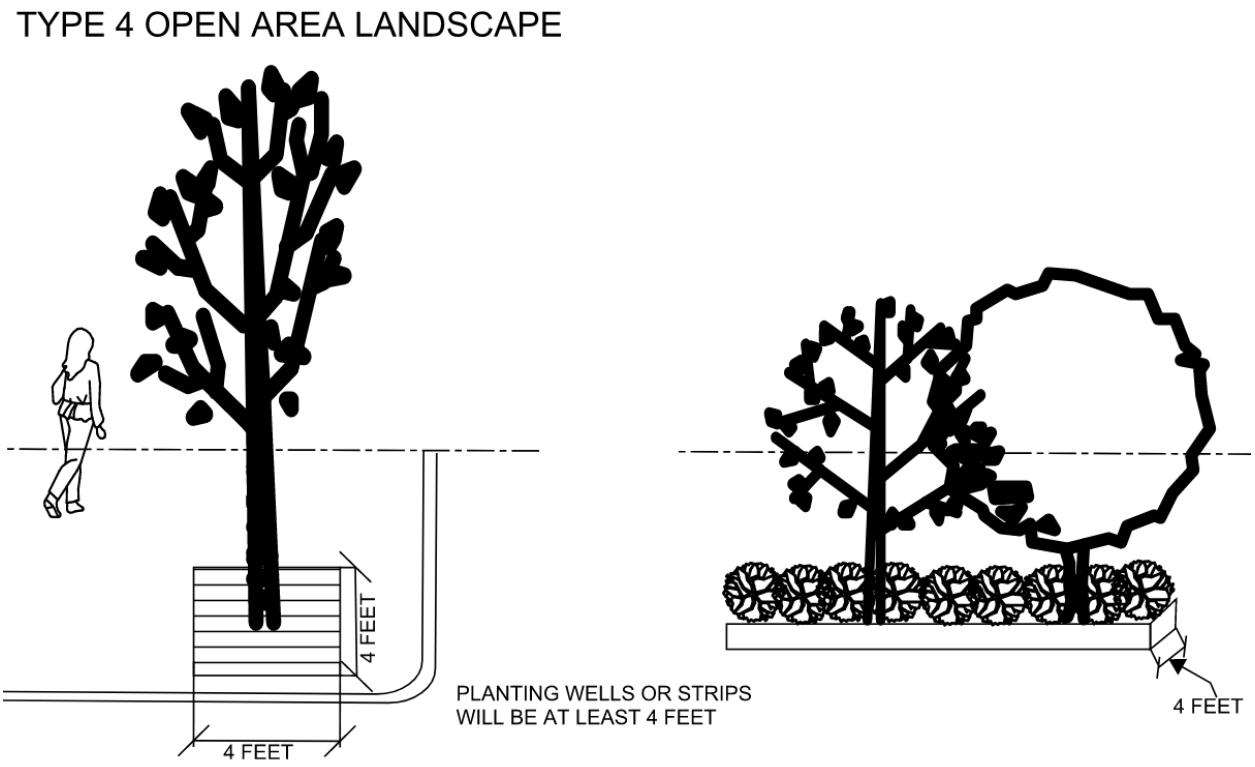


(3) *TYPE III: SEE-THROUGH BUFFER.* Type III landscaping ~~shall~~ must consist of a mix of evergreen and deciduous plantings including trees, shrubs, and ground covers. Plantings of shrubs and ground covers ~~shall~~ must be chosen and spaced to result in a covering of the landscape strip within three (3) years of their planting. Shrubs ~~shall~~ must be of a type that do not exceed a height at maturity of four (4) feet. Deciduous trees ~~shall~~ must have a minimum trunk diameter of one and three-quarter (1-3/4) inches at time of planting, and ~~shall~~ must be spaced at intervals which should result in the touching of branches after ~~ten (~~10~~)~~ years of normal growth. Evergreen trees ~~shall~~ must be a minimum of four (4) feet tall at the time of their planting and ~~shall~~ will be spaced ~~so as~~ to approximate the mature

spread of the trees used. Existing vegetation may be incorporated into the landscape design as set forth in PCC 17.45.090 and ~~shall~~ will be considered acceptable in lieu of new plantings, provided ~~that~~ it contributes to achieving the purposes of this Chapter.



(4) *TYPE IV: OPEN AREA LANDSCAPING.* Type IV landscaping ~~shall~~ must consist of canopy-type evergreen and deciduous trees or spreading evergreen trees planted in wells or strips, with a mix of evergreen and deciduous ground covers, low shrubs, and grass. Shrubs ~~shall~~ must be of a type that do not exceed a height at maturity of four (4) feet. Planting wells or strips ~~shall~~ must be of a size appropriate to the planting materials. Deciduous trees ~~shall~~ must have a minimum trunk diameter of one and three-quarter (1-3/4) inches at time of planting. Evergreen trees ~~shall~~ must be a minimum of four (4) feet tall at the time of their planting. Existing vegetation may be incorporated into the landscape design as set forth in PCC 17.45.090 and ~~shall~~ will be considered acceptable in lieu of new plantings, provided ~~that~~ it contributes to achieving the purposes of this Chapter. (Ord. ~~87-9 §1, 1987~~ 24-X).



17.45.090 Modification of Landscaping Requirements.

(1) The ~~city planner~~ Director of Community Development may authorize reduced width of plantings or may waive some of the landscaping or screening requirements in the following instances:

(a) *Topography.* When the existing topography of the subject property or the adjoining property decreases or eliminates the need for screening.

(b) *Views.* When the modification will be more beneficial to the adjoining property than the required screen by causing less impairment of view or sunlight.

(c) *Change in Use.* When it is reasonable to believe that the adjoining property will be redeveloped in the foreseeable future to a use that would require no, or a less intensive, buffer.

(d) *Excessive Requirements.* When the application of the requirements of this Chapter would result in more than ~~twenty (~~20%~~) percent~~ of the site area being landscaped. Required parking lot landscaping ~~shall~~ must be counted as a percentage of overall required landscaping. In such cases, the ~~city planner shall~~ Director of Community Development will modify these requirements so that not more than ~~twenty (~~20%~~) percent~~ of the site must be landscaped, provided that the landscaping and corresponding setbacks required are those that most reasonably satisfy the purposes of this Chapter.

(e) *Existing Vegetation.* When 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.

(2) The ~~city planner shall take into account~~ Director of Community Development will consider any written statements submitted by adjoining property owners in ~~making a decision~~ deciding to modify landscaping requirements.

(3) The decision of the ~~city planner~~ Director of Community Development regarding alternative landscaping ~~shall~~ will be final unless an aggrieved person appeals that decision to the ~~hearing examiner~~ Hearing Examiner under the procedures as set forth in ~~Chapter~~ PCC 17.185. (Ord. ~~22-2 §8, 2022; Ord. 03-33 §23, 2003; Ord. 02-32 §8, 2002; Ord. 87-9 §1, 1987~~ 24-X).

17.45.100 Landscaping Plan Requirements.

A plan of the proposed landscaping and screening ~~shall~~ must be provided which may be incorporated into plans submitted for a preliminary plat review, site plan review, or building permit review. Landscaping plans ~~shall~~ must be drawn to a scale of not less than one (1) inch equals ~~forty (~~40~~)~~ feet on a sheet(s) with minimum dimensions of ~~eight and one-half (~~8.5~~½)~~ inches by ~~eleven (~~11~~)~~ inches and maximum dimensions of ~~twenty-four (~~24~~)~~ inches by ~~thirty-six (~~36~~)~~ inches, and ~~shall~~ must include dimensions and distances, and ~~shall~~ must clearly delineate the following:

(1) boundaries and dimensions of the site;

(2) location and identification of all streets, alleys, and easements on or abutting the site;

(3) proposed location and dimensions of all on-site buildings;

(4) existing and proposed topography at maximum five (5) foot contour intervals;

(5) proposed landscaping including location, size at time of planting, and description of landscape materials, using both botanical and common names;

(6) identification and location of existing vegetation to be retained; identification of all evergreen trees with trunks greater than eight (8) inches in diameter, and all deciduous trees greater than ~~twelve (~~12~~)~~ inches in diameter, as measured four (4) feet above ground level which are to be retained;

(7) details of any proposed berm, walls, retaining walls and similar man-made barriers;

(8) location of existing and proposed driveways, parking surfaces, curbs, and sidewalks; and

(9) type and location of the proposed irrigation system to maintain landscaping. (Ord. ~~03-33 §24, 2003; Ord. 87-9§1, 1987~~ 24-X).

17.45.110 Installation and Maintenance Standards.

The following installation and maintenance standards ~~shall~~ must be applicable to required landscaping:

(1) All required landscaping ~~shall~~ must be installed prior to occupancy or use; the ~~city planner~~ Director of Community Development, however, may authorize up to a one (1) year delay where planting season conflicts would produce a high probability of plant loss. In no case may the property owner delay performance for more than one (1) year.

(2) The property owner ~~shall~~ must maintain all required landscaping in a healthy growing condition and ~~shall~~ will remove and replace any unhealthy or dead plant materials in conformance with the approved landscape plan for a period of two (2) years from the time of installation. (Ord. ~~87-9 §1, 1987~~ 24-X).

Chapter 17.50

SIGN REGULATIONS

Sections:

17.50.010 Purpose.
17.50.020 Definitions.
17.50.030 General Sign Regulations.
17.50.040 Permitted Signs.
17.50.050 Special Restrictions for Individual ~~Zone~~ Zoning Districts.
17.50.060 Prohibited Signs.

17.50.010 Purpose.

The purpose of this Chapter is to safeguard the life, health, property, and welfare of the citizens of the ~~city~~ City of Pullman, and to promote a quality visual environment by regulating and controlling the design, quality of materials, construction, location, use, illumination, and maintenance of all signs and sign structures visible from public property or rights-of-way, and

(1) to encourage the design of signs that attract and invite, rather than demand, the public's attention;

(2) to enhance business and residential properties and neighborhoods through the erection of signs complementary with their buildings, uses, and surroundings;

(3) to protect the right of business to identify its premises and advertise ~~through the use of~~ using signs;

(4) to curb the proliferation of unneeded signs; and

(5) to encourage the use of signs that are of an appropriate size and are located ~~so as~~ to assist pedestrian and vehicular traffic. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.50.020 Definitions.

(1) *Abandoned Sign.* Any sign that is located on property which is vacant for a period of one (1) year or more, or any sign that relates to any occupant or business unrelated to the present purpose which no longer applies. Excluded from the definition are sign structures, permanent building plaques and cornerstones, and any sign which identifies a building by either common or historic name, provided that these exceptions ~~shall~~ will not be construed as relieving the owner of the sign or sign structure from the responsibility of its maintenance.

(2) *Animated Sign.* Any sign that includes action or motion (including those that flash or oscillate) or the illusion of action or motion, or color changes of all or any part of a sign facing. Public service signs, changing message center signs, searchlights, flags or banners, and revolving signs are excluded from this definition.

(3) *Balloon sign.* Any sign placed on or made part of a balloon or other air- or gas-filled object.

(4) *Billboard.* See definition of "Outdoor Advertising Sign."

(5) *Bulletin Board.* Any sign designed so that its message may be changed by removal or addition of letters that attach to the face of the sign. Marquees are excluded from this definition.

(6) *Canopy Sign.* Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

(7) *Changing Message Center Sign.* Any electronically or electrically controlled sign where different automatic changing messages are shown on the same lampbank.

(8) *Community Informational Sign.* Signs of a public service nature such as Rotary, Kiwanis, ~~city~~ City of Pullman and WSU, and other signs of similar content posted at entryways to the city.

(9) *Construction Sign.* Any sign used to identify the architects, engineers, contractors, or other individuals or firms involved in the construction of a building and to announce the character of the building or the purpose for which it is intended.

(10) *Flashing Sign.* Any electrified sign (or portion thereof) that changes light intensity in a sudden, transitory burst, or that switches on and off in a constant pattern in which more than one-third (1/3) of the non-constant light source is off at any one time. Public service and changing message center signs are excluded from this definition.

(11) *Flush-mounted Sign.* Any sign attached to the wall or window of a building, or erected against and parallel to the wall of a building, extending less than ~~twelve (~~12~~)~~ inches from that wall. For the purposes of this Chapter, the sign may be placed on the front of a marquee if parallel to the wall of the building to which the marquee is attached. A permanent illuminated sign located inside and affixed to or within three (3) feet of an exterior window and visible from any public way ~~shall~~ will be considered ~~to be~~ a flush-mounted sign.

(12) *Free-standing Sign.* Any sign supported by one (1) or more uprights, poles, or braces in or upon the ground.

(13) *Garage Sale Sign.* Any temporary sign used to announce a sale including yard, moving, and patio sales of used items.

(14) *Grand Opening Displays.* Any temporary signs, posters, banners, lights, flags, balloons, or searchlights used to announce the opening of a completely new enterprise or the opening of an enterprise under new management.

(15) *Ground Sign.* Any free-standing sign not over ~~forty-two (~~42~~)~~ inches (3.5 feet) in height above grade.

(16) *Identification Sign.* Any flush-mounted, projecting, pole, or ground sign that identifies a multiple occupancy building or shopping center.

(17) *Illuminated Sign.* Any electrical sign that has lighted characters, letters, figures, designs, or outlines as part of the sign.

(18) *Illumination, Indirect.* Lighting from an exterior source not directly visible from any public way.

(19) *Illumination, Interior.* Lighting from within or behind a translucent surface.

(20) *Incidental Sign.* An on-premises sign, limited to four (4) square feet per sign, required for public convenience indicating information including, but not limited to, hours of operation, location of telephones and restrooms, accepted credit cards, the direction of an entrance, exit, object, place, or area, for guiding pedestrian and vehicular traffic on the premises but not containing commercial advertising.

(21) *Legal Nonconforming Sign.* A sign which:

~~(1)~~(i) on the effective date of this Title was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior sign ordinance or code but does not conform to the applicable limitations established by this Chapter; or

~~(2)~~(ii) on or after the effective date of this Title was lawfully maintained and erected in accordance with the provisions of this Chapter but which sign, by reason of amendment of this Title after the effective date thereof, does not conform to the applicable limitations established by the amendment of this Chapter.

(22) *Mansard Roof.* Any sloped roof or roof-like facade that may, for the purposes of this Chapter, be treated as a wall.

(23) *Marquee.* Any permanent roof-life structure projecting beyond a building, generally designed and constructed to provide protection from the weather.

(24) *Marquee Sign.* Any sign attached to and located under a marquee, except that a sign placed on the front of a marquee and parallel to the wall of the building to which the marquee is attached ~~shall~~ will ~~be considered to~~ be a flush-mounted sign, and further provided that a sign erected upon, but directly above, a marquee ~~shall~~ will be considered ~~to be~~ a projecting sign.

(25) *Multiple Occupancy Building.* Any single structure housing more than one (1) retail business, office, or commercial venture.

(26) *Off-premises Sign.* Any sign that directs attention to a business, commodity, service, activity, or entertainment not conducted, sold, or offered upon the premises where the sign is located.

(27) *On-premises Sign.* Any sign that advertises the use of the premises on which it is located, including signs indicating the business transacted, services rendered, and goods sold or produced on the premises, or the name of the business, person, firm, or corporation occupying the premises.

(28) *Outdoor Advertising Sign.* Any off-premises sign used as an outdoor display for ~~the purpose of~~ making anything known, whether or not a charge is made for advertising thereon.

(29) *Pole Sign.* Any free-standing sign wholly supported by a sign structure in or on the ground. Ground signs are excluded from this definition.

(30) *Political Sign.* Any temporary sign advertising a candidate or candidates for public office, or a political party, or a sign urging a particular vote on any public issue decided by ballot.

(31) *Portable Sign.* Any sign made of durable material which is weather resistant and which is capable of being moved easily and is not permanently affixed to the ground or a structure.

(32) *Projecting Sign.* Any sign that is attached to and projects ~~twelve (~~12~~)~~ or more inches from the wall of a building.

(33) *Public Service Sign.* Any electronically or electrically controlled sign or portion of a larger sign that conveys only public service information such as the time, date, temperature, or general news information where different alternating copy changes are shown on the same lampbank. No advertising other than the name of the sponsoring agency or organization ~~shall~~ will be allowed on any public service sign.

(34) *Real Estate Sign.* Any sign pertaining to the sale, lease, or rental of land or buildings.

(35) *Revolving Sign.* Any sign that rotates or revolves on or around a fixed base or pedestal.

(36) *Roof Sign.* Any sign erected upon, against, or directly above a roof or parapet of a building.

(37) *Searchlight.* Any apparatus containing an electric light and reflector on a swivel for projecting a far-reaching beam in any desired direction.

(38) *Shopping Center.* Any group of structures housing a number of separate retail business, office, and/or commercial ventures which share the same lot, access, and/or parking facilities.

(39) *Sign.* Any communication device, structure, or fixture that is intended to aid an establishment in identification and to advertise and/or promote a business, service, activity, or interest. For the purposes of this Chapter, a sign ~~shall~~ will not be ~~considered to be~~ a building or structural design, but ~~shall~~ will be restricted solely to graphics, symbols, or written copy used for any identification, promotional, or advertising purpose.

(40) *Sign Copy.* Any combination of letters, numbers, words, symbols, pictures, emblems, or other characters that constitute a message in either permanent or removable form.

~~(40)~~(41) *Sign Structure.* Any structure that supports any sign including a single pole or an integral part of a building.

~~(41)~~(42) *Sign Surface Area.* The entire area of a sign on which copy is to be placed, but only one (1) side of a double-faced sign is included in the calculation of sign surface area.

The area of painted signs, individual letter signs, and other indirectly illuminated signs ~~shall~~ will be calculated ~~on the basis of~~ based on the smallest rectangle, circle, or spherical figure that will enclose the entire copy area of the sign. All such calculations ~~shall~~ will include the areas between letters and lines, as well as the areas of any devices, illuminated or non-illuminated, that are intended to attract attention.

~~(42)~~(43) *Special Event Signs.* Any temporary sign used to announce a circus, carnival, festival, or similar event.

~~(43)~~(44) *Temporary Sign.* Any sign, banner, pennant, flag but not including the flag of any nation, state, city, or other governmental agency, or non-profit organization, searchlights, balloons, or other air- or gas-filled figures, or advertising displays constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period ~~of time~~ only. Types of temporary signs are construction, grand opening displays, real estate, special event, political, and garage sale signs. (Ord. ~~00-8 §4, 2000; Ord. 90-10 §1, 1990; Ord. 87-9 §1, 1987~~ 24-X).

17.50.030 General Sign Regulations.

Construction and installation of signs ~~shall~~ must be made in conformance with the Construction Codes adopted in Title 2 of the Pullman City Code.

(1) *New Signs, Repairs, Alterations, Abandoned Signs.*

(a) Hereafter, no new sign ~~shall~~ will be erected nor any existing sign structurally altered that is not in compliance with this Chapter.

(b) All signs ~~shall~~ must be kept in good repair and maintained in a safe, neat, clean, and attractive condition. Cleaning, painting, or normal maintenance and repair of existing signs does not require a permit, provided no structural alteration is made.

(c) Abandoned and out-of-date signs ~~shall~~ must be removed ~~with the exception of~~ except for building plaques and cornerstones, and signs and their structures that identify buildings by common or historic names.

(d) No sign ~~shall~~ will be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the safe use of any fire escape, or exit or free use of any external fire department standpipe connection. No sign ~~shall~~ will be erected or maintained ~~so as~~ to obstruct any window so that light or ventilation is reduced below minimum standards required by applicable law or the ~~Uniform~~ International Building Code.

(e) The owner of any sign that extends over any public right-of-way, erected in accordance with the provisions of this Chapter, ~~shall~~ will remove and/or relocate that sign at his or her own expense upon the request of the ~~department of public works~~ Department of Public Works when that sign, either temporarily or permanently, interferes with any public improvement including, but not limited to, street widening or installation of traffic signs or signals.

(f) Signs must be on private property.

(2) *Maximum Height.* Except as otherwise set forth in this Chapter, the maximum allowable height for any sign ~~shall~~ will be ~~thirty-five (~~35~~)~~ feet from ground level to sign top. Further height restrictions may apply to individual types of signs or to signs in individual ~~zone~~ zoning districts. On buildings that are over ~~thirty-five (~~35~~)~~ feet in height, only flush-mounted signs may be located more than ~~thirty-five (~~35~~)~~ feet above ground level.

(3) *Sign Illumination.* Signs may be illuminated, but no flashing or oscillating sign ~~shall~~ will be permitted in the ~~city~~ City. Lighting ~~shall~~ must be designed and ~~shall~~ will function in a manner that shields direct light from adjoining streets and properties.

(4) *Permit Application.* A permit ~~shall~~ must be obtained from the Building Official for the installation of any new sign or the structural alteration of any existing sign.

(a) Application for a sign permit ~~shall~~ will be made on forms provided by the ~~public works department~~ Department of Public Works. All sign and sign structure dimensions, materials, illumination, foundation and mounting details, and advertising copy ~~shall~~ will be shown in drawings accompanying the application form.

(b) A plot plan showing property lines, abutting public rights-of-way, buildings and other structures on the property, existing signs, and proposed sign locations ~~shall~~ must be included with the application.

(c) A sign permit ~~shall~~ will become ~~null and void~~ invalid if the work for which it was issued has not been completed within one (1) year of its issuance.

(5) *Exceptions.* The following signs must comply with the provisions of this Title, but ~~shall~~ will not require a permit, nor ~~shall~~ will the square footage of their surface area be included in the aggregate area of signs permitted for any site or use.

(a) Signs erected or required by government agencies to implement public policy, including traffic, directional, or information signs.

(b) On-premises occupant name plates and house and building numbers not exceeding three (3) square feet in area.

(c) Permanent building plaques and cornerstones.

(d) On-premises seasonal and holiday decorations.

(e) Changes of advertising on a sign defined as having changing copy.

(f) Temporary signs, including construction signs, grand opening displays, real estate signs, special event signs, political signs, and garage sale signs.

(g) Occupant name plates not exceeding three (3) square feet in area for reserved parking spaces in off- street parking facilities.

(h) On-premises non-illuminated incidental signs.

(6) *Nonconforming Signs.*

(a) *Continuance.* Any legal nonconforming sign may be continued and maintained but

(i) ~~shall~~ must not be structurally altered without being brought into compliance with the requirements of this Chapter, and

(ii) ~~shall~~ must not be changed in any manner that increases its non-compliance with the provisions of this Chapter.

(b) *Abatement.* A prohibited sign or unlawful nonconforming sign ~~shall~~ must either be removed or brought into compliance with the provisions of this Chapter within thirty (30) days after the date of notification by the ~~city~~ City of its nonconformity.

(7) *Termination of Signs.*

(a) *By Abandonment.* No person ~~shall~~ will maintain or permit to be maintained on any premises owned or controlled by ~~him or her~~ them any sign which has been abandoned.

(b) *By Destruction, Damage, Obsolescence, or Danger.* The right to maintain any sign ~~shall~~ will cease to exist whenever the sign is

(i) damaged or destroyed beyond ~~fifty (~~50%~~) percent~~ of its value as determined by the Building Official based upon the actual cost of replacing the sign; or,

(ii) structurally substandard under any applicable ordinance of the ~~city~~ City to the extent that the sign becomes a hazard.

(8) *Removal of Unlawful Signs.*

(a) The ~~city planner~~ Director of Community Development may order the removal of any sign erected or maintained in violation of this Chapter. The ~~city planner shall~~ Director of Community Development will give ~~thirty (~~30~~)~~ days notice in writing to the owner of the sign, or, if the sign owner cannot be located, to the owner of the property upon which the sign is erected. If the sign has not been removed or brought into compliance within the ~~thirty (~~30~~)~~ day period, the ~~city planner~~ Director of Community Development may order the removal of the sign, and removal costs ~~shall~~ will become a lien on the property, if not paid by the violator within ~~thirty (~~30~~)~~ days after removal of the sign.

(b) The Building Official may, without giving notice, order the immediate removal of any sign that presents an immediate danger to the public because of its unsafe condition. Removal costs ~~shall~~ will become a lien on the property on which the sign was located, if not paid by the violator within ~~thirty (~~30~~)~~ days after removal of the sign. (Ord. ~~03-33 §25, 2003; Ord. 00-8 §5, 2000; Ord. 87-9 §1, 1987~~ 24-X).

17.50.040 Permitted Signs.

The following provisions apply to all signs except as modified in individual ~~zone~~ zoning districts as set forth in PCC 17.50.050.

(1) *Flush-Mounted Signs.* Flush-mounted signs ~~shall~~ must be installed in accordance with the following standards:

(a) A flush-mounted sign ~~shall~~ will not have more than two (2) square feet of sign surface area for each one (1) foot of length of the wall on which it is mounted, provided, however, a flush-mounted sign ~~shall~~ will not exceed ~~two hundred (~~200~~)~~ square feet of sign surface area.

(b) The sign may be located on the front of a marquee if not over three (3) feet in height and if parallel to the wall to which the marquee is attached, but ~~shall~~ must not extend beyond either end of the marquee nor above or below the marquee.

(2) *Pole Signs.* Pole-mounted signs ~~shall~~ must be installed in accordance with the following standards:

(a) Pole signs may have a maximum allowable sign surface area of two (2) square feet per foot of lot frontage but ~~shall~~ must not exceed ~~two hundred (~~200~~)~~ square feet of sign surface area.

(b) Pole signs ~~shall~~ must be placed in a planter box, or have their base otherwise landscaped, with the area of the landscaping being a minimum of one-half (½) of the sign surface area of the sign.

(c) All supporting structures for pole signs ~~shall~~ must be located on private property.

(d) Pole signs may extend over a public right-of-way provided that the vertical clearance between a pole sign and ground level ~~shall~~ must not be less than ~~ten (~~10~~)~~ feet and that no part of the sign projects within three (3) feet of the curbline. Where there is no curb a sign may project three (3) feet over a public right-of-way provided that vertical clearance ~~shall~~ must not be less than ~~fourteen (~~14~~)~~ feet.

(3) *Projecting Signs.* Projecting signs ~~shall~~ must be installed in accordance with the following standards:

(a) Projecting signs ~~shall~~ must not exceed ~~fifty (~~50~~)~~ square feet in sign surface area.

(b) Projecting signs and supporting structures may extend over a public right-of-way, provided that the vertical clearance between the projecting sign and its structure and ground level ~~shall~~ must not be less than ~~ten (~~10~~)~~ feet and that no part of such a sign or structure ~~shall~~ will project within three (3) feet of the curbline. Where there is no curb a sign and its structure may project three (3) feet over a public right-of-way provided that vertical clearance ~~shall~~ must not be less than ~~fourteen (~~14~~)~~ feet.

(4) *Roof Signs.* Roof signs are prohibited.

(5) *Ground Signs.* Ground signs ~~shall~~ must be installed in accordance with the following standards:

(a) Ground signs ~~shall~~ must not exceed ~~two hundred (~~200~~)~~ square feet in sign surface area.

(b) Ground signs ~~shall~~ must be placed in a planter box, or otherwise landscaped, with the area of the landscaping a minimum of one-half (½) of the sign surface area of the sign.

(c) Ground signs ~~shall~~ must not exceed ~~forty-two (~~42~~)~~ inches (3.5 feet) in height.

(6) *Marquee Signs.* Marquee signs ~~shall~~ must be installed in accordance with the following standards:

(a) Marquee signs ~~shall~~ must not have less than a seven and one-half (7-½) foot minimum clearance from grade.

(b) No portion of the sign may project beyond the marquee.

(c) Marquee signs may be illuminated.

(7) *Canopy Signs.* Canopy signs ~~shall~~ must be installed in accordance with the following standards:

(a) Canopy signs ~~shall~~ will have no more than two (2) square feet of sign surface area per one (1) foot of length of wall upon which the canopy is mounted. A canopy sign ~~shall~~ must not exceed ~~two hundred (~~200~~)~~ square feet of sign surface area.

(b) Canopy signs may be backlit.

(8) *Temporary Signs.* The following temporary signs are allowed:

(a) Construction Signs that do not exceed ~~thirty-two (~~32~~)~~ square feet in area, and that are removed no later than ~~thirty (~~30~~)~~ days after completion of construction.

(b) Grand Opening Signs for a period not exceeding seven (7) days.

(c) Real Estate Signs that do not exceed ~~thirty-two (~~32~~)~~ square feet in area for each commercial and industrial property or residential subdivision, and six (6) square feet in area for residential properties. These signs ~~shall~~ must be removed no later than ~~thirty (~~30~~)~~ days after sale or rental of the land or building(s). Except for "Open House" signs, Real Estate Signs ~~shall~~ must be on-premises signs, unless an administrative variance is obtained pursuant to PCC 17.130.040 to locate a Real Estate Sign(s) at an off-premises location. "Open House" directional signs that do not exceed six (6) square feet in area ~~shall~~ will be limited to one (1) on-premises sign and three (3) off-premises signs. "Open House" signs may be placed in a public right-of-way only during daylight hours.

(d) Special Event Signs that do not exceed ~~thirty-two (~~32~~)~~ square feet in sign surface area, provided these signs are located on private property and are erected no more than seven (7) days preceding the event and are removed no later than one (1) day after the conclusion of the event.

(e) Political Signs that do not exceed ~~thirty-two (~~32~~)~~ square feet in sign surface area are allowed, provided these signs are removed no later than ~~ten (~~10~~)~~ days after an election. Political signs ~~shall~~ must not be lighted.

(f) Garage Sale Signs that do not exceed six (6) square feet in sign surface area, provided such signs ~~shall~~ will be limited to one (1) on-premises sign and three (3) off-premises signs. Garage sale signs may be displayed for a maximum period of seven (7) consecutive days and must be removed the day the sale ends.

(g) Searchlights may be permitted for any business or enterprise not exceeding a period of seven (7) consecutive days provided the beam of the searchlight does not flash against any building or any object on the ground.

(h) Banner or Cloth Signs may be located in a public right-of-way with permission of the ~~director~~ Director of Public Works; provided that the signs or banners are located within the C2 or C3 ~~zone~~ zoning district, do not block the visibility of traffic control devices, have at least ~~seventeen (~~17~~)~~ feet clearance above street grade in accordance with the Manual on Uniform Traffic Control Devices, and are for nonprofit, communitywide events. These signs ~~shall~~ must be removed no later than one (1) day after the conclusion of the event.

(i) Balloon Signs are permitted in accordance with the following standards:

(i) Sign copy on balloon signs may not exceed ~~fifty (~~50~~)~~ square feet in area.

(ii) Balloon signs are allowed only within the C2, C3, I1, or I2 ~~zone~~ zoning districts.

(iii) Balloon signs may be displayed for no more than ~~thirty (~~30~~)~~ consecutive days and no more than ~~sixty (~~60~~)~~ days total per calendar year. A balloon sign may not be reinstated at the property from which it was removed for a period of ~~one hundred and twenty (~~120~~)~~ hours (5 days).

(iv) Balloon signs may not exceed ~~thirty-five (~~35~~)~~ feet in height, provided, however, that a balloon sign may exceed ~~thirty-five (~~35~~)~~ feet in height if, prior to displaying the balloon at a height exceeding ~~thirty-five (~~35~~)~~ feet, the owner of the balloon sign provides to the ~~City Planner~~ Director of Community Development documentation from the manufacturer of said balloon that states that said balloon may safely be displayed at a specified height greater than ~~thirty-five (~~35~~)~~ feet, in which case said balloon sign may be displayed at the height specified in the manufacturer's documentation, but in no event may the balloon sign be displayed at a height greater than ~~two hundred (~~200~~)~~ feet.

(v) No portion of the tethers attached to a balloon displaying a sign ~~shall~~ will be placed in a location that is accessible to the public.

(vi) If, at any time, the Building Official believes that a balloon on which sign copy is placed constitutes a safety hazard to the public, the Building Official ~~shall~~ will order the immediate removal of the balloon sign in accordance with PCC 17.50.030(8)(b).

(j) Other Temporary Signs are permitted for a period not exceeding ~~thirty (~~30~~)~~ days and ~~shall~~ will be limited to six (6) square feet of sign surface area for residential districts and ~~thirty-two (~~32~~)~~ square feet of sign surface area for commercial and industrial districts. The total sign surface area of temporary signs ~~shall~~ will not exceed the maximum sign surface area permitted for permanent signs. A temporary sign ~~shall~~ will not be reinstated on the property from which it was removed for a period of ~~seventy-two (~~72~~)~~ hours (3 days).

(9) *Other Signs Permitted.* The following signs are allowed within the constraints set forth below:

(a) Directional signs or informational signs of a public or quasi-public nature not exceeding ~~sixteen (~~16~~)~~ square feet in sign surface area may be erected or maintained by an official or civic body.

(b) Changing message center signs, public service signs, and community bulletin boards are allowed.

(c) *Commercial parking lot signs.* Each lot ~~shall~~ will be allowed one (1) flush-mounted or pole sign not exceeding ~~twenty-four (~~24~~)~~ square feet in sign surface area on each street frontage.

(d) Driveway entrance/exit signs ~~shall~~ will have a maximum area of four (4) square feet. No advertising is permitted on such signs.

(e) *Nonresidential use signs in residential districts.* Each nonresidential use is permitted one (1) flush-mounted or ground sign having a maximum sign area of ~~twenty-four (~~24~~)~~ square feet.

(f) *Home Occupation Signs.* A person engaged in a home occupation may display one (1) non-illuminated, flush-mounted sign bearing ~~his or her~~ their name and occupation provided that the sign ~~shall~~ will not exceed two (2) square feet in sign surface area.

(g) *Church or School Signs.* These uses may have ground signs or flush-mounted signs not exceeding one (1) square foot of aggregate sign surface area per two (2) feet of lot frontage in residential districts. In other districts, these signs ~~shall~~ will be regulated as for any business use. Up to two (2) off-premises directional signs not exceeding two (2) square feet per face located on private property adjacent to a collector or arterial street as designated in the Comprehensive Plan are also permitted.

(h) *Residential Development Signs.* A sign not exceeding ~~fifty (~~50~~)~~ square feet in sign surface area, nor ~~forty-two (~~42~~)~~ inches (3.5 feet) in height above grade, identifying the development and located at its entrance. There ~~shall~~ will be no more than one (1) residential development sign for each entrance. For manufactured home parks, such a sign is required and ~~shall~~ must show at least the name of the park and a plan indicating the streets and the location and number of

each manufactured home space. The sign ~~shall~~ must not be more than ~~ten (~~10~~)~~ feet in height above grade.

(i) Portable Signs ~~shall~~ will be allowed in the C1, C2, and C3 ~~zone~~ zoning districts if each of the following conditions can be satisfied for the ~~particular zone~~ zoning district involved. The square footage of portable signs ~~shall~~ will not be counted in the total amount of allowable signage per business.

(i) In the C1 district:

(aa) Maximum Size: ~~Twelve (~~12~~)~~ square feet.

(bb) Maximum Height: Four and a half (4.5) feet~~, six (6) inches~~.

(cc) Location: On the property or adjacent right of way of the sponsoring business. If this placement results in a sign ~~being~~ located in the public right of way then a minimum of five (5) horizontal feet of sidewalk or five (5) horizontal feet of pedestrian clearance area (if no sidewalk is present) must remain unobstructed.

(dd) Display Hours: During business hours only.

(ee) Number: One (1) portable sign per business.

(ff) Material: Durable material which is weather-resistant.

(gg) Illumination: Lighted signs are prohibited.

(ii) In the C2 district:

(aa) Maximum Size: ~~Twelve (~~12~~)~~ square feet.

(bb) Maximum Height: Four and a half (4.5) feet~~, six (6) inches~~.

(cc) Location: On the property or adjacent right of way of the sponsoring business. If this placement results in a sign ~~being~~ located in the public right of way then a minimum of five (5) horizontal feet of sidewalk must remain unobstructed.

(dd) Display Hours: During business hours only.

(ee) Number: One (1) portable sign per business.

(ff) Material: Durable material which is weather-resistant.

(gg) Illumination: Lighted signs are prohibited.

(iii) In the C3 district:

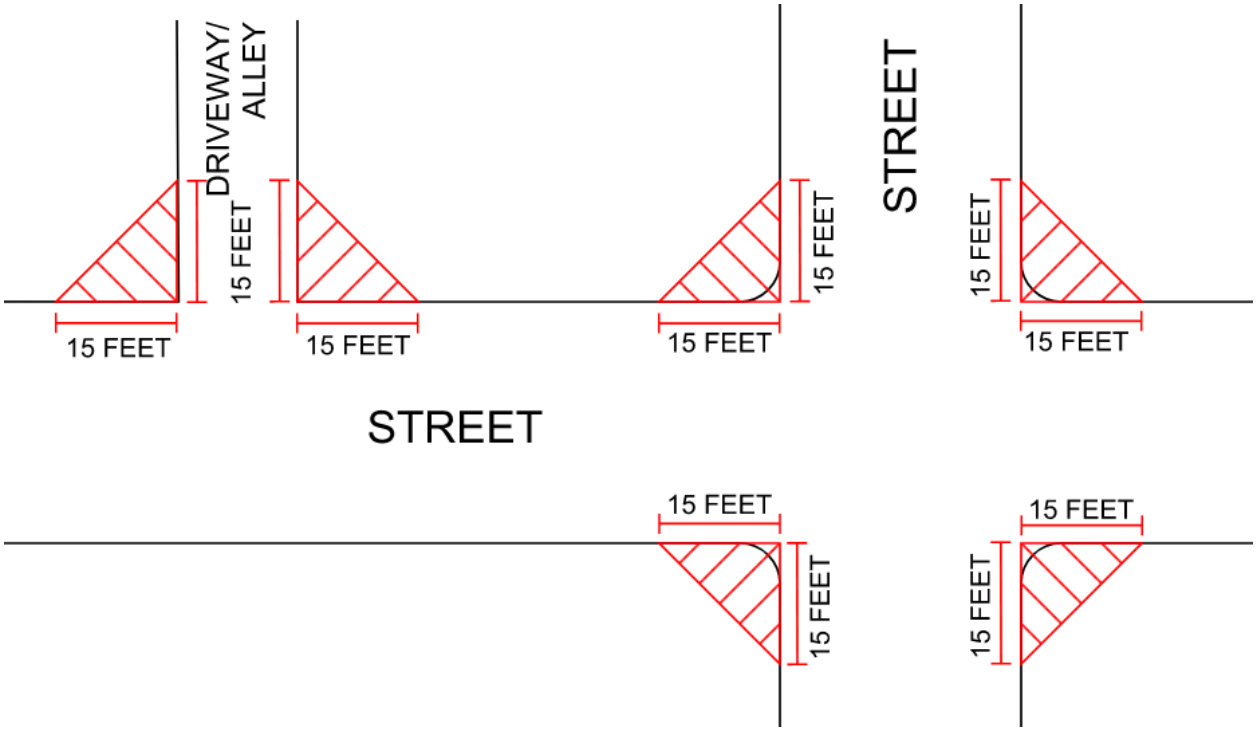
(aa) Maximum Size: ~~Eighteen (~~18~~)~~ square feet.

(bb) Maximum Height: Six (6) feet.

(cc) Location: On the property or adjacent right of way of the sponsoring business if a minimum of five (5) horizontal feet of

sidewalk or five (5) horizontal feet of pedestrian clearance area (if no sidewalk is present) remains unobstructed, and if the sign vision clearance area as hereinafter defined is unobstructed.

The sign Vision Clearance Area is defined as a triangular area established at the intersection of two streets, a street and alley, or a street and driveway. The dimensions establishing the size of a sign vision clearance area ~~shall~~ will be a minimum of ~~fifteen~~ 15 feet measured at street grade along the curb line from the intersection, and the first ~~fifteen~~ 15 feet of driveway or alley measured along the edge of the driveway or alley at a right angle to the street from the intersection. See following illustration.



(dd) Display Hours: Anytime.

(ee) Number: One (1) portable sign per business.

(ff) Material: Durable material which is weather-resistant.

(gg) Illumination: Lighted signs are prohibited.

(j) Identification Signs ~~shall~~ must be installed in accordance with the following standards:

(i) Each multiple occupancy building or shopping center may have one (1) identification sign for each street frontage but no more than two (2).

(ii) Identification signs ~~shall~~ must not exceed ~~two hundred (~~200~~)~~ square feet in sign surface area in the C3, IRP, I1, or I2 districts.

(iii) Identification signs ~~shall~~ must not exceed ~~one hundred (~~100~~)~~ square feet in sign surface area in the C1 or C2 districts.

(iv) Identification signs ~~shall~~ must conform to the standards specified for the ~~particular~~ type of sign used, except that identification signs are exempt from the aggregate sign surface area requirements.

(k) Outdoor Advertising Signs ~~shall~~ will be allowed for tourist-related signs and community information signs if each of the following conditions can be satisfied:

(i) For Tourist-related Signs:

(aa) the use caters to the tourist by providing food, lodging, or recreation;

(bb) the use is located at least ~~three hundred (~~300~~)~~ feet from a major arterial;

(cc) the sign is located in a C2, C3, IRP, I1, or I2 district;

(dd) the sign is directional in nature;

(ee) there are no more than two (2) off-premises signs for each use; and

(ff) the total area for the sign does not exceed a maximum of ~~fifty (~~50~~)~~ square feet, and does not exceed the allowable area for the property in the ~~zone~~ zoning district in which it is located.

(ii) For Community Informational Signs:

(aa) the sign is of a public service nature; and,

(bb) the sign is posted at an entryway to the city, or at the city limits.

(l) Revolving Signs are allowed in the C2, C3, IRP, I1, and I2 districts, and ~~shall~~ must be pole signs not exceeding ~~ten (~~10~~)~~ revolutions per minute. (Ord. ~~03-33 §26, 2003; Ord. 01-5 §8, 2001; Ord. 00-8 §6, 2000; Ord. 90-10 §2, 1990; Ord. 87-9 §1, 1987~~ 24-X).

17.50.050 Special Restrictions for Individual ~~Zone~~ Zoning Districts.

(1) Signs in Residential Use Districts (R1, ~~RT~~, R2, R3, R4) are regulated as follows:

(a) signs ~~shall~~ must be flush-mounted or ground signs;

(b) lighted signs ~~shall~~ must be indirectly lighted;

(c) each dwelling unit or manufactured home is allowed one (1) sign not exceeding three (3) square feet in sign surface area, containing the name and/or address of the building or person;

(d) each apartment house complex, condominium complex, membership lodging, residence hall, fraternity, sorority, or boarding or rooming house is allowed one (1) sign containing the name and/or address of the building for each street

exposure. In no case ~~shall~~ will there be more than two (2) signs per use, and such signs ~~shall~~ must not exceed ~~sixteen (~~16~~)~~ square feet in sign surface area.

(2) Signs in the C1 Neighborhood Commercial District are regulated as follows:

(a) signs ~~shall~~ must be flush-mounted, ground, canopy, portable, or marquee signs;

(b) no sign ~~shall~~ will protrude more than two (2) feet into any required yard;

(c) the aggregate gross surface area of all permanent signs excluding portable signs and identification signs for property occupied by any one use, multiple occupancy building, or shopping center ~~shall~~ must not exceed one and one-half (~~1-½~~ 1.5) square feet of sign surface area per foot of street frontage. In no case ~~shall~~ will a sign have more than ~~one hundred (~~100~~)~~ square feet of sign surface area.

(3) Signs in the C2 Central Business District are regulated as follows:

(a) the aggregate gross area of all permanent signs excluding portable signs and identification signs for property occupied by any one use, multiple occupancy building, or shopping center ~~shall~~ will not exceed two (2) square feet of sign surface area per foot of street frontage. In no case ~~shall~~ will a sign have more than ~~one hundred (~~100~~)~~ square feet of sign surface area.

(b) pole signs ~~shall~~ must not exceed ~~twenty (~~20~~)~~ feet in height from ground level to sign top.

(c) the C2 Central Business District was first constructed circa 1900. Some buildings within this district are characterized by the commercial architecture found in Pullman for this period. This architecture has predominant characteristics such as projecting cornices, continuous horizontal and vertical lines, arches, transoms, and horizontal banding. It is the intent that signage for facades of buildings that expose these characteristics, whether built during this period or later, should be in harmony with the above characteristics. Signs erected on the street or the sidewalk facades of buildings having these characteristics ~~shall~~ must to the greatest extent possible conform to the following guidelines:

(i) signs, including sign structure and exposed electrical service, should not interrupt the cornice lines or other horizontal and vertical lines.

(ii) signs should be placed in areas which were traditional sign board areas for the architecture of the structure involved, such as directly above doors, in display windows, in transoms, or on awnings.

(iii) the top of signs should not be higher than ~~sixteen (~~16~~)~~ feet above grade unless the original architecture of the building allowed for a greater height.

The ~~city planner~~ Director of Community Development, when reviewing an application for the signage of a building within the C2 Central Business District, ~~shall~~ will determine whether or not the exposed facade of the building is representative of the turn-of- the-century commercial architecture found in Pullman. If so, then the standards set forth in

PCC 17.50.050(3)(c)(i)(ii)(iii) ~~shall~~ must apply. The ~~city planner shall~~ Director of Community Development will consult with the Main Street Design Committee or a similar group recognized by the ~~City~~ Council to determine if the signage will be consistent with the architectural integrity of the particular building.

(4) For signs in the C3 General Commercial District, the aggregate gross area of all permanent signs except portable signs and identification signs for property occupied by any one use, multiple occupancy building, or shopping center ~~shall~~ must not exceed two and one-half (~~2-½~~ 2.5) square feet of sign surface area per foot of street frontage. In no case ~~shall~~ will a sign have more than ~~two hundred (~~200~~)~~ square feet of sign surface area.

(5) For signs in the IRP, I1, and I2 Districts, the aggregate gross area of all permanent signs except identification signs for property occupied by any one use, multiple occupancy building or shopping center ~~shall~~ must not exceed two and one-half (~~2-½~~ 2.5) square feet of sign surface area per foot of street frontage. In no case ~~shall~~ will a sign have more than ~~two hundred (~~200~~)~~ square feet of sign surface area. (Ord. ~~90-10 §3, 1990; Ord. 87-9 §1, 1987~~ 24-X).

17.50.060 Prohibited Signs.

The following types of signs are expressly prohibited:

(1) animated signs, except traditional barber poles, clock faces, and theater signs;

(2) signs advertising products or services not offered or sold on the premises, except signs of historic significance as determined by the ~~city planner~~ Director of Community Development;

(3) any sign over ~~forty-two (~~42~~)~~ inches (3.5 feet) high in a required yard;

(4) any sign placed on, affixed to, or painted on a vehicle or trailer and placed on public or private property with the purpose of providing a sign not otherwise allowed;

(5) any sign imitating or resembling official traffic signs or signals. (Ord. ~~90-10 §4, 1990; Ord. 87-9 §1, 1987~~ 24-X).

Chapter 17.55

HOME OCCUPATIONS

Sections:

17.55.010 Purpose.
17.55.020 Definition.
17.55.030 Performance Standards.
17.55.040 Nonconforming Home Occupations.

17.55.010 Purpose.

The purpose of this Chapter is to:

(1) protect residential areas from the adverse impacts of activities associated with home occupations;

(2) permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income; and

(3) establish standards for home occupations conducted in dwelling units and their accessory structures. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.55.020 Definition.

Home occupation:

(1) means an accessory use of a dwelling unit involving the manufacture, provision, or sale of goods and/or services carried on by members of the family residing on the premises plus no more than one (1) nonresident assistant or employee;

(2) excludes garage sales, yard sales, or home parties which are held for ~~the purpose of~~ sale or distribution of goods or services, except that if the total of all such sales and/or parties exceeds six (6) in any calendar year, such sales and/or parties ~~shall~~ will be considered a home occupation. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.55.030 Performance Standards.

All home occupations ~~shall~~ must meet the following criteria:

(1) Except as permitted in this Chapter, a home occupation ~~shall~~ must be conducted in a manner that does not give an outward appearance of, or manifest characteristics of a business, or would infringe on the right of neighboring residents to enjoy the peaceful occupancy of their dwelling units, or infringe upon or change the intent of the residential ~~zone~~ zoning district in which it is located. Therefore, there should be no outside storage or window display and noise, dust, odors, noxious fumes, radioactive emissions, or vibrations emanating from the premises should not exceed that which is normally produced by a single dwelling unit. Mechanical or electronic equipment which is incidental to the home occupation may be used provided it does not create visible or audible interference in radio or television receivers or cause fluctuations in line voltage

off the premises. The home occupation ~~shall~~ must not interfere with the delivery of utilities or other services to the area.

(2) The home occupation should not generate significantly greater traffic volume than would normally be expected in the residential district in which the home occupation is conducted. Generally, delivery and pick-up of materials or commodities to and from the premises by a commercial vehicle should not exceed two (2) trips per week.

(3) The parking of customers' or clients' vehicles should not create safety hazards or unusual congestion. At any one time, only one (1) commercial vehicle associated with the activities of the home occupation may be parked on-street near the premises for more than four (4) consecutive hours. One (1) additional off-street parking space ~~shall~~ will be required above the normal parking requirements set forth in the Use Chart, ~~Section~~ PCC 17.70.030, for any home occupation where two (2) or more students or clients are likely to concurrently visit the premises and their methods of transportation are two (2) or more separate motor vehicles.

(4) The home occupation ~~shall~~ must be conducted only by members of the family residing in the dwelling unit plus no more than one (1) nonresident assistant or employee. Persons engaged in building trades or similar fields who use their dwelling units or residential premises as an office for business activities carried on off the premises may have more employees than the limitation herein set forth if they are not employed on the premises. Home occupations with more than one (1) nonresident assistant or employee require a conditional use permit. One (1) additional off-street parking space ~~shall~~ will be required above the normal parking requirements set forth in the Use Chart, ~~Section~~ PCC 17.70.030, for any home occupation where a nonresident employee works on the premises, and that employee's method of transportation to and from the site of the home occupation is a motor vehicle which would normally be parked on or near the site of the home occupation.

(5) Only one (1) flush-mounted, non-illuminated sign which is not more than two (2) square feet in area is permitted per dwelling unit. The sign ~~shall~~ must show only the name of the occupant and type of occupation. A permit for the sign is required.

(6) If the home occupation is the type in which classes are held or instruction given, there ~~shall~~ will be no more than four (4) students or pupils in the dwelling unit or on the premises at any one time, but the ~~city planner~~ Director of Community Development may approve up to six (6) students if ~~he or she finds~~ they find that the additional students will not generate additional vehicular traffic. Home occupations involving more than six (6) students ~~shall~~ will require a conditional use permit. These requirements limiting class size ~~shall~~ must not be construed to prohibit occasional exceptions for recitals, demonstrations, and other similar gatherings. All classes with four (4) or more students ~~shall~~ must be scheduled at least ~~thirty (~~30~~)~~ minutes apart to mitigate traffic congestion, but if the traffic associated with students coming to and going from classes is limited to a total of no more than six (6) vehicles during any period of ~~sixty (~~60~~)~~ consecutive minutes, then the classes need not be scheduled ~~thirty (~~30~~)~~ minutes apart.

(7) If the home occupation is the type in which clients or customers visit the premises, there ~~shall~~ will be no more than six (6) clients or customers in the dwelling unit or on the premises during any period of ~~sixty (~~60~~)~~ consecutive minutes. Clients or customers of a home occupation ~~shall~~ must be prohibited from visiting the premises between the hours of 12 o'clock midnight and 6 o'clock a.m. Traffic associated with clients or customers coming to or going from the premises ~~shall~~ must be limited to a total of no more than four (4) vehicles during any period of ~~sixty (~~60~~)~~ consecutive minutes, but the ~~city planner~~ Director of Community Development may approve up to six (6) such vehicles during any period of ~~sixty (~~60~~)~~ consecutive minutes after having considered the availability of on-site parking, traffic circulation in the neighborhood, and the hours during which the home occupation is conducted. The requirements of this subsection ~~shall~~ must not be construed to prohibit occasional exceptions for such events as meetings, conferences, demonstrations, or other similar gatherings.

(8) The total number of home occupations conducted within a dwelling unit or on its premises is not limited, except that the cumulative impact of all home occupations conducted within the dwelling unit or on its premises ~~shall~~ will not be greater than the impact of one (1) home occupation.

(9) The regulations set forth in this Chapter ~~shall~~ must not be construed as exempting home occupations from complying with all local, state, or federal regulations applicable to the activity pursued. (Ord. ~~03-33 §27, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.55.040 Nonconforming Home Occupations.

A nonconforming home occupation is one which was lawfully established and maintained prior to April 2, 1985, but is no longer allowed because of the application of this Chapter as enacted by Ordinance No. 84-5 on March 24, 1985 and reenacted by this Title. Any nonconforming home occupation ~~shall~~ must be discontinued. (Ord. ~~87-9 §1, 1987~~ 24-X).

Chapter 17.65

DISTRICTS AND MAP

Sections:

17.65.005 Purpose.
17.65.010 ~~Zone~~ Zoning Districts Established.
17.65.020 Unzoned Property.
17.65.030 Designation of Annexed Property.
17.65.040 Official Zoning Map.
17.65.050 Division of Official Zoning Map.
17.65.060 Maintenance of Official Zoning Map and Amendments Thereto.
17.65.070 Interpretation of Official Zoning Map.

17.65.005 Purpose.

The purpose of this Chapter is to classify and regulate the use of land, buildings, and structures ~~in order~~ to comply with the purposes of this Title as set forth in PCC 17.01.050. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.65.010 ~~Zone~~ Zoning Districts Established.

(1) The ~~city~~ City is divided into the following underlying ~~zone~~ zoning districts:

~~(1)~~ Underlying ~~Zone~~ Zoning District	Map Symbol
~~Single Family Residential~~ Minimal Density Multi-Family Residential	R1
~~Residential Transitional~~	~~RT~~
Low Density Multi-Family Residential	R2
Medium Density Multi-Family Residential	R3
High-Density Multi-Family Residential	R4
Neighborhood Commercial	C1
Central Business ~~District~~	C2
General Commercial	C3
Industrial Research Park	IRP
Light Industrial	I1
Heavy Industrial	I2
Washington State University	WSU

(2) *Overlay ~~Zone~~ Zoning Districts.* ~~In order to~~ To regulate uses in ~~zone~~ zoning districts or portions of ~~zone~~ zoning districts where unique or unusual circumstances warrant additional or more restrictive standards, the following overlay districts are established and may apply in various areas:

Overlay Districts	Suffix to Map Symbol
Airport Area	A
~~Floodplain Management~~	~~FP~~

(3) *Floating ~~Zone~~ Zoning Districts.* ~~In order to~~ To regulate developments that necessitate substantial planning and design efforts and public review, the following floating ~~zone~~ zoning districts are established:

Floating Districts	Suffix to Map Symbol
Manufactured Home Park	MHP
Recreational Vehicle Park	RVP
Planned Residential Development	PRD
Planned Unit Development	PUD
"Limited" Zone	L

(Ord. ~~03-33 §28, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.65.020 Unzoned Property.

Any property within the ~~city~~ City which for any reason does not have a district designation, ~~shall~~ will be construed to be within the ~~R1~~ nearest residential district until classified by an amendment to the Official Zoning Map. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.65.030 Designation of Annexed Property.

(1) *At Time Of Annexation.* All land annexed to the ~~city shall~~ City must be classified at the time of annexation by ordinance into one (1) or more of the ~~zone~~ zoning districts established by this Chapter.

(2) *Preannexation.* Whenever prior to annexation, an amendment to the Comprehensive Plan, to the text of this Title, or to the Official Zoning Map has been adopted by the ~~city~~ City pursuant to RCW 35A.14.330 as now existing and in accordance with any amendments that may hereafter be made thereto, the amendment ~~shall~~ must be effective upon the date of annexation as set forth in the annexation ordinance.

(3) *Prezone Map.* The location and boundaries of all prezone districts established by this Title are shown on the map entitled "Official Prezone Map of the City of Pullman." The prezone map and any amendments thereto ~~shall~~ must be dated with their effective dates and signed by the ~~mayor and finance director~~ Mayor and Director of Finance & Administrative. This map is referred to as the "Official Prezone Map" and is adopted as a part of this Title by reference thereto. The district boundaries may be amended in accordance with ~~Chapter~~ PCC 17.115 and such amendments ~~shall~~ must also be adopted by reference as part of this Title.

(4) *Recommendation of Planning Commission.* Upon notification of any proposed annexation not already designated into a district on the Comprehensive Plan and Official Zoning Map, the ~~planning commission shall~~ Commission must review and, after holding a public hearing as set forth in ~~Chapter~~ PCC 17.170, recommend to the ~~City~~ Council, within one (1) year of such notification, a plan designation and ~~zone~~ zoning district classification for the land involved in the annexation. Thereafter, the Council ~~shall~~ will review the matter pursuant to ~~Chapter~~ PCC 17.180. Action taken to assign a plan designation and ~~zone~~

zoning district classification in this manner may occur before or after the property under consideration is annexed to the ~~city~~ City. (Ord. ~~03-33 §29, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.65.040 Official Zoning Map.

The location and boundaries of all districts established by this Title are as shown on the map entitled, "Official Zoning Map of The City of Pullman." The map and any amendments thereto ~~shall~~ must be dated with their effective dates and signed by the ~~mayor and finance director~~ Mayor and Director of Finance & Administrative Services. This map is referred to as the "Official Zoning Map," and is adopted as a part of this Title by reference thereto. The district boundaries may be amended in accordance with ~~Chapter~~ PCC 17.115 and such amendments ~~shall~~ must also be adopted by reference as a part of this Title. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.65.050 Division of Official Zoning Map.

The Official Zoning Map may, for convenience, be divided into geographic parts, and each part may be further subdivided into units. Such parts and units may be separately designated for identification purposes when adopting or amending the Official Zoning Map or in any official reference to that map. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.65.060 Maintenance of Official Zoning Map and Amendments Thereto.

The Official Zoning Map and any amendments thereto ~~shall~~ must be certified by the ~~finance director~~ Director of Finance & Administrative Services and ~~shall~~ must be filed in the ~~office of the finance director~~ Department of Finance & Administrative Services. The reproducible transparency of the original Official Zoning Map and any amendments thereto ~~shall~~ must be maintained and updated by the ~~city planner~~ Department of Community Development to show all amendments. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.65.070 Interpretation of Official Zoning Map.

Where due to the scale, lack of detail, or illegibility of the Official Zoning Map there is uncertainty as to the location of any ~~zone~~ zoning district boundary, the ~~city planner shall~~ Director of Community Development will upon the written request of any person make an interpretation, in writing, of the exact location of the boundary. Any person aggrieved by such an interpretation may appeal that interpretation to the ~~hearing examiner~~ Hearing Examiner. The ~~city planner~~ Director of Community Development and the ~~hearing examiner~~ Hearing Examiner when interpreting the Official Zoning Map or deciding any appeal ~~shall~~ must apply the following standards:

(1) *~~Zone~~ Zoning District Boundary Lines.* ~~Zone~~ Zoning district boundary lines are intended to follow lot lines, and the centerlines of alleys, streets, rights-of-way, and watercourses, unless such boundary lines are fixed by dimensions shown on the Official Zoning Map.

(2) *Vacated Streets, Alleys, or Public Ways.* Whenever any street, alley, or other public way is vacated, any ~~zone~~ zoning district bounded by a side of such street, alley, or public way ~~shall~~ will be automatically extended to the center of the vacated street, alley, or public

way, and all ~~of~~ the area included in the vacation ~~shall~~ will then be subject to the regulations of the extended districts.

(3) *District Boundaries.* Where district boundaries are shown as approximately following lot lines, such lot lines ~~shall~~ will be construed to be the boundaries. If a district boundary divides a lot into two (2) or more districts, the location of the boundary unless indicated by dimensions shown on the Official Zoning Map ~~shall~~ will be determined ~~by the use of~~ using the map scale shown thereon.

(4) *Division of a Single Lot.* Where a district boundary line as shown on the Official Zoning Map divides a parcel of property in single ownership at the time of the passage of this Title, the use permitted on the least restricted portion of that parcel may extend into the portion lying in the more restrictive district for ~~a distance of~~ no more than ~~fifty (~~50~~)~~ feet. (Ord. ~~22-2 §8, 2022; Ord. 87-9 §1, 1987~~ 24-X).

Chapter 17.70

USE CHART

Sections:

17.70.010 Use Chart Described.
17.70.020 Interpretation of Chart and Appeal.
17.70.030 Use Chart.

17.70.010 Use Chart Described.

In the Use Chart, ~~Section~~ PCC 17.70.030, land use classifications are listed on the vertical axis. City of Pullman underlying ~~zone~~ zoning districts are shown on the horizontal axis. Also shown on the horizontal axis in the extreme right column are the number of required parking spaces for identified uses. The C2 district is exempt from these parking space requirements.

(1) If no symbol appears in the box at the intersection of a ~~particular zone~~ zoning district and use, the use is not allowed in that district.

(2) If the symbol "P" appears in the box at the intersection of a ~~particular~~ zoning district and use, the use is permitted outright.

(3) If the symbol "C" appears in the box at the intersection of a ~~particular~~ zoning district and use, the use is permitted subject to the conditional use provisions of this Title.

(4) If the symbol "F" appears in the box at the intersection of a ~~particular zone~~ zoning district and use, the use is permitted subject either to the ~~Planned Residential Development~~ PRD provisions, or the PUD, or the Manufactured Home Park provisions, or the Recreational Vehicle Park provisions of this Title.

(5) If a superscript number appears in the box at the intersection of a ~~particular zone~~ zoning district and a use or parking requirement, the use or the parking requirement is subject to the special limitations indicated in the corresponding footnote. (Ord. ~~03-33 §30, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.70.020 Interpretation of Chart and Appeal.

(1) In the case of a question as to the inclusion or exclusion of a ~~particular~~ proposed use in a ~~particular~~ use category, the ~~city planner shall~~ Director of Community Development will have the authority to make the final determination. The ~~city planner shall~~ Director of Community Development will make the determination according to the characteristics of the operation of the proposed use.

EXAMPLES: A large sales office where business is conducted by telephone on the premises and where no goods other than samples come onto or go off of the premises, is an office rather than a retail or wholesale use. A shop selling items which are manufactured on the premises and the manufacturing process is not detectable from outside the building where the manufacturing occurs and the process requires no heavy trucking, is a retail use, not a manufacturing use.

(2) Unless otherwise identified in the Use Chart, ~~Section~~ PCC 17.70.030 or elsewhere in this Title, the uses listed in the Use Chart are principal uses. In the case of a home occupation, defined in ~~Chapter~~ PCC 17.55 as an accessory use of a dwelling unit, any business may be conducted so long as it complies with the standards set forth in ~~Chapter~~ PCC 17.55. For example, a barber and beauty shop, as the principal use of a property, may operate only in commercial ~~zone~~ zoning districts; however, a home occupation that provides barber and beauty shop services may operate in any residential ~~zone~~ zoning district if said services meet the criteria established in ~~Chapter~~ PCC 17.55.

(3) *Appeal.* Any aggrieved person may appeal a determination made by the ~~city planner~~ Director of Community Development regarding the Use Chart, ~~Section~~ PCC 17.70.030 to the ~~hearing examiner~~ Hearing Examiner as provided in ~~Chapter~~ PCC 17.185. (Ord. ~~22-2 §8, 2022; Ord. 05-12 §1, 2005; Ord. 87-9 §1, 1987~~ 24-X).

17.70.030 Use Chart.

CULTURAL, ENTERTAINMENT, AND RECREATIONAL USES	DISTRICTS												NO. OF REQUIRED PARKING SPACES
	~~R1~~	**~~RT~~R1**	**R2**	**R3**	**R4**	**C1**	**C2**	**C3**	**IRP**	**I1**	**I2**	**WSU**	
Library, Museum, Art Gallery						P	P	P	C	P	P		One (1) per 400 SF net floor area
Entertainment Assembly						C	P	P	P	P	P		One per 6 seats or 120 inches of bench
Conference or Convention Facility						C	P	P					One per 75 SF net floor area of meeting rooms
Commercial Recreation Activities						P	P	P	P	P	P		See footnote 1 below
Shooting Ranges													
Private Lodge, Club, or Recreation Facility	~~C~~	C	C	C	C	C	P	P	P	P	P		One per 200 SF net floor area
Bingo Parlor, Card Room, Game Room, Casino						C	P	P	P	P	P		One per 200 SF net floor area
Adult Entertainment Business							P[2]	P[2]					One per 200 SF net floor area
Golf Course, Golf Driving Range	~~C~~	C	C	C	C			P					36 per 9-hole golf course; 1 per tee for driving range
Park	~~C~~	C	C	C	C	P	P	P	P	P	P		Less than 1 acre: none 1 to 2 acres: 5 Greater than 2 acres: 5 per acre plus spaces for facilities listed in Footnote 1.

Footnotes:

1

a Health club, skating rink, and related commercial recreation activities: 1 per 200 square feet of net floor area.
b Indoor movie theater: 1 per 4 seats.
c Swimming pool: 1 per 100 square feet of lot area used for the facility.
d Tennis court/racquetball court: 2 per court.
e Bowling alley: 4 per alley

2 See ~~Chapter~~ PCC 17.37.

MANUFACTURING USES	DISTRICTS												NO. OF REQUIRED PARKING SPACES
	~~R1~~	~~RT~~R1	R2	R3	R4	C1	C2	C3	IRP	I1	I2	WSU	
Meat Products									C		P		One (1) per employee on the largest shift plus parking for company vehicles
Dairy Products										P	P		
Slaughtering, Rendering, Animal Fats and Oils, Feedlots and Stockyards													
Vegetable Oil Milling									C		P		
Canning/Preserving Fruits/Vegetables									C	C	C		
Bakery and Confectionary Products						P	P	P	C	P	P		
Grain Mill Products									C	C	P		
Bottling/Canning Beverages, Flavor Extracts, Flavoring Syrups									C	P	P		
Distilled Beverage										C	P		
Other Foods and Kindred Products									C	P	P		
Pharmaceuticals									C	P	P		
Marijuana Processing Facility										P[1]	P[1]		
Marijuana Production Facility										P[1]	P[1]		
Apparel and Finished Products Made from Fabric, Leather, or Similar Materials						P	P	P	C	P	P		
Leather Tannings and Finishing									C	C	C		
Furniture and Fixtures									P	C	P		
Sawmills and Planing Mills									C		C		
Lumber and Wood Products									P	P	P		
Pulp Manufacturing									C		C		
Paper and Allied Products									C	P	P		
Printing and Publishing						P	P	P	P	P	P		
Petroleum Refining, Chemicals and Allied Products, and Primary Metal Industries									C		C		
Rubber/Primary Plastics from Raw Materials									C		C		
Plastic/Acrylic/Fiberglass/Resin Products									C	P	P		

MANUFACTURING USES	DISTRICTS												NO. OF REQUIRED PARKING SPACES
	~~R1~~	~~RT~~R1	R2	R3	R4	C1	C2	C3	IRP	I1	I2	WSU	
Stone, Clay, Concrete and Glass Products, Rock Crushing									C	P	P		One (1) per employee on the largest shift plus parking for company vehicles
Cement and Asphalt Manufacturing													
Concrete, Gypsum, Bituminous Paving and Plaster Products											C		
Fabricated Metal Products, Welding Shop								C	P	P	P		
Equipment and Instruments Used by Professional, Scientific and Engineering Vocations (e.g., Electrical/ Electronic Equipment; Medical/Dental Implements; Photographic/ Optical Goods)								P	P	P	P		
Miscellaneous Processing of Raw Materials									C	C	C		
Miscellaneous Manufacturing and/or Assembling of Finished Products								C	C	P	P		

Footnotes:

1 See PCC 17.35.080(13)

RESIDENTIAL USES	DISTRICTS												NO. OF REQUIRED PARKING SPACES
	~~R1~~	~~RT~~R1	R2	R3	R4	C1	C2	C3	IRP	I1	I2	WSU	
HOUSEHOLD UNITS Single Family, Detached	~~P~~[5]	P[5]	P[5]	P	P	P							~~0.75~~ 0.5 spaces per bedroom
Manufactured Home on Lots Outside MHP	~~P~~[5]	P[5]	P[5]	P	P	P							
Duplex		P[5]	P[5]	P	P								~~One (1)~~ 0.75 per bedroom For studio units, one (1) per unit ~~Guest parking requirements for townhouses~~[3]
Townhouses		P[5]	P[5]	P	P								
Apartments or Condominiums 3 to 4 units per building		P[5]	P[5]	P	P								
5 to 8 units per building			P[5]	P	P								
9 or more units per building			C[5]	P	P								
1+ units located over or under a permitted use at ground level[7]						P	P	P[6]					
Units with minimum lot area per unit of >= 500 square feet and < 1,000 square feet					C								
Bed and Breakfast Establishment			C	P	P		P	P					One (1) per sleeping room
Short-Term Rentals		P[8]	P[8]	P[8]	P[8]	P[8]							One (1) per 2 occupants
GROUP QUARTERS Rooming and Boarding Houses			C	P	P								One (1) per sleeping room
Membership Lodging				P	P								One (1) per 2.5 occupants of the maximum allowed by the UBC
Residence Halls or Dormitories				C	P								
Retirement Homes	~~C~~[1]	C[1]	C[1]	C[1]	C[1]								One (1) per two dwelling units
~~Sanitariums~~, Convalescent, and Rest Homes	~~C~~[1]	C[1]	C[1]	C[1]	C[1]	C[1]		C[1]					One (1) per three beds
Crisis Residential Centers	~~P~~	P	P	P	P	P							
Residential Care Facilities	~~P~~[2]	P[2]	P[2]	P[2]	P[2]	P[2]							

RESIDENTIAL USES	DISTRICTS												NO. OF REQUIRED PARKING SPACES
	~~R1~~	~~RT~~R1	R2	R3	R4	C1	C2	C3	IRP	I1	I2	WSU	
TRANSIENT LODGINGS Hotels and Motels							P	P	P				One (1) per sleeping unit
RV Parks								F					Requirements in 17.105.050(9)
RESIDENTIAL DEVELOPMENTS Manufactured Home Parks			F	F	F								1.5 per manufactured home pad
Planned Residential Developments	~~F~~	F	F	F	F								Requirements established in 17.107.040(8)
RESIDENTIAL ACCESSORY USES Accessory Living Quarters	~~P~~	P	P	P	P			P[4]	P[4]	P[4]	P[4]		One (1) per accessory unit
Accessory Dwelling Units		P[9]	P[9]	P[9]	P[9]								No parking required for studio or one-bedroom One (1) per accessory 2-bedroom or more bedrooms unit
Home Occupations – 1 nonresident employee, 5 students maximum	~~P~~	P	P	P	P	Residential Accessory Uses permitted where residences are permitted							Requirements established in 17.55.030(3)(4)
Home Occupations – 1+ nonresident employee, 6+ students	~~C~~	C	C	C	C								

Footnotes:

1. See PCC 17.35.080(4).
2. See PCC 17.35.080(3).
3. ~~One (1) parking space for every four (4) townhouse dwelling units must be provided either off-street or on-street or a combination of both, provided that the on-street parking shall will only be counted as that area immediately in front of the townhouse development and on the same side of the street~~
4. ~~4~~3. One (1) dwelling unit for a night watchman or caretaker per institution or business
5. ~~5~~4. See PCC 17.75.075 and PCC 17.75.077
6. ~~6~~5. Dwelling unit for night watchman or caretaker need not be located over a permitted use
7. ~~7~~6. The maximum lot area per dwelling unit for these residences ~~shall~~ must conform to R4 district standards. The maximum lot area per dwelling unit standards ~~shall~~ will not apply to these residences.
7. An application for short-term rentals must be approved in accordance with PCC 17.109 prior to using the dwelling unit as a short-term rental.
8. See PCC 17.100.

RESOURCE PRODUCTION AND EXTRACTION USES	**DISTRICTS**												**NO. OF REQUIRED PARKING SPACES**
	~~R1~~	**~~RT~~R1**	**R2**	**R3**	**R4**	**C1**	**C2**	**C3**	**IRP**	**I1**	**I2**	**WSU**	
Farms	Commercial farming is permitted as a nonconforming use where it existed at the time this Title was adopted as set forth in Section 17.30.020. Keeping of livestock on residential lots is covered in Section 17.35.050												
Veterinary and Animal Hospital Services, Commercial Kennels, Animal Shelters								P	P	P	P		One per 400 SF net floor area
Nurseries	~~C~~	C						P	P	P	P		One per employee on largest shift
Mining, Rock Quarries										C	C		One per employee on largest shift

SERVICE USES	DISTRICTS												NO. OF REQUIRED PARKING SPACES
	~~R1~~	~~RT~~R1	R2	R3	R4	C1	C2	C3	IRP	I1	I2	WSU	
Barber and Beauty Shops						P	P	P					One per 400 SF net floor area
Tattoo and Body Piercing Shops						P	P	P					
Laundering/Dry Cleaning/Dyeing Services						P	P	P					
Laundromats (self-service)						P[4]	P	P					One per 200 SF net floor area
Car Washes								P					
Banks						P[4]	P	P	P	P	P		One per 200 SF net floor area
Funeral/Crematory Services								P		P	P		One per 4 chapel seats
Warehousing and Storage Services								P	C	P	P		One per employee plus parking for company vehicles
Recycling Centers								P	C	P	P		
Minor Automobile Repair							P	P		P	P		
Automobile and Truck Rental; Major Automobile Repair Services including Boats, RVs, etc.								P		P	P		One per 200 SF net floor area
Other Repair Services						P	P	P		P	P		One per 400 SF net floor area
Travel Agencies						P	P	P					
Offices/Professional Services other than Medical/Dental Offices (EXCEPT those which qualify as Home Occupations under 17.55)				C[1]	C[1]	P[4]	P	P	P	P	P		
Medical and Other Health Services and Laboratories						P	P	P	P	P	P		One per 400 SF for labs and similar uses
Physician/Dental Offices and Clinics				C[1]	C[1]	P	P	P	P	P	P		One per 200 SF net floor area
Hospitals								P					One per bed
Education/ Scientific Research Services							P	P	P	P	P		One per employee plus parking for company vehicles
Building Contractors								P	C	P	P		

SERVICE USES	DISTRICTS												NO. OF REQUIRED PARKING SPACES
	~~R1~~	~~RT~~R1	R2	R3	R4	C1	C2	C3	IRP	I1	I2	WSU	
Governmental Services not listed elsewhere in this Use Chart	~~C~~	C	C	C	C	P	P	P	P	P	P		One per employee plus parking for governmental vehicles plus additional spaces as required to serve the public
Educational Services	~~C~~	C	C	C	C	P	P	P	P	C	C		See Footnote 2 below
Family Day Care Home	~~P~~	P	P	P	P	P	P	P					See Footnote 5 below
Child Day Care Centers, Nursey Schools	~~C~~	C	C	C	C	P	P	P	C	C	C		1.25 spaces per employee on the largest shift
Churches	~~C~~	C	C	C	C	C	C	P					See Footnote 3 below
Cemeteries	~~C~~	C	C	C	C			C		C	C		
University Facilities												P	

Footnotes:

1 See ~~Chapter~~ PCC 17.35.080(5).

2

a. Kindergarten/Elementary/Middle School: 1 per employee.
b. High School: 1 per each employee, plus 1 per each 8 students.
c. Vocational: 1 per 1.5 students at maximum attendance.

3 One (1) per 4 fixed seats or 80 linear inches of pew space or 50 square feet of assembly area that has no fixed seats of pews.

4 A drive-in window in conjunction with this use is prohibited.

5 In addition to parking required for other uses on the lot, 1 parking space is required for each non-resident employee on the largest shift.

TRADE USES	DISTRICTS												NO. OF REQUIRED PARKING SPACES
	~~R1~~	~~RT~~R1	R2	R3	R4	C1	C2	C3	IRP	I1	I2	WSU	
Wholesale Trade								P	P	P	P		One (1) per employee on largest shift plus parking for company vehicle
Petroleum Bulk Stations											P		
Scrap and Waste Materials; Automobile Salvage and Wrecking Yards										C[1]	C[1]		
Retail Building Materials, Farm Equipment; Farm/Garden Supplies							P	P		P	P		One per 400 SF net floor area
Paint, Glass, Wallpaper; Hardware							P	P		P	P		
General Merchandise; Retail Apparel and Accessories						P	P	P					
Convenience Store (less than 2500 SF)						P	P	P	P	P	P		One per 200 SF net floor area
Retail Food						P[2]	P	P					One per 400 SF net floor area
Retail Automotive Marine Crafts								P					
Gasoline Service Stations							P[3]	P[3]		P[3]	P[3]		One per 200 SF net floor area
Retail Furniture/Home Furnishings						P	P	P					One per 400 SF net floor area
Eating Establishments						P[4,5]	P[5]	P	P	P	P		One per 200 SF net floor area
Sidewalk Café/Accessory to Restaurant						P[6]	P[6]						
Sidewalk/Street Vending						P[7]	P[7]	P[7]		P[8]	P[8]		
Taverns, Bars, and Cocktail Lounges						C	P	P	C	P	P		One per 200 SF net floor area
Marijuana Retail Facilities								P[9]					One per 200 SF net floor area
Retail Drugs						P	P	P					One per 400 SF net floor area
Other Retail Trades						C	P	P					

Footnotes:

1 See ~~Chapter~~ PCC 17.45.065.

2 Retail food establishments are permitted in the C1 district if less than 2,500 square feet

3 See PCC 17.35.080(2).

4 Eating places in the C1 district may serve alcoholic beverages if they are maintained principally as places for preparation and consumption of meals, do not contain a separate area for consumption of alcoholic beverages, and do not deny entry to minors.

5 A drive-in facility and a drive-in window facility in conjunction with this use are prohibited in C1 district. Requires a conditional use permit and a traffic

impact analysis in the C2 district.

6 Sidewalk cafes are permitted to encroach on the public right-of-way to the extent that an five-foot width of sidewalk for pedestrian circulation remains.

7 Sidewalk vending is permitted, provided a minimum of five horizontal feet of sidewalk or five horizontal fee of pedestrian clearance area (if no sidewalk is present) remains unobstructed.

8 Only “lunch wagon” type vending is permitted.

9 See PCC 17.35.080(13).

TRANSPORTATION, COMMUNICATION AND UTILITIES USES	DISTRICTS												NO. OF REQUIRED PARKING SPACES
	~~R1~~	~~RT~~R1	R2	R3	R4	C1	C2	C3	IRP	I1	I2	WSU	
Air Transportation								P		P	P		
Railroad Transportation								P		P	P		
Railroad Right of Way	~~P~~	P	P	P	P	P	P	P	P	P	P		
Bus Passenger Terminals							P	P		P	P		One per employee on largest shift plus parking for company vehicles
Bus Garaging and Maintenance								P		P	P		
Municipal Bus Stops	~~P~~	P	P	P	P	P	P	P	P	P	P		
Motor Freight Transportation							P	P	P	P	P		
Accessory Parking Area/Garages	PERMITTED AS AN ACCESSORY USE AS REQUIRED BY SECTION 17.40.070												
Commercial Parking Areas/Garages	~~C~~[3]	C[3]	C[3]	C[3]	C[3]	C[3]	P	P	P	P	P		
Radio and Television Studios						P	P	P	P	P	P		One per 400 SF net floor area
Radio & Television Transmitting Stations and Towers[1]						C	C	P	P	P	P		One per employee on largest shift plus parking for company vehicles
Accessory TV Reception or Amateur Radio/Citizens Radio Antennas or support structures <= 60 ft.[1]	~~P~~	P	P	P	P	P	P	P	P	P	P		
Accessory TV Reception or Amateur Radio/Citizens Radio Antennas or support structures > 60 ft.[1]	~~C~~	C	C	C	C	C	C	P	P	P	P		
Wireless Attached Facility <= 30 ft[4]	~~P~~	P	P	P	P	P	P	P	P	P	P		
Wireless Attached Facility > 30 ft[4]	~~C~~	C	C	C	C	C	P	P	P	P	P		
Wireless Freestanding Facility <= 80 ft[4]	~~C~~	C	C	C	C	C	C	P	P	P	P		
Wireless Freestanding Facility > 80 ft[4]								C	C	C	C		

TRANSPORTATION, COMMUNICATION AND UTILITIES USES	DISTRICTS												NO. OF REQUIRED PARKING SPACES
	~~R1~~	~~RT~~	R2	R3	R4	C1	C2	C3	IRP	I1	I2	WSU	
Utilities and Telephone Communication: facilities necessary and incidental to other uses in the district in which located and not otherwise cited in the Use Chart	~~P~~	P	P	P	P	P	P	P	P	P	P		
Public Facilities (wells, water towers, transformer stations)	~~C~~	C	C	C	C	C	P	P	P	P	P		
Utility Maintenance Yards								P	P	P	P		One per employee on largest shift plus parking for company vehicles
Utility Business Offices						P	P	P	P	P	P		One per 400 SF net floor area
Solid Waste Disposal/Sanitary Landfill										C	C		One per employee on largest shift plus parking for company vehicles
Off-site Hazardous Waste Treatment and Storage Facility									C[2]	C[2]	C[2]		One per employee on largest shift plus parking for company vehicles
Accessory On-site Hazardous Waste Treatment and Storage Facilities							P[2]	P[2]	P[2]	P[2]	P[2]		

Footnotes:

1 See PCC 17.35.080(9).

2 See PCC 17.35.100.

3 See PCC 17.35.080(10) and 17.40.070(2).

4 See PCC 17.35.080(11).

(Ord. ~~22-27 §1 (Att. A), 2022; Ord. 14-4 §3, 2014; Ord. 08-4 §1, 2008; Ord. 05-12 §2, 2005; Ord. 03-33 §30, 2003; Ord. 01-5 §9, 2001; Ord. 00-20 §1, 2000; Ord. 00-8 §7, 2000; Ord. 00-3 §3, 2000; Ord. 99-49 §2, 1999; Ord. 98-23 §1, 1998; Ord. 96-19 §3, 1996; Ord. 92-29 §2, §1, 1992; Ord. 87-9 §1, 1987~~ 24-XX).

Chapter 17.75

RESIDENTIAL DISTRICTS

Sections:

17.75.010	Residential Districts—General Purposes.
17.75.020	R1 ~~Single-Family~~ Minimal-Density Residential District—Purpose.
~~17.75.030~~	~~RT Residential Transitional District—Purpose.~~
~~17.75.040~~ 17.75.030	R2 Low-Density Multi-Family Residential District—Purpose.
~~17.75.050~~ 17.75.040	R3 Medium-Density Multi-Family Residential District—Purpose.
~~17.75.060~~ 17.75.050	R4 High-Density Multi-Family Residential District—Purpose.
~~17.75.070~~ 17.75.060	Uses Permitted.
~~17.75.075~~	~~*Reserved.*~~
~~17.75.080~~ 17.75.070	Development Standards.
~~17.75.090~~ 17.75.080	Additional Regulations.

17.75.010 Residential Districts—General Purposes.

The general purposes of the Residential (R) Districts are to:

(1) provide areas for residential uses at a range of densities consistent with public health and safety and the adopted Comprehensive Plan;

(2) preserve and protect access to light, privacy, views, open space, and natural features;

(3) provide for community facilities and nonresidential uses which complement and are compatible with residential uses and benefit from a residential environment;

(4) protect residential uses from the effects of more intense land uses;

(5) protect residential districts from commercial vehicle traffic;

(6) protect low-density residential districts from the effects associated with medium- and high-density residential districts by fostering quiet seclusion, fewer moving and stationary vehicles, larger yards, and fewer people. (Ord. 24-X).

~~(7) to preserve and protect low density residential districts for dwelling units occupied by traditional and functional families. (Ord. 99-49 §3, 1999; Ord. 87-9 §1, 1987).~~

17.75.020 R1 ~~Single-Family~~ Minimal-Density Residential District—Purpose.

The R1 ~~Single-Family~~ Minimal-Density Residential District is intended to establish areas for low density residential developments consisting of detached single-family dwellings, duplexes, and townhouses of up to four (4) unit groupings in accordance with the provisions set forth in PCC 17.108 with a maximum density of ~~seven (7)~~ 10 dwelling units per net acre. (Ord. ~~87-9 §1, 1987~~ 24-X).

~~17.75.030 RT Residential Transitional District—Purpose.~~

~~The RT Residential Transitional District is intended to establish areas for low density residential developments consisting of detached single-family dwellings, duplexes, and townhouses of up to~~

~~four (4) unit groupings in accordance with the provisions set forth in Chapter 17.108 with a maximum density of ten (10) dwelling units per net acre. (Ord. 87-9 §1, 1987).~~

~~17.75.040~~ 17.75.030 R2 Low-Density Multi-Family Residential District—Purpose.

The R2 Low Density Multi-Family Residential District is intended to establish areas for low density, small-scale multiple residential developments. Uses are permitted with a maximum density of up to ~~fifteen (~~15~~)~~ dwelling units per net acre. (Ord. ~~87-9 §1, 1987~~ 24-X).

~~17.75.050~~ 17.75.040 R3 Medium-Density Multi-Family Residential District—Purpose.

The R3 Medium Density Multi-Family Residential District is intended to establish areas for medium density residential developments. Uses are permitted with a maximum density of up to ~~twenty-nine (~~29~~)~~ dwelling units per net acre. (Ord. ~~87-9 §1, 1987~~ 24-X).

~~17.75.060~~ 17.75.050 R4 High-Density Multi-Family Residential District—Purpose.

The R4 High-Density Multi-Family Residential District is intended to establish areas for high-density residential developments. Uses are permitted with a maximum density of up to ~~forty-four (~~44~~)~~ dwelling units per net acre. (Ord. ~~87-9 §1, 1987~~ 24-X).

~~17.75.070~~17.75.060 Uses Permitted.

(1) *Principal Uses.* Principal uses permitted in the Residential Districts are listed in the Use Chart, ~~Section~~ PCC 17.70.030.

(2) *Accessory Uses.* Accessory uses permitted in the Residential Districts are listed in the Use Chart, ~~Section~~ PCC 17.70.030, and are subject to the same development standards as principal uses, unless otherwise specified. (Ord. ~~87-9 §1, 1987~~ 24-X).

~~17.75.075 Reserved.~~

~~(Ord. 22-10 §2, 2022; Ord. 03-33 §32, 2003; Ord. 99-49 §4, 1999).~~

~~17.75.080~~17.75.070 Development Standards.

(1) *Minimum Lot Size and Width.*

(a) In R1, ~~RT~~ and R2: The minimum lot size ~~shall~~ will be 6,000 square feet with a minimum lot width of ~~sixty (~~60~~)~~ feet or ~~twenty-five (~~25%~~) percent~~ of lot depth, whichever is greater.

(b) In R3 and R4: The minimum lot size ~~shall~~ will be 5,000 square feet with a minimum lot width of ~~fifty (~~50~~)~~ feet or ~~twenty-five (~~25%~~) percent~~ of lot depth, whichever is greater.

(c) Exceptions to the requirements of PCC 17.75.070(1)(a) and (b) may be allowed for the following:

(i) Lots in PRDs may be of reduced size and width but must comply with the basic density of the underlying ~~zone~~ zoning district, but the basic density of the underlying ~~zone~~ zoning district may be exceeded if special features

are incorporated into the design for which bonus density points are awarded pursuant to the provisions of PCC 17.107.040(2)(b) and (c).

(ii) Lots in townhouse developments may be of reduced size and width as provided in ~~Chapter~~ PCC 17.108, but must comply with the basic density of the underlying ~~zone~~ zoning district.

(iii) Open space lots may be of reduced size and width provided a notation is made on a final plat, short plat, or other document acceptable to the ~~City Planner~~ Director of Community Development to ensure that said lots will be ~~reserved~~ preserved as open space lots; the instrument upon which such a notation is made ~~shall~~ must be filed with the Whitman County Auditor.

(iv) The ~~city planner~~ Director of Community Development may approve of the creation of lot area and width up to ~~fifteen (~~15%~~) percent~~ smaller than the minimum requirements of PCC 17.75.070(1)(a) and (b) as an ~~administrative~~ Administrative Variance pursuant to ~~Chapter~~ PCC 17.130, if there is no significant impact on adjoining properties.

(2) *Minimum Lot Area Per Dwelling Unit.* In the residential districts the minimum lot area per dwelling unit ~~shall~~ will be as follows:

District	Minimum Lot Area Per Dwelling Unit
R1	~~6,000~~ 4,500 sq. ft.
~~RT~~	~~4,500 sq. ft.~~
R2	3,000 sq. ft.
R3	1,500 sq. ft.
R4	1,000 sq. ft.; in this district only, the ~~hearing examiner~~ Hearing Examiner may reduce this limitation to as low as ~~five hundred (~~500~~)~~ sq. ft. and issue a conditional use permit for such reduction.

(3) *Maximum Residential Density.* The maximum densities allowed in residential districts are as follows:

(a) *Basic Density.* The number of dwelling units permitted in any residential district ~~shall~~ must be determined by dividing the net acreage by the minimum lot area per dwelling unit required by the ~~zone~~ zoning districts in which the lots are located.

(b) *PRD Bonus Density.* In PRDs, a maximum ~~twenty (~~20%~~) percent~~ increase in density above the level specified in ~~the preceding~~ subsubsection (3)(a) is permitted if all density bonuses are utilized.

(c) *Average Number of Dwelling Units.* The average number of dwelling units per net acre permitted in the residential districts based on subsections (3)(a) and(3)(b) ~~above~~, is as follows:

District	Basic Density	PRD Bonus

R1	~~7~~ 10	~~8~~ 12
~~RT~~	~~10~~	~~12~~
R2	15	18
R3	29	34
R4	44	52

(4) *Maximum Lot Area Per Dwelling Unit.*

(a) In the R3 and R4 districts, the maximum lot area per dwelling unit ~~shall~~ will be as follows:

District	Maximum Lot Area
R3	6,000 sq. ft.
R4	4,500 sq. ft.

(b) In the event that an owner can clearly demonstrate that, due to environmental and/or physical constraints associated with a particular lot, it is appropriate for the requirements of this subsection to be modified, the ~~city planner~~ Director of Community Development may allow for a larger maximum lot area per dwelling unit ratio by means of an ~~administrative variance~~ Administrative Variance pursuant to ~~Chapter~~ PCC 17.130, provided all other applicable criteria for granting an ~~administrative variance~~ Administrative Variance are met.

(5) *Maximum Building and Structure Coverage.* The maximum portion of a lot area that may be occupied by the roof of buildings and structures, and decks over 30 inches (2.5 feet) ~~shall~~ must be as follows:

District	Maximum Building Coverage
R1~~ & RT~~	35%
R2	40%
R3	50%
R4	60%

Exceptions to these requirements may be allowed for individual townhouse lots as provided in ~~Chapter~~ PCC 17.108 and individual PRD lots as provided in ~~Chapter~~ PCC 17.107, provided that the total coverage of all the individual roofs of buildings and structures in townhouse developments ~~shall~~ must not exceed these requirements.

(6) *Maximum Building and Structure Height.* The maximum height of a building or structure ~~shall~~ will be as follows:

~~(a) In R1, RT and R2: thirty-five (35) feet above grade.~~

~~(b) In R3: forty-five (45) feet above grade.~~

~~(c) In R4: fifty (50) feet above grade.~~

~~(d) Accessory buildings in any residential district cannot exceed sixteen (16) feet above grade; except that on parcels of one (1) acre or more, accessory buildings may be~~

~~thirty-five (35) feet above grade in height if their setback equals or exceeds the height of the building.~~

Zone	Height in Feet
R1 and R2	35
R3	45
R4	50
Accessory Building on lot less than 1 acre	16
Accessory Building on lot greater than 1 acre	35 if setback is greater than or equal to the height of the building

(7) *Minimum Required Yards.* In all residential districts each lot ~~shall~~ must have minimum yards of not less than the following dimensions unless otherwise provided in this Chapter, ~~Section~~ PCC 17.35.020(2) (General Exceptions to Yard Requirements), ~~Chapter~~ PCC 17.107 (Planned Residential Development), or ~~Chapter~~ PCC 17.108 (Townhouses):

~~(a) Front yard: 15 feet~~

~~(b) Rear yard: 10 feet~~

~~(c) Side Yard,~~

~~Interior: 5 feet~~

~~Flanking street: 15 feet~~

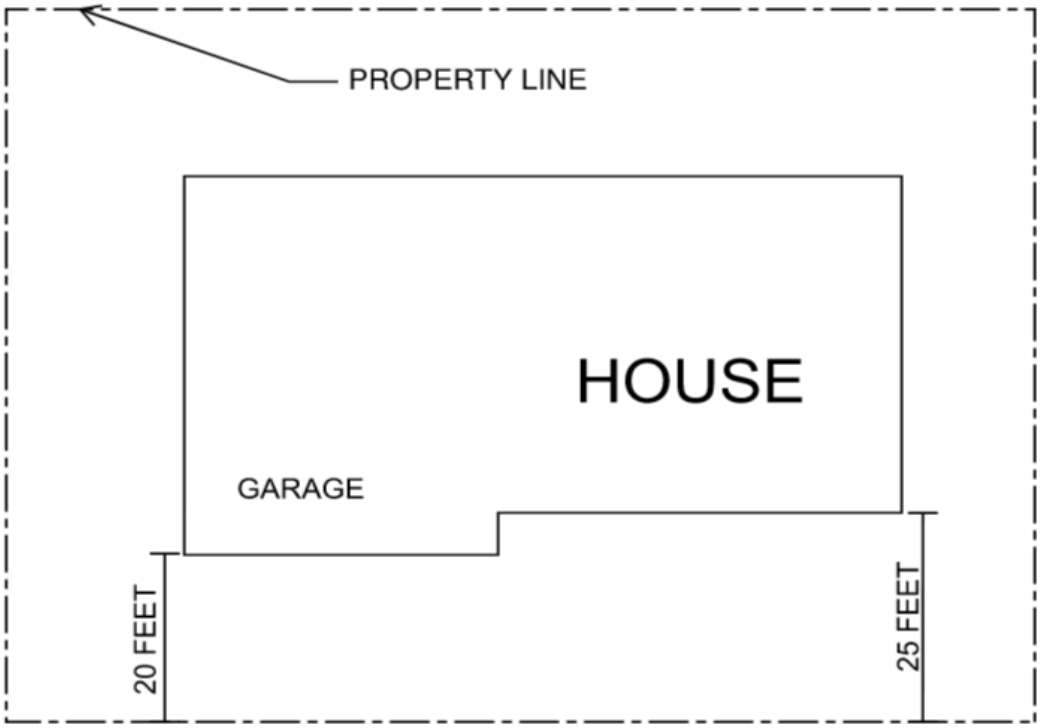
Yard	Distance in Feet
Front	15
Rear	10
Side	
Interior	5
Flanking	15

~~(d) In the R3 and R4; districts, the front yard may be reduced from 15 feet to as low as 5 feet if the main entrance to the building(s) faces the front lot line and the front yard contains no parking spaces.~~

In the R3 and R4; districts, the front yard may be reduced from 15 feet to as low as 5 feet if the main entrance to the building(s) faces the front lot line and the front yard contains no parking spaces.

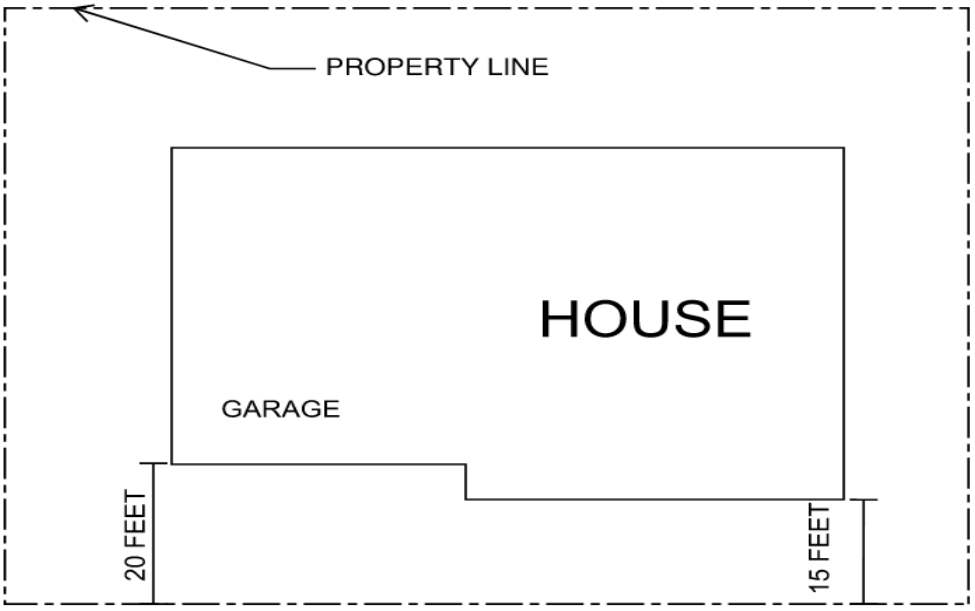
(8) *Garages and Carports.* In addition to the other development standards contained in this Chapter, the standards below ~~shall~~ must apply to garages and carports in all residential districts.

(a) *Minimum Required Yards.* All garages and carports which have the main entrance perpendicular to a street ~~shall~~ must have a minimum yard of ~~twenty (~~20~~)~~ feet adjacent to that street. Garages and carports for which the main entrance is not perpendicular to the street from which access is gained ~~shall~~ must have a driveway at least ~~twenty (~~20~~)~~ feet in length from the edge of the main entrance of the garage or carport to the edge of the property line abutting the street from which access is obtained.

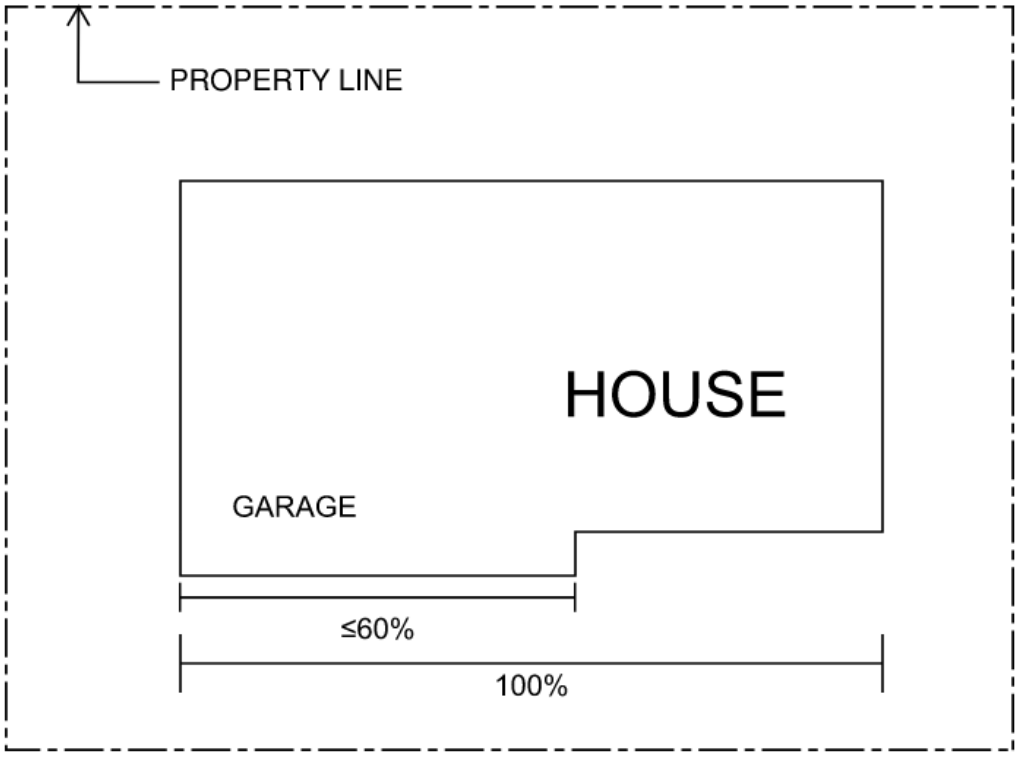


(b) *Design.* All garages and carports, be they attached to or detached from the principal building(s) on a lot, ~~shall~~ must be designed to meet at least one of the following criteria:

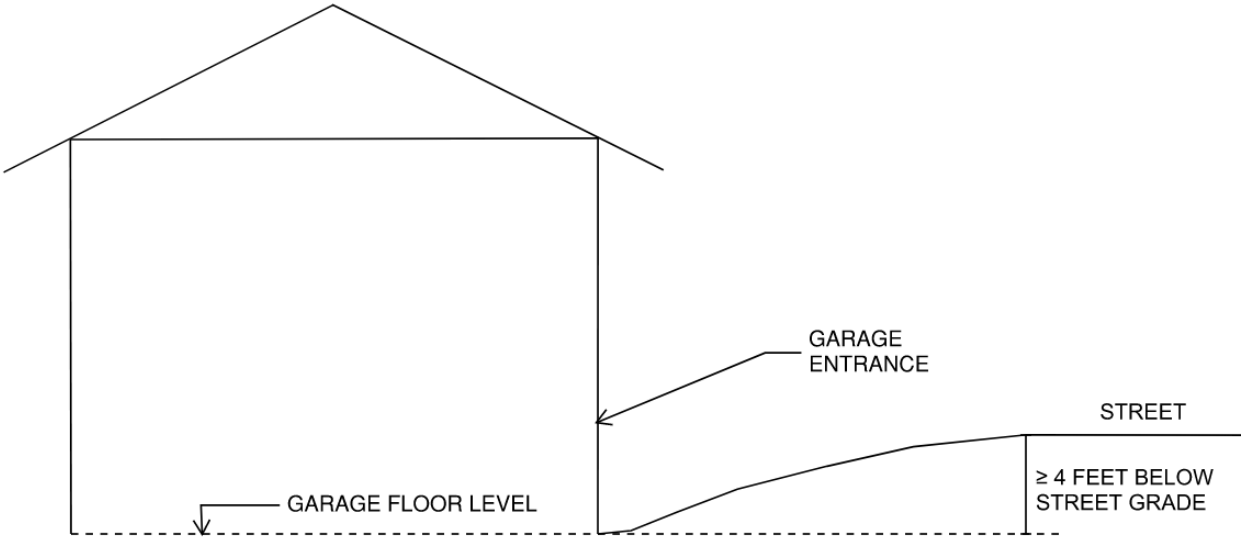
(i) the setback for the garage or carport from an adjacent street is equal to or greater than some other part of the façade;



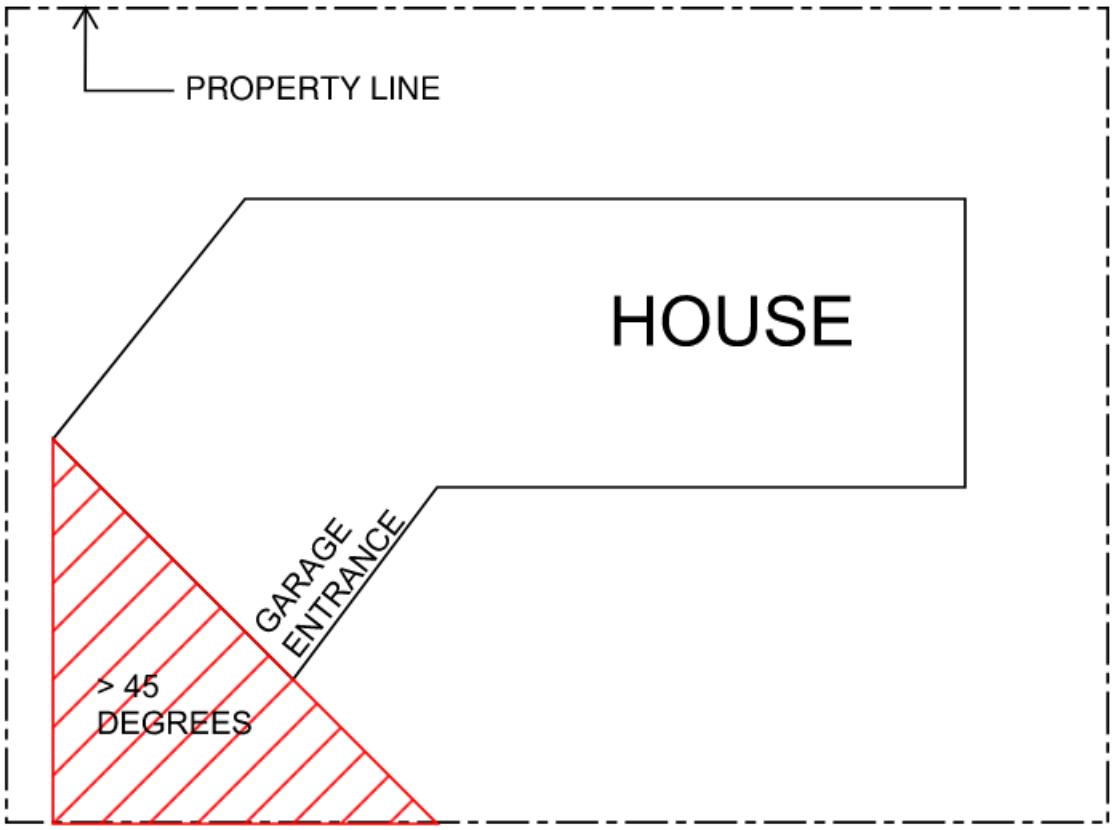
(ii) the garage or carport is limited to no more than ~~sixty (~~60%~~) percent~~ of the width of the façade on which the vehicular entrance to the garage or carport is located;



(iii) the floor level of the garage or carport is four (4) feet or more below the grade of the street from which access is gained at the driveway to said garage or carport;

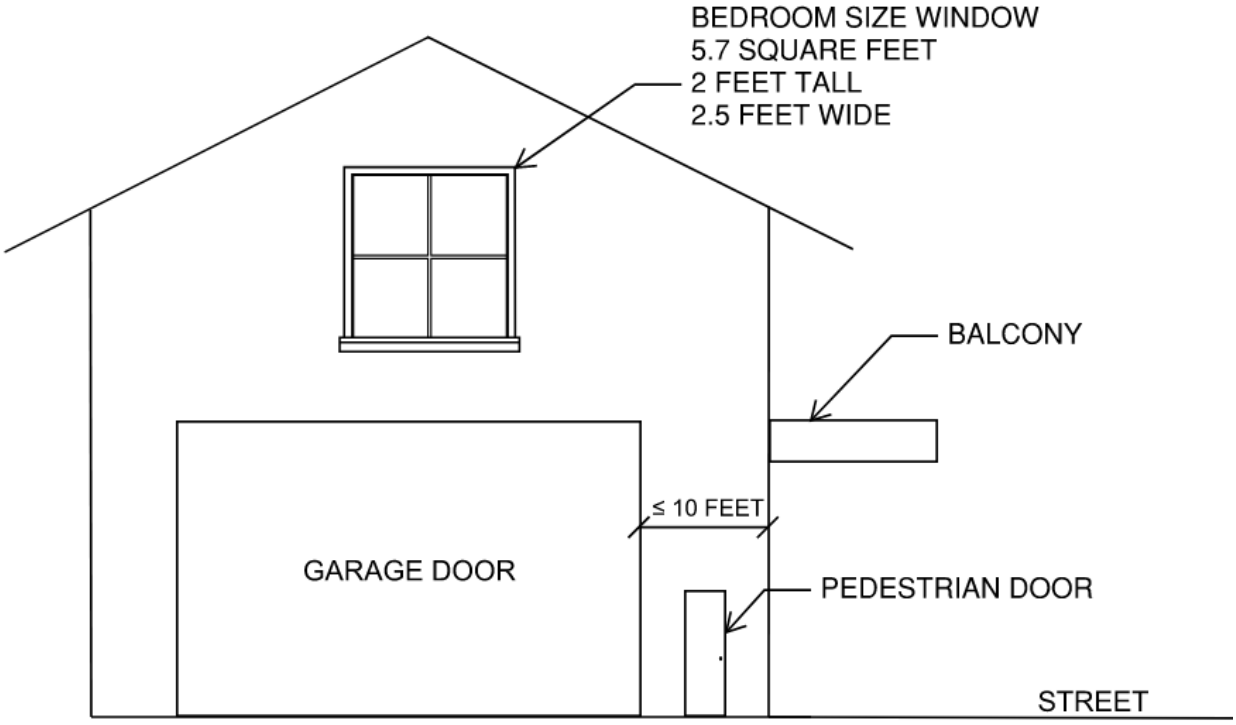


(iv) the vehicular entrance to the garage or carport is placed at more than a ~~forty-five (~~45~~)~~ degree angle to a lot line abutting an adjacent street; or,



(v) an architectural feature(s), such as a bedroom-size window (5.7 square feet, 2 feet in height, 2.5 feet wide), pedestrian door, or balcony, is installed in a garage wall facing an adjacent street or said architectural feature is installed on a wall or dormer located directly above the vehicular entrance to the garage or carport and within ~~ten (~~10~~)~~ horizontal feet of the vehicular entrance to the garage or carport.

As used in this Paragraph, "adjacent street" means a street that abuts a lot line of the lot on which the garage or carport is located,



(9) *Open Space Required for all Multi-Family Buildings and Townhouses.* Open space equal to ~~twenty (~~20%~~) percent~~ of the net acreage ~~shall~~ must be devoted to landscaping and/or outdoor recreational facilities for all multi-family buildings and townhouses. Driveways, loading areas, and parking areas except landscaping in parking areas ~~shall~~ will not be counted as part of this required space. This open space ~~shall~~ must be covered with pervious ground cover, except in the case of a tennis court, swimming pool, or similar use which requires a special surface.

(10) *High-Density/Low-Density Transition Area Standards.* Where a lot in a high-density residential district (~~defined in this subsection as an~~ R3 or R4 ~~district~~) is located adjacent to a lot in a low-density residential district (~~defined in this subsection as an~~ R1, ~~RT,~~ or R2 district), the following standards ~~shall~~ will apply:

(a) *Maximum Building and Lot Coverage.* For a lot in a high-density residential district contiguous to or across a street or alley from a low-density residential district, the maximum portion of the lot area that may be occupied by buildings and structures ~~shall~~ will be ~~forty (~~40%~~) percent~~.

(b) *Minimum Required Yards.*

(i) A lot in a high-density residential district that is contiguous to a lot in a low-density residential district ~~shall~~ will have a minimum interior side yard of ~~fifteen (~~15~~)~~ feet and minimum rear yard of ~~fifteen (~~15~~)~~ feet. The minimum yard requirements set forth in this Subparagraph apply only when the yard(s) is contiguous to a low-density residential district.

(ii) Where buildings or structures exceed ~~thirty-five (~~35~~)~~ feet in height on the interior sides or rear of a lot adjoining property in a low-density residential district, the minimum side or rear yard ~~shall~~ will be ~~fifteen (~~15~~)~~ feet plus one (1) foot for every one (1) foot of height over ~~thirty-five (~~35~~)~~ feet.

(c) *Balconies.* For a lot in a high-density residential district, balconies located within ~~fifty (~~50~~)~~ feet of a low-density residential district ~~shall~~ will be prohibited on walls that face a low-density residential district. A wall is ~~considered to be~~ facing a district when it is visible from said district and it is angled less than ~~ninety (~~90~~)~~ degrees in relation to the boundary of said district.

(d) *Screening and Landscaping.* Screening and landscaping of lots in a high-density residential district that abut a low-density residential district are required as set forth in PCC 17.45.050.

(11) *Infill Development Standards.* In addition to the development standards of PCC 17.75.070(1)-(10), infill development ~~shall~~ must conform to the standards below. Where the provisions of this subsection conflict with the provisions of PCC 17.75.070(1)-(10) or other provisions contained in this Title, the more restrictive provisions ~~shall~~ must apply.

(a) *Setback.* Buildings ~~shall~~ must be set back from the adjoining street(s) at least as far as the buildings on abutting residentially zoned lots fronting on said adjoining street(s).

(b) *Orientation and Entrances.* ~~Unless concealed behind natural obstructions, buildings shall~~ Buildings must be oriented to the fronting street so that the main entrance(s) is plainly visible from said street.

(c) *Building Coverage.* The maximum portion of the lot area that may be occupied by buildings or structures ~~shall~~ will be 125% ~~percent~~ of the largest building coverage for buildings or structures on any of the abutting occupied residentially zoned lots that adjoin the same street as the lot on which the infill development is established.

(d) *Building Height.* The maximum height of a building or structure ~~shall~~ will be 125% ~~percent~~ of the greatest building height for a building or structure on any of the abutting occupied residentially zoned lots that adjoin the same street as the lot on which the infill development is established.

(e) *Roof Pitch.* The roof pitch for buildings or structures ~~shall~~ will be within the range of 75% to 125% ~~percent~~ of the average roof slope for buildings on abutting

occupied residentially zoned lots that adjoin the same street as the lot on which the infill development is established.

(f) *Modification of Standards.* In the event that an owner can clearly demonstrate that, due to environmental or physical constraints, or due to exceptional circumstances associated with an abutting lot(s), it is appropriate for the standards of this subsection to be modified, the ~~city planner~~ Director of Community Development may grant an ~~administrative variance~~ Administrative Variance in accordance with ~~Chapter~~ PCC 17.130 to so modify one or more of the standards herein, provided all other applicable criteria for granting an ~~administrative variance~~ Administrative Variance are met. (Ord. ~~22-2 §8, 2022; Ord. 03-33 §33, 2003; Ord. 02-32 §9, 2002; Ord. 01-5 §10, 2001; Ord. 89-13 §2, 1989; Ord. 87-9 §1, 1987~~ 24-X).

~~17.75.090~~ 17.75.080 Additional Regulations.

The following chapters may qualify or supplement the regulations of this Chapter.

(1) ~~Chapter~~ PCC 16.39 Environmental (SEPA) Procedures

(2) ~~Chapter~~ PCC 17.35 Exceptions and Special Provisions Pertaining to Uses, Development Regulations, and Performance Standards

(3) ~~Chapter~~ PCC 17.40 Off-street Parking and Loading

(4) ~~Chapter~~ PCC 17.45 Landscaping and Screening

(5) ~~Chapter~~ PCC 17.50 Sign Regulations

(6) PCC 17.100 Accessory Dwelling Units

~~(6)~~(7) ~~Chapter~~ PCC 17.107 Planned Residential Development

~~(7)~~(8) ~~Chapter~~ PCC 17.108 Townhouses

~~(8)~~(9) ~~Chapter~~ PCC 17.135 Site Plan Review (Ord. ~~87-9 §1, 1987~~ 24-X).

Chapter 17.80

COMMERCIAL DISTRICTS

Sections:

17.80.010 Commercial Districts—General Purposes.
17.80.020 C1 Neighborhood Commercial District—Purposes.
17.80.030 C2 Central Business District—Purposes.
17.80.040 C3 General Commercial District—Purposes.
17.80.050 Uses Permitted.
17.80.060 Development Standards.
17.80.070 Additional Regulations.

17.80.010 Commercial Districts—General Purposes.

The purposes of the Commercial (C) Districts are to:

(1) provide areas for appropriate location of commercial uses offering goods and services;

(2) provide areas where commercial uses may concentrate for the convenience of the public and in mutually beneficial relationships with each other;

(3) accommodate those residential uses and community facilities and institutions that may compatibly locate in commercial areas; and

(4) protect commercial uses from incompatible uses and development. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.80.020 C1 Neighborhood Commercial District—Purposes.

The purposes of the C1 Neighborhood Commercial District are to:

(1) accommodate small retail and personal service businesses that will primarily serve the day-to-day needs of the immediate neighborhood;

(2) protect existing businesses of the type referred to in PCC 17.80.020(1) and permit new neighborhood commercial businesses where economic demand, citizen acceptance, and development standards can assure compatibility with the neighborhood;

(3) limit the size, scale, and expansion of neighborhood commercial businesses ~~in order~~ to minimize traffic volumes and congestion, and adverse impacts on the neighborhood in which they are located. Developments ~~in this district~~ should be characterized by small buildings, low vehicular traffic generation, considerable walk-in trade, and quiet operations. (Ord. ~~00-20 §1, 2000; Ord. 87-9 §1, 1987~~ 24-X).

17.80.030 C2 Central Business District—Purposes.

The purposes of the C2 ~~General Commercial~~ Central Business District are to:

(1) accommodate those retail stores, offices, service, and amusement businesses that offer goods and services to the entire market area in the ~~city's~~ City's downtown commercial core;

(2) ensure compact, convenient development patterns by allowing those uses that are chiefly pedestrian-oriented and operated within buildings, and that do not require large facilities for on-site off-street parking. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.80.040 C3 General Commercial District—Purposes.

The purposes of the C3 General Commercial District are to:

(1) provide areas for commercial uses serving the motoring public with goods and services such as food, lodging, and gasoline;

(2) provide areas for uses that require larger sites of ~~ten~~ 10 acres or larger;

(3) provide areas for uses involving outdoor activities or display, light manufacturing, processing, or heavy truck traffic;

(4) provide areas for uses that are heavily dependent on convenient vehicular access;

(5) encourage the clustering of general commercial activities on sites having safe and efficient access to a major or secondary arterial street, as identified in the circulation element of the Comprehensive Plan;

(6) provide development standards that enhance efficient operations of these uses and that minimize adverse impact on the community, especially on adjacent properties with more restrictive development. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.80.050 Uses Permitted.

(1) *Principal and Conditional Uses.* Principal and Conditional ~~uses~~ Uses permitted in the Commercial Districts are listed in the Use Chart, ~~Section~~ PCC 17.70.030.

(2) *Accessory Uses.* Accessory uses in Commercial Districts are subject to the same development standards as principal uses. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.80.060 Development Standards.

Table 17.80.1

Standards		District		
		C1	C2	C3
(a)	Minimum Lot Area	5,000'	None	10,000
(b)	Minimum Lot Width	50'	None	None
(c)	Minimum Lot Depth	90'	None	None
(d)	Minimum Front Yard	5'[5]	None	None
(e)	Minimum Side and Rear Yard	None[1]	None[2]	None[2,4]
(f)	Maximum Height	35'	60'[3]	None[4]
(g)	Maximum Gross Floor Area	1 sq. ft. per sq. ft. of lot area	None	3 sq. ft. per sq. ft. of lot area
(h)	Minimum Landscaping (Percent of Lot Area)	None	None	10%[6]

[1] ~~Ten~~ 10 feet if adjacent to residential zoned property.

[2] ~~Twenty~~ 20 feet if adjacent to residential zoned property.

[3] No building or structure ~~shall~~ will exceed ~~sixty (~~60~~)~~ feet above grade.

[4] No maximum height is imposed, but when a building exceeds ~~thirty-five (~~35~~)~~ feet in height, the portion of that building over ~~thirty-five (~~35~~)~~ feet in height ~~shall~~ will be set back one (1) foot from all side or rear property lines for each one (1) foot in height by which it exceeds ~~thirty-five (~~35~~)~~ feet.

[5] See PCC 17.35.020 General Exceptions, (2) To Yard Requirements.

[6] Parking area landscaping may count as part or all ~~of~~ this requirement. (Ord. ~~03-33 §34, 2003; Ord. 89-13 §3, 1989; Ord. 87-9 §1, 1987~~ 24-X).

17.80.070 Additional Regulations.

The following chapters may qualify or supplement the regulations of this Chapter.

(1) ~~Chapter~~ PCC 17.30 Nonconforming Uses, Buildings or Structures, and Lots

(2) ~~Chapter~~ PCC 17.35 Exceptions and Special Provisions Pertaining to Uses, Development Regulations, and Performance Standards

(3) ~~Chapter~~ PCC 17.40 Off-street Parking and Loading

(4) ~~Chapter~~ PCC 17.45 Landscaping and Screening

(5) ~~Chapter~~ PCC 17.50 Sign Regulations

(6) ~~Chapter~~ PCC 17.70 Use Chart

(7) ~~Chapter~~ PCC 17.135 Site Plan Review (Ord. ~~87-9 §1, 1987~~ 24-X).

Chapter 17.85

INDUSTRIAL DISTRICTS

Sections:

17.85.010 Industrial Districts—General Purposes.
17.85.020 I1 Light Industrial District—Purpose.
17.85.030 I2 Heavy Industrial District—Purpose.
17.85.040 Industrial Research Park (IRP)—Purpose.
17.85.050 Uses Permitted.
17.85.060 Development Standards.
17.85.070 Additional Regulations.

17.85.010 Industrial Districts—General Purposes.

The purposes of the Industrial (I) Districts are to:

(1) establish and reserve areas near major arterial streets and railroads for industrial uses;

(2) direct heavy truck traffic onto major arterial streets and away from residential streets;

(3) minimize conflicts between industrial and other land uses;

(4) protect industrial uses from encroachment by incompatible land uses;

(5) protect the aquifer from drawdown by single high-volume industrial users. (Ord. ~~91-11 §2, 1991; Ord. 87-9 §1, 1987~~ 24-X).

17.85.020 I1 Light Industrial District—Purpose.

The I1 Light Industrial District ~~(I1)~~ is intended to provide locations for the manufacturing and assembly of materials into finished products, warehousing, storage, and wholesale businesses, and offices and limited retail and service uses which are compatible with the industrial uses. The I1 District is typically located on or near sites with rail facilities or access to major arterial streets. (Ord. ~~91-11 §3, 1991; Ord. 87-9 §1, 1987~~ 24-X).

17.85.030 I2 Heavy Industrial District—Purpose.

The I2 Heavy Industrial District ~~(I2)~~ is intended to provide locations where uses are permitted outright for the manufacturing and assembly of materials into finished products; warehousing, storage, and wholesale businesses; and offices and limited retail and service uses which are compatible with the industrial uses. The Heavy Industrial District is also intended to provide locations by ~~conditional use permit~~ Conditional Use Permit for the manufacturing of products from raw materials and/or products which may have a greater detrimental impact on environmental quality or the community. The I2 district is typically appropriate for areas which are distant from residential areas, and which have rail facilities or direct access to major arterial streets. (Ord. ~~91-11 §4, 1991; Ord. 87-9 §1, 1987~~ 24-X).

17.85.040 Industrial Research Park (IRP)—Purpose.

The purpose of the IRP Industrial Research Park District is to provide areas for research and development institutions and light industrial firms such as those which might be typically

involved in the manufacture or assembly of electronic components, medical and dental instruments, and computers. This District is characterized by a campus-like setting where noise, vibration, and pollutants normally associated with industry are minimized. Ancillary services such as banks and restaurants that are designed to support the research park institutions and firms are consistent with the purpose of this district. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.85.050 Uses Permitted.

(1) *Principal and Conditional Uses.* Principal and Conditional ~~uses~~ Uses permitted in the Industrial Districts are listed in the Use Chart, ~~Section~~ PCC 17.70.030.

(2) *Accessory Uses.* Accessory uses in Industrial Districts are subject to the same development standards as principal uses. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.85.060 Development Standards.

(1) *Minimum Required Yards.*

(a) Except as otherwise specified, the following minimum yard requirements ~~shall~~ will apply in the IRP District:

~~(i) Front Yard 30 feet~~

~~(ii) Side Yard 10 feet~~

~~(iii) Rear Yard 20 feet~~

~~(iv) A yard abutting residentially zoned property 30 feet~~

Front	30 feet
Side	10 feet
Rear	20 feet
Yard abutting residentially zoned property	30 feet

(b) In the I1 and I2 Districts, there are no front, side, or rear yard requirements except as follows:

(i) if a yard is provided, it ~~shall~~ will not be less than three (3) feet in width to allow maintenance access.

(ii) I1 and I2 lots under 20,000 square feet abutting residentially zoned property ~~shall~~ will be subject to the same minimum yard requirements as those required in the abutting residential zone.

(iii) I1 and I2 lots over 20,000 square feet abutting residentially zoned property ~~shall~~ provide a ~~thirty (~~30~~)~~ foot yard wherever ~~coterminous~~ contiguous.

(c) Exceptions to yard requirements are set forth in PCC 17.35.020(2).

(2) *Minimum Lot Size and Street Frontage.*

~~(a) The minimum lot size in the IRP district shall be a minimum of 20,000 square feet, with a minimum of one hundred (100) feet of street frontage.~~

~~(b) The minimum lot size in the I1 and I2 Districts shall be 10,000 square feet with a minimum of seventy- five (75) feet of street frontage.~~

Zone	Minimum Lot Size	Minimum
IRP	20,000 square feet	100 feet
I1 & I2	10,000 square feet	75 feet

(3) *Floor Area Requirements.* The maximum permitted gross floor area to be contained in all buildings on a lot or site in an IRP, I1 or I2 district ~~shall~~ must not exceed two and one-half (~~2-1/2~~ 2.5) times the area of the lot or site.

(4) *Maximum Building or Structure Height.*

(a) There ~~shall~~ will be no building or structure height limitations in the industrial districts except as follows:

(i) when abutting a residential district or C1 District, the building or structure height limitations in the industrial districts ~~shall~~ will be no greater than that permitted in the residential districts or the C1 District for ~~a distance of fifty (~~50~~)~~ feet;

(ii) when a building exceeds ~~forty-five (~~45~~)~~ feet in height, the portion of the building above ~~forty-five (~~45~~)~~ feet ~~shall~~ must be set back one (1) foot from each side and rear property line for each one (1) foot the building exceeds ~~forty-five (~~45~~)~~ feet.

(5) *Open Space.* Open space equal to ~~ten (~~10%~~) percent~~ of the net acreage ~~shall~~ will be devoted to landscaping for uses in all industrial districts. Parking area landscaping may count as part or all ~~of~~ this requirement. (Ord. ~~03-33 §35, 2003; Ord. 89-13 §4, 1989; Ord. 87-9 §1, 1987~~ 24-X).

17.85.070 Additional Regulations.

The following chapters may qualify or supplement the regulations of this Chapter.

(1) ~~Chapter~~ PCC 16.39 Environmental (SEPA) Procedures

(2) ~~Chapter~~ PCC 17.35 Exceptions and Special Provisions Pertaining to Uses, Development Regulations, and Performance Standards

(3) ~~Chapter~~ PCC 17.40 Off-street Parking and Loading

(4) ~~Chapter~~ PCC 17.50 Sign Regulations

(5) ~~Chapter~~ PCC 17.115 Rezones

(6) ~~Chapter~~ PCC 17.125 Conditional Use Permits

(7) ~~Chapter~~ PCC 17.135 Site Plan Review (Ord. ~~91-11 §5, 1991; Ord. 87-9 §1, 1987~~ 24-X).

Chapter 17.90

WASHINGTON STATE UNIVERSITY DISTRICT

Sections:

17.90.010 Washington State University District—Purposes.
17.90.020 Uses Permitted.
17.90.030 Development Standards.
17.90.040 Coordination of Plans.

17.90.010 Washington State University District—Purposes.

The purposes of the Washington State University (WSU) District are to:

(1) furnish areas for the location of university services and facilities to promote ~~Washington State University's~~ WSU's goal of excellence in higher education; and

(2) encourage cooperation between the ~~city and Washington State University~~ City and WSU in planning the physical development of the community. (Ord. 24-X).

17.90.020 Uses Permitted.

Principal uses permitted in the ~~Washington State University~~ WSU District are listed in the Use Chart, ~~Section~~ PCC 17.70.030. (Ord. 24-X).

17.90.030 Development Standards.

Given that ~~Washington State University~~ WSU maintains a capital planning and development operation to administer its own university development standards, no specific development standards are set forth in this Title for the WSU ~~zone~~ zoning district. Furthermore, none of the standards contained in the following Chapters ~~shall~~ will apply to the WSU ~~zone~~ zoning district:

(1) ~~Chapter~~ PCC 17.35 Exceptions and Special Provisions Pertaining to Uses, Development Regulations, and Performance Standards

(2) ~~Chapter~~ PCC 17.40 Off-street Parking and Loading

(3) ~~Chapter~~ PCC 17.45 Landscaping and Screening

(4) ~~Chapter~~ PCC 17.50 Sign Regulations

(5) ~~Chapter~~ PCC 17.55 Home Occupations

(6) ~~Chapter 17.100~~ PCC 16.60 Floodplain Management District

(7) ~~Chapter~~ PCC 17.105 Manufactured Homes, Recreational Vehicles, and Trailers

(8) ~~Chapter~~ PCC 17.107 Planned Residential Development

(9) ~~Chapter~~ PCC 17.108 Townhouses

(10) ~~Chapter~~ PCC 17.135 Site Plan Review (Ord. 24-X).

17.90.040 Coordination of Plans.

The ~~Planning~~ Commission should invite an appropriate representative(s) from ~~Washington State University~~ WSU to participate in a public meeting at least once every other year to provide updates on ~~city~~ City and university land use plans and discuss other efforts to promote orderly development in the community. Following this public meeting, the ~~Planning~~ Commission may recommend appropriate action to the ~~City~~ Council to further the purposes of this Title. (Ord. 03-~~38 §1, 2003; Ord. 03-33 §74, 2003~~ 24-X).

Chapter 17.95

AIRPORT OVERLAY DISTRICTS

Sections:

17.01.010 Purpose.
17.01.020 Definitions.
17.01.030 Airport Overlay Districts Establishment.
17.01.040 Height Limitations.
17.01.050 Airport Overlay Districts Performance Standards.
17.01.060 Existing Trees.
17.01.070 Noise Impacted Use Restrictions.
17.01.080 Permit Procedures.
17.01.090 Height Variances.
17.01.100 Marking and Lighting of Hazards.

17.95.010 Purpose.

The purpose of this Chapter is to protect the lives and property of aircraft pilots and passengers and of people who live or work ~~in the vicinity of~~ near the airport, and to protect the public interest and investment in the airport and air access to the ~~city~~ City by:

(1) regulating land use and the height of structures and trees to prevent the establishment of airport hazards;

(2) restricting the establishment of incompatible land uses near the airport; and,

(3) requiring the marking and lighting of new and existing obstructions within the airport overlay districts established by this Chapter. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.95.020 Definitions.

For ~~the purpose of~~ this Chapter the following words and phrases ~~shall~~ will have the following meanings:

(1) *Airport.* The Pullman-Moscow Regional Airport.

(2) *Airport Elevation.* The highest point of the airport's usable landing area ~~[2,551 feet above mean sea level (MSL)]~~.

(3) *Airport Hazard.* Any structure, tree, or mobile object located at, or moving through the airport or its vicinity, or any use of land near the airport that obstructs the navigable airspace required for the flight of aircraft.

(4) *Airport Imaginary Surfaces.* The following airport imaginary surfaces are established with relation to the airport and its runway. The size of each imaginary surface is based on the type of approach available or planned for each end of the runway. The slope and dimensions of the approach surface applied to each end of the runway are determined by the most precise approach existing or planned for that end of the runway.

(a) *Horizontal Surface.* A horizontal plane ~~one hundred fifty (~~150~~)~~ feet above the airport elevation, the perimeter of which is constructed by swinging arcs of

10,000 feet radii from the center of each end of the primary surface of the runway and connecting the adjacent arcs with lines tangent to them.

(b) *Conical Surface.* A surface extending upward and outward from the periphery of the horizontal surface at a slope of 20:1 (run to rise) for a horizontal distance of 4,000 feet.

(c) *Primary Surface.* A ~~five hundred (~~500~~)~~ foot wide surface longitudinally centered on and extending ~~two hundred (~~200~~)~~ feet beyond each end of the runway. The elevation of any point on the primary surface is the same as that of the nearest point on the runway centerline.

(d) *Approach Surface.* A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. At the Pullman-Moscow Regional Airport, there are two (2) approach surfaces, the inner edge of which begins at and is the same width and elevation as the primary surface.

(i) The larger than utility runway visual approach surface expands uniformly outward to a width of 1,500 feet and upward at a slope of 20:1 (run to rise) to a horizontal distance of 5,000 feet beyond the end of the primary surface.

(ii) The larger than utility runway with a visibility minimum greater than 3/4 mile nonprecision instrument approach surface expands uniformly outward to a width of 3,500 feet and upward at a slope of 34:1 (run to rise) to a horizontal distance 10,000 feet beyond the end of the primary surface.

(e) *Transitional Surface.* A surface extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 (run to rise) from the sides of the primary surface and from the sides of the approach surfaces to where they intersect the horizontal surface.

(5) *Height.* For the purposes of determining the height limits in the Airport Height Limitation Overlay Districts, the base datum ~~shall~~ will be mean sea level, unless otherwise specified.

(6) *Larger than Utility Runway.* Any runway constructed and intended for use by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight, or by jet aircraft.

(7) *Nonprecision Instrument Runway.* Any runway having an existing instrument approach procedure that utilizes air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach has been approved or planned.

(8) *Obstruction.* Any structure or tree that exceeds the height limits established in PCC 17.95.040 of this Chapter.

(9) *Runway.* Refers to Runway 5-23 at the Pullman-Moscow Regional Airport.

(10) *Structure.* Any object, including a mobile object, constructed or installed by man, including buildings, towers, cranes, smoke stacks, earth formations, and overhead transmission lines.

(11) *Substantial Noise Impact Area.* All areas where the existing or potential airport-related noise levels exceed 65 Ldn (day-night average).

(12) *Tree.* Any object of natural growth. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.95.030 Airport Overlay Districts Establishment.

The Airport Overlay Districts add restrictions to those of the underlying districts. This Section establishes the Airport Overlay Districts set forth below. Where these districts overlap each other or an underlying district, the most restrictive requirements imposed by any district ~~shall~~ will govern.

(1) *Airport Height Limitation Overlay Districts.* The Horizontal, Conical, Approach, and Transitional Airport Overlay Districts include all land lying directly beneath the horizontal, conical, approach, and transitional surfaces defined in PCC 17.95.020(4). The location and boundaries of these Districts are shown on a map dated February, 1984 entitled "Pullman-Moscow Regional Airport Height Limitation Overlay Districts" which is adopted by this reference as part of this Title.

(2) *Airport Use Restriction Overlay District.* The Airport Use Restriction Overlay District includes the Substantial Noise Impact Area defined in PCC 17.95.020(11). The location and boundaries of this District are shown on a map dated February, 1984 entitled "Pullman-Moscow Regional Airport Use Restriction Overlay District" which is adopted by reference as part of this Title. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.95.040 Height Limitations.

No structure within any of the Airport Height Limitation Overlay Districts ~~shall~~ will be erected or altered and no tree ~~shall~~ must be allowed to grow ~~so as~~ to break the plane of any of the imaginary surfaces defined in PCC 17.95.020(4). For height variances, see PCC 17.95.090. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.95.050 Airport Overlay Districts Performance Standards.

These performance standards apply to all new and existing uses in the Airport Overlay Districts. No use in the Airport Overlay Districts ~~shall~~ will:

(1) cause interference with the operation of radio or electronic facilities at the airport or with radio or electronic communication between the airport and aircraft;

(2) make it difficult for pilots to distinguish between airport and other lights or result in glare in the eyes of pilots using the airport;

(3) impair visibility in the vicinity of the airport; or,

(4) in any other way endanger aircraft operations. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.95.060 Existing Trees.

Existing trees in the Airport Height Limitation Overlay Districts ~~shall~~ will be maintained or, if necessary, removed so as not to be airport hazards. Trees planted within these Districts ~~shall~~ must be of species that do not attain a height that would make them an airport hazard. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.95.070 Noise Impacted Use Restrictions.

The following uses are prohibited in the Airport Use Restriction Overlay District:

(1) all residential uses, including transient living quarters;

(2) child day care facilities and nursery schools;

(3) educational facilities, including libraries, but excepting those facilities directly associated with experiential learning in aircraft operation or maintenance or with operations that are accessory to research and training at ~~Washington State University~~ WSU;

(4) hospitals; and

(5) churches. (Ord. ~~03-33 §36, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.95.080 Permit Procedures.

No permit required by this Title or any other provision of the City Code ~~shall~~ will be issued for any structure or use that would be an airport hazard or that would permit any nonconforming structure or use to become a greater airport hazard. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.95.090 Height Variances.

Requests for height variances in any Airport Overlay District ~~shall~~ must be processed in the same way as any other request for an ~~administrative variance~~ Administrative Variance as set forth in PCC 17.130.040 with the addition of the following steps:

(1) the application for a variance ~~shall~~ must be accompanied by a written determination from the Federal Aviation Administration of the effect of the proposed variance on the operation of the airport and on the safe and efficient use of navigable airspace; and,

(2) the application ~~shall~~ must be referred to the Airport Manager for written review and comment within ~~fifteen (~~15~~)~~ days of the application's filing date. (Ord. ~~03-33 §37, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.95.100 Marking and Lighting of Hazards.

(1) Any permit or variance issued for any structure or use in any Airport Height Limitation Overlay District may be conditioned on the installation, operation, and maintenance of markers and lights indicating the presence of an airport hazard. Required markers and lights ~~shall~~ must be installed, operated, and maintained by the owner of the hazard.

(2) The owner of any existing structure, tree, or use that is an airport hazard may be required to permit the installation, operation, and maintenance of markers or lights. The marking and lighting of existing airport hazards ~~shall~~ must be installed, operated, and maintained at the expense of the owner of the hazard. (Ord. ~~87-9 §1, 1987~~ 24-X).

Chapter 17.100

FLOODPLAIN MANAGEMENT DISTRICT

Sections:

17.100.010 Purposes.
17.100.020 Definitions.
17.100.030 General Provisions.
17.100.040 Administration.
17.100.050 Standards and Guidelines.
17.100.060 Development in the Floodway.
17.100.070 Manufactured Homes in the Floodplain.
17.100.080 Floodplain Variance.

17.100.010 Purposes.

The purposes of this Chapter are to minimize public and private losses due to flood conditions, and to maintain community eligibility in the National Flood Insurance Program.

The floodplain areas of the city are subject to periodic inundation, which may result in loss of life and property, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the city's tax base, all of which adversely affect the public health, safety and general welfare. These potential flood losses are increased by the presence of obstructions which increase flood heights and velocities. (Ord. 87-9 §1, 1987).

17.100.020 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the following meanings:

(1) *Appeal.* A request for a review of the interpretation of any provision of this ordinance or a request for a variance.

(2) *Areas of Special Flood Hazard.* The land in the floodplain 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.

(3) *Base Flood.* That level of water reached by a flood within the city which has a one (1) percent chance of being equaled or exceeded in any given year, as depicted by or represented by the Flood Insurance Study.

(4) *Basement.* Any floor level below the first story in a building, except that a floor level in a building having only one (1) floor level shall be classified as a basement unless such floor level qualifies as a first story as defined in the State Building Code.

(5) *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.

(6) *Development.* Any man-made change to improved or unimproved real estate or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials, located within the floodway or floodplain as defined in this Chapter. Development specifically includes the placement of manufactured homes on land, whether or not placement is within an existing or new manufactured home park.

(7) *Director*. The Director of Public Works of the city of Pullman or his or her authorized representative.

(8) *Elevated Building*. For insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

(9) *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.

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

(11) *Flood or Flooding*. A general and temporary condition of partial or complete inundation of normally dry land areas from

(a) the overflow of inland waters; and/or

(b) the unusual and rapid accumulation of runoff of surface water from any source.

(12) *Floodplain Development Permit.* The development permit required for any and all construction and/or development of land or buildings within the floodplain. It may also be referred to as "development permit."

(13) *Flood Insurance Rate Map (FIRM).* The official map on which the Federal Insurance Administration has delineated the base flood level and the risk premium zones applicable to the city.

(14) *Flood Insurance Study.* That document compiled by the Federal Insurance Administration (FIA) entitled Flood Insurance Study, including flood profiles and the water surface elevation of the base flood and as hereafter revised or amended.

(15) *Floodplain.* The relatively flat areas or lowlands adjoining the channel of a river, stream, watercourse, lake, or other body of water, which have been or may be covered by flood water. For the purpose of this Chapter, "floodplain" includes those areas now or hereafter included within the city which is defined as "land within a community subject to a one (1) percent or greater chance of flooding in any given year" and as indicated on the Flood Profiles and the Flood Boundary and Floodway Maps included in the Flood Insurance

Study. In the areas not included in said study, the floodplain includes all areas subject to floods at stream flow rates comparable to those set forth in the Flood Insurance Study as constituting the base flood level. The location of the floodplain may be revised by the director based on conditions which may alter its location. Any such revisions may be based upon

(a) data utilized in the Flood Insurance Study; and

(b) changes in elevations of areas within the floodplain occurring since the last revision affecting such areas; or,

(c) channel changes.

(16) *Floodplain Variance*. A variance granted from the requirements of 17.100.050(3) and (8) of this Chapter. It does not include any variance granted under Chapter 17.130.

(17) *Flood Season*. That period of time from the first day of December to the first day of April, or any other period of time based upon meteorological conditions which the Council by resolution may provide upon recommendation of the director.

(18) *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 (1) foot at any point. For the purpose of this Chapter the present limits of the floodway are those designated on the Floodway Maps contained in the Flood Insurance Rate Maps. The location of the floodway may be revised by the director with concurrence from the FEMA regional office based on conditions which may alter its location. Any such revisions may be based upon

(a) data utilized by the Flood Insurance Study; and,

(b) changes in elevations of areas within the floodway occurring since the last revision affecting such area; or

(c) channel changes.

(19) *Lowest Floor*. 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 Chapter.

(20) *Manufactured Home*. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(21) *Manufactured Home Park or Subdivision*. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(22) *New Construction*. Structures for which the start of construction was on or after December 21, 1978.

(23) *New 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 on or after the effective date of adopted floodplain management regulations.

(24) *Recreational Vehicle.* A vehicle which is:

(a) built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) designed to be self-propelled or permanently towable by a light-duty truck; and,

(d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(25) *Start of Construction.* The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other substantial improvement was within 180 days of the permit date. The actual start 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 cleaning, grading, or filling, the installation of streets or sidewalks, the excavation for a basement, footings, piers, or foundations, the erection of temporary forms, or the installation of accessory buildings on property such as garages or sheds not occupied as dwelling units or not a part of the main structure.

(26) *Structure.* A walled and roofed building including a gas or liquid storage tank that is principally above ground.

(27) *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.

(28) *Substantial Improvement.* Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the value of the structure either:

(a) before the improvement or repair is started; or

(b) before the damage occurred, if the structure has been damaged and is being restored.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(i) any project for 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 code enforcement official and which are the minimum necessary to assure safe living conditions, or

(ii) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(29) *Variance*. A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

(30) *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. (Ord. 10-2 §1, 2010; Ord. 01-5 §11, 2001; Ord. 89-1 §1, 1989; Ord. 87-9 §1, 1987).

17.100.030 General Provisions.

(1) *Lands to Which this Chapter Applies*. This Chapter shall apply to all areas of special flood hazard within the jurisdiction of the city and, as an "overlay zone," shall impose requirements on such areas in addition to those of the zone districts in which such areas are located.

(2) *Basis for Establishing the Floodplain Areas*. The areas of special flood hazard identified by the Federal Insurance Administration, in a scientific engineering report entitled Flood Insurance Study - City of Pullman, Washington, dated May 19, 1981, and any revisions thereto, with accompanying flood insurance rate maps, and any revisions thereto are hereby adopted by reference and declared to be a part of this Chapter. The Flood Insurance Study and the FIRM are on file in the city of Pullman Office of Public Works, S.E. 325 Paradise Street, Pullman, Washington. The best available information for flood hazard area identification shall be the basis for regulation until a new FIRM is issued.

(3) *Compliance*. No structure or land located in a floodplain shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Title.

(4) *Floodplain Development Permit Required*. It shall be unlawful to begin construction or development within a floodplain area as established by this Chapter without first obtaining a development permit. A development permit shall be required for all development and must bear the signature of the director.

(5) *Warning and Disclaimer of Liability*. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods that the minimum provisions of this Chapter may not protect against can and will occur on rare occasions. Flood heights may be increased by natural or man-made causes. This Chapter does not imply that land outside the floodplain areas or uses permitted within such areas will be free from flooding or flood damages. Reliance on this Chapter alone shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that may result from reliance on this Chapter or any administrative

decision, variance, or appeal lawfully made thereunder. (Ord. 10-2 §2, 2010; Ord. 89-10 §1, 1989; Ord. 89-1 §2, 1989; Ord. 87-9 §1, 1987).

17.100.040 Administration.

(1) The director shall administer, interpret, and enforce the provisions of this Chapter.

(2) Applications for Floodplain Development Permits are subject to the following requirements:

(a) Application for a development permit shall be made by the property owner or his authorized agent and filed with the director on forms provided by the city. The application for a development permit shall be accompanied by required fees. The fees for a development permit shall be set by Resolution of the City Council. The development permit fee is not refundable. The development permit and fee required herein shall be in addition to any other permit and fee required by this Code.

(b) The application for a Floodplain Development Permit shall include all information required for any other development application with which it may be filed, and a copy of the construction drawings and elevations and three (3) copies, [one (1) reproducible] no larger than 8-1/2" X 14" of the site plan, drawn to scale, and showing lot lines and dimensions of existing and proposed structures, landscaping, fences or walls, ground elevations of the area, proposed fill or grading, storage of materials, drainage facilities and any other information deemed necessary by the director in order to fulfill the objectives of this Chapter. The following specific information is always required:

(i) the elevation in relation to mean sea level of the lowest floor, including basement, of existing and proposed structures;

(ii) the elevation in relation to mean sea level to which any structure has been or is proposed to be floodproofed; and,

(iii) a description of the extent to which any water course will be altered or relocated, as a result of a proposed development.

(3) Applications for the development permit shall be processed jointly with the application for any and all other permits required by this Code.

(4) The decision of the director to issue, deny, or conditionally issue a permit may be appealed to the hearing examiner.

(5) The director shall

(a) review all development permits to assure compliance with the requirements of this Chapter;

(b) review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required;

(c) review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, the director shall assure that the provisions of 17.100.060 are met;

(d) obtain and maintain information on

(i) Where base flood elevation data is provided through the Flood Insurance Study, or FIRM, obtain and record the actual (as-built) elevation (in relation 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.

(ii) For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, or FIRM

(aa) Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed.

(bb) Maintain the floodproofing certifications as required in Section 17.100.050(4)(f)

(iii) Maintain for public inspection all records pertaining to the provisions of this ordinance.

(e) notify Whitman County and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

(f) require the applicant to provide maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

(g) interpret the Floodplain Boundary Map and as necessary, make interpretations as to the exact location of the boundaries of the areas of floodway and floodplain. For example, an interpretation would be necessary where there appears to be a conflict between a mapped boundary and actual field conditions. A permit applicant must make a written request to the director for an interpretation of location of the boundary. The director shall, within thirty (30) days, respond to the request with a written determination of the location of the boundary. The written determination shall cite supporting data and maps. The permit applicant may appeal to the hearing examiner.

(h) in cooperation with the director of public safety, prepare an evacuation plan indicating alternate vehicular access and evacuation routes for all residents living

in areas located below base flood level or having principal access below the base flood level;

(i) submit an annual report to the Federal Insurance Administration concerning the city's participation in the program and the development and implementation of floodplain management regulations;

(j) notify the Federal Insurance Administration whenever the boundaries of the city have been modified by annexation or the city has otherwise assumed or no longer has authority to adopt or enforce floodplain management regulations for a certain area. A copy of a map, suitable for reproduction, clearly delineating the new corporate limits or area for which the city has assumed responsibility, shall be included. (Ord. 22-2 §8, 2022; Ord. 10-2 §3, 2010; Ord. 89-1 §3, 1989; Ord. 87-9 §1, 1987).

17.100.050 Standards and Guidelines.

(1) In the Floodplain Management District, the following standards for construction, development, and substantial improvement shall be met to the satisfaction of the director:

(a) The proposed construction shall be consistent with other land use regulations of the city. If the director deems it necessary to obtain further review, either for land use or flood protection regulations, the director may refer the matter for advice to the planning commission, but final decision on issuance, denial or conditional issuance of a development permit rests with the director;

(b) Any fill in the floodplain shall be of material that will not be eroded by the flowing water;

(c) Where appropriate for flood damage alleviation, the applicant shall provide the following items in addition to those required by the provisions of Chapter 17.135 (Site Plan Review) except for duplications:

(i) plot plan of land in area to be developed indicating location of existing and proposed adjacent streets, alleys, and private rights-of-way;

(ii) a boundary survey by a registered surveyor;

(iii) indications of existing and proposed finish grades of the property with all drainage features;

(iv) indications of the location, height, use, approximate location of all entrances and gross floor area of all proposed structures and buildings;

(v) indications of the location and nature of vehicular and pedestrian circulation features within the site;

(vi) indications of the extent, location, arrangement, and proposed improvements of all off-street parking and loading facilities;

(vii) indications of the extent, location, arrangement, and proposed improvements of all open space, landscaping, fences, and walls;

(viii) indications of the location, nature, and dimensions, where applicable, of all utilities;

(ix) architectural drawings and sketches demonstrating the planning and character of the proposed development; and,

(x) number of units proposed.

(2) Where topographical data, engineering, or other studies are needed to determine the effects of flooding on a proposed development, or its effect on the flow and/or level of water, the director shall require the applicant to submit such data or studies. All data and studies shall be prepared and certified by a professional civil engineer registered in the State of Washington.

(3) No new residential structure containing a dwelling unit shall be allowed in the floodplain. No residential structures except those existing at the time that this Title takes effect shall be permitted in the floodplain except as allowed under 17.100.060 and 17.100.070 of this Chapter. Substantial improvements to a residential structure in the floodplain may be permitted if the improvement is elevated at one foot or more above the base flood elevation and if the improvement is constructed in accordance with the provisions of 17.100.050(4)(b) and (c).

(4) New construction and substantial improvement of any commercial, industrial, or other non-residential structure either shall have the lowest floor, including the basement, at one foot or more above the base flood elevation or shall have flood-proofing which meets the following minimum requirements:

(a) Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(b) Installation of all mechanical and electrical fixtures, outlets, and equipment one foot or more above the base flood level or designed so as to prevent water from entering or accumulating within the components during conditions of flooding; and,

(c) Below one foot above the base flood level, construction of watertight walls substantially impermeable to the passage of water with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(d) Installation of dikes, floodgates, or other facilities preventing intrusion of the base flood plus one foot into the structure shall be deemed to satisfy the requirements of (4)(b) and (4)(c), of this subsection.

(e) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic floor forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must

either be certified by a professional civil engineer or architect registered in the State of Washington or must meet or exceed the following minimum criteria: A 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. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(f) Certification by a professional civil engineer registered in the State of Washington that the flood-proofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood.

(g) All new construction and substantial improvements in the floodplain shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(5) *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.

(6) *Utilities.*

(a) All new and replacement water supply systems shall be designed to eliminate infiltration of flood waters into the system.

(b) All new and replacement sanitary sewage systems shall be designed to eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

(c) Water wells shall be located on high ground that is not in the floodway.

(d) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(7) *Subdivision Proposals.* All subdivision proposals shall

(a) be consistent with the need to eliminate flood damage;

(b) have public utilities and facilities located and constructed to eliminate flood damage; and

(c) have adequate drainage provided to reduce exposure to flood damage.

(d) base flood elevation data shall be provided for subdivision proposals and other proposed development which contain fifty (50) lots or five (5) acres, whichever is less.

(8) *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 jurisdiction judgment and includes use of historical data, high water marks, photographs of past flooding, etc. where available.

(9) *Storage*.

(a) All underground tanks or storage facilities shall be anchored to prevent flotation during flooding.

(b) No hazardous materials or chemicals shall be stored in the floodplain unless they are stored in a manner which will prevent leakage, release, seepage, or spillage.

(10) *Existing Structures in Floodplain - Permanent*. All permanent structures now located in the floodplain shall, if destroyed, removed, or requiring substantial improvement, be replaced only by a structure meeting the requirements of this Title.

(11) *Objects Stored in the Floodplain Area*. During the flood season, any object over seventy-five (75) cubic feet in volume or having any dimension exceeding ten (10) feet shall be either stored in a permanent structure, firmly affixed to the ground, or weighted so it cannot float in a base flood. Storage or anchorage of said objects shall be subject to the approval of the director. These requirements shall not apply to operable motor vehicles.

(12) *Recreational Vehicles*. Recreational vehicles placed on sites are required to either:

(a) be on the site for fewer than 180 consecutive days,

(b) be fully licensed and ready for highway use, on its wheels or jacking system, is 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 17.100.070(1) and the elevation and anchoring requirements for manufactured homes.

(13) *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 new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the SFHA shall be provided to all critical facilities to the extent possible.

(14) The granting of a development permit pursuant to 17.100.040 of this Chapter for construction, development, or substantial improvement shall not constitute a representation, guarantee, or warranty of any kind or nature by the city of Pullman, or by any officer or employee thereof, concerning the practicality or safety of any development, construction, or substantial improvement, and shall create no liability upon or cause of action against such public body, officer, or employee for any damage that may result from said permitted land use. (Ord. 10-2 §4, 2010; Ord. 01-5 §12, 2001; Ord. 89-10 §2, 1989; Ord. 89-1 §§4 & 5, 1989; Ord. 87-9 §1, 1987).

17.100.060 Development in the Floodway.

1) No encroachment, including fill or excavation, new construction, substantial improvements, bridges, utilities, bulkheads, diking, retaining walls, or other flood management control devices shall be placed in the floodway unless certification by a registered professional civil engineer is provided demonstrating through hydrologic analyses performed in accordance with standard engineering practice that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2) Residential structures located in the floodway prior to December 21, 1978, may be repaired, reconstructed, or improved if (a) the ground flood area is not increased; and (b) the cost of the repair, reconstruction, or improvement does not exceed fifty (50) percent of the market value of the structure either (i) before the repair, reconstruction, or improvement is started, or (ii) if the structure has been damaged and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places on a local, state, or national registry, shall not be included in the fifty (50) percent.

3) All construction, development, or substantial improvements shall be located so as to allow for cleaning, removal of obstructions and debris, and any other maintenance of the channel of the stream as it is located or likely to be relocated.

4) No manufactured home shall be allowed to remain in the floodway. (Ord. 10-2 §5, 2010; Ord. 89-10 §§3 & 4, 1989; Ord. 89-1 §6, 1989; Ord. 87-9 §1, 1987).

17.100.070 Manufactured Homes in the Floodplain.

(1) All manufactured homes located in the floodplain after the effective date of this Title shall meet the following requirements:

(a) The manufactured home must be elevated on a permanent foundation such that the lowest floor of the manufactured home is one (1) foot or more above the base flood level. This regulation does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction, or improvement of the streets, utilities,

and pads equals or exceeds fifty (50) percent of the value of the streets, utilities, and pads before repair, reconstruction, or improvement has commenced.

(b) The manufactured home must be anchored to prevent flotation, collapse, or lateral movement by having over-the-top and frame ties. Specific requirements shall be that

(i) over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations; provided manufactured homes less than fifty (50) feet long shall be required one (1) additional tie per side and that no over the-top ties shall be required for:

(aa) manufactured homes at least twenty (20) feet in width;

(bb) insignia manufactured homes as defined in Chapter 17.105.

(ii) manufactured homes over fifty (50) feet long must have frame ties at each corner with five (5) additional ties per side at suitable structural points; manufactured homes less than fifty (50) feet long must have only four (4) additional ties per side at equal intermediate points;

(iii) all components of the anchoring system shall be capable of withstanding a direct tensile load of 4,800 pounds; and

(iv) any additions to a manufactured home shall be similarly anchored.

(2) Manufactured homes presently located in the floodplain shall be allowed to remain without meeting the requirements of 17.100.070(1).

(3) Manufactured homes presently located in the floodplain which are relocated to a different space after the effective date of this Title shall be required to meet the requirements of 17.100.070(1).

(4) No new manufactured home parks and no expansions of existing manufactured home parks shall be located in the floodplain or the floodway.

(5) Manufactured homes to be located within the floodplain shall be placed only within manufactured home parks in existence prior to the effective date of this Title.

(6) Travel trailers and recreational vehicles may be placed in the floodplain subject to compliance with other requirements of this Title for such placement or use during any time of the year except the flood season. During the flood season, travel trailers and recreational vehicles may be placed in the floodplain if they are fully licensed and ready for highway use and provision has been established with the City for the owner or tenant to move the vehicle out of the floodplain upon twelve hours' notice by the City. Such recreational vehicles and travel trailers shall not otherwise be subject to the requirements of 17.100.070.

(7) Every owner and lessee of any manufactured home park or manufactured home located in the floodplain is required to notify in writing any prospective lessee, sublessee, or

purchaser of a manufactured home or manufactured home space of the requirements of 17.100.070.

(8) No owner, lessee, or sublessee of a manufactured home or any owner, lessee, or sublessee of property upon which any such manufactured home rests shall permit any person to occupy any manufactured home located in the floodplain if it fails to conform to the requirements of 17.100.070.

(9) No owner, lessee, sublessee, or agent thereof of a manufactured home or of property upon which a manufactured home is located shall install or permit the installation of a manufactured home in the floodplain if the requirements of 17.100.070 are not met. (Ord. 15-21 §1, 2015; Ord. 89-10 §5, 1989; Ord. 89-1 §7, 1989; Ord. 87-9 §1, 1987).

17.100.080 Floodplain Variance.

(1) *Floodplain Variance Application—Contents.* An applicant may request a variance from the provisions of 17.100.050(3) and 17.100.050(9) by filing an application for a floodplain variance with the director, on forms provided by the city, accompanied by the following:

(a) a nonrefundable filing fee, the amount of which shall be set by Council resolution;

(b) a legal description that adequately describes the property in question;

(c) the applicant's proposed written findings of fact for consideration by the hearing examiner;

(d) four (4) copies of a site plan showing all existing and proposed structures including location, size, bulk, required yards, property lines, driveways, streets, landscaped areas, and any elevations, perspectives, or other sketches deemed necessary by the director to illustrate the variance request; and

(e) any other engineering data, calculations, or illustrations that may be required by the director.

(f) a notarized letter from a title company listing the names, addresses, and parcel numbers from the current assessor's roll of all owners of property located within three hundred (300) feet of the exterior boundary of the property involved.

The application shall be forwarded to the hearing examiner for public hearing within ninety (90) days of the date of filing of the application. The application form for the floodplain variance must state that:

> "The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage and that such construction below the base flood level increases risks to life and property."

(2) *Floodplain Variance—Notice of Public Hearing.* Notice of a public hearing on a request for a floodplain variance shall be given in the same manner as provided in 17.170.020.

(3) *Floodplain Variance - Standards.* In deciding upon variance applications, the hearing examiner shall consider all technical evaluations, relevant factors, standards specified in other sections of this Title, and:

(a) the danger that materials may be swept onto other lands to the injury of others;

(b) the danger of loss of 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 its owner;

(d) the importance of the services provided by the proposed facility to the community;

(e) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(f) the compatibility of the proposed use with existing and anticipated development;

(g) the relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;

(h) access to the property in times of flood for ordinary and emergency vehicles;

(i) the heights, velocity, duration, rate of rise, and sediment transport of the flood waters and effects of wave action, if applicable, expected at the site; and

(j) the costs of providing governmental services during and after floods, including maintenance and repair of public utilities and facilities.

(4) *Floodplain Variance - Findings of Fact.* Prior to granting a floodplain variance, facts shall be presented to the hearing examiner sufficient for the hearing examiner to determine that the following conclusions apply:

(a) a showing of good and sufficient cause for granting the variance has been made by the applicant;

(b) failure to grant the variance would result in exceptional hardship to the applicant;

(c) granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws or ordinances; and

(d) the variance is the minimum necessary to afford relief to the applicant.

The burden of proof shall be upon the applicant, and the hearing examiner may require such substantiating data as it may deem necessary.

(5) *Written Decision.* The hearing examiner shall issue a written decision on the application for variance which states the reasons therefor. A copy of the resolution shall be transmitted to the director who shall incorporate the terms and conditions stipulated by the hearing examiner in the permit granted to the applicant.

~~*(6) Appeal.* Appeal from the decision of the hearing examiner on an application for a variance shall be governed by 17.185.040. (Ord. 22-2 §8, 2022; Ord. 03-33 §38, 2003; Ord. 01-5 §13, 2001; Ord. 87-9 §1, 1987).~~

Chapter 17.100

ACCESSORY DWELLING UNITS

Sections:

17.100.010 Purpose.
17.100.020 Development Standards
17.100.030 Design Standards
17.100.040 Procedure for Approval and Effect of Approval.
17.100.050 Additional Regulations.

17.100.010 Purpose

The purposes of this Chapter are:

(1) Encourage development of a viable economic base that enhances the image of the City;

(2) Promote affordable housing, efficient use of land and energy, and a variety of housing types in a variety of locations;

(3) Encourage creativity in design; and

(4) Permit within residential neighborhoods the development of accessory dwelling units built to standards designed to include amenities usually associated with conventional single-family detached housing, and to ensure their compatibility with the surrounding neighborhood. (Ord. 24-X).

17.100.020 Development Standards

All accessory dwelling units (ADUs) must comply with the following:

(1) *Creation.* An ADU may be created on a lot with a single-family home or duplex through one of the following:

  (a) Converting an existing living area, attic, basement, or garage;

  (b) Adding floor area;

  (c) Constructing a detached ADU on a site with an existing residential use; or

  (d) Constructing a new residential use with an internal or detached ADU.

(2) *Occupancy*. The property owner must apply for the building permit to construct an ADU. The property owner must occupy either the primary residence or the ADU as their principal residence for at least six (6) months of the year.

(3) *Number of ADUs*. A maximum of one (1) ADU is allowed per lot, but must meet the underlying zoning district density as provided in 17.75.070(3).

(4) *Conversion of Existing Detached Structure*.

  (a) If an ADU is proposed in an existing detached accessory structure that meets the standard of the underlying zoning district, alterations that would cause the structure to be out of conformance with the standards of the underlying zoning

district are not allowed.

(b) If an ADU is proposed by converting an existing detached accessory structure or a portion of the accessory structure, any proposed addition to the existing structure must meet the standards of the underlying zoning district.

(5) *Parking.*

(a) For studio and one-bedroom units, no additional parking is required

(b) For units with two or more bedrooms, one additional parking space is required per unit.

(6) *Utilities.* The ADU must be connected to City utilities and will be jointly metered with the principal residence.

(7) *Addressing.* The ADU will have the same address as the principal residence but each residence will be identified as a unit.

(a) *Example 1*. Principal residence address 123 E Main Street, Unit A and ADU address 123 E Main Street, Unit B.

(b) *Example 2*. Principal residence address 123 E Main Street, Unit 1 and ADU address 123 E Main Street, Unit 2.

17.100.030 Design Standards

(1) *Size.* ADUs will be a minimum of 200 square feet and a maximum of 900 square feet.

(2) *Setbacks*.

(a) An existing accessory structure with legal non-conforming setbacks may be converted. However, the accessory structure can't be enlarged, as that would create more non-conformities than already exist.

(b) All new ADUs must follow the minimum required yards provided in 17.75.070(7)

(c) ADUs must be a minimum of 10 feet from other structures on the property.

(3) *Height*.

(a) *Attached ADUs*. Attached ADUs will have the same height limitation as the principal residence as provided in 17.75.070 (6)(a) – 17.75.070(6)(c).

(b) *Detached ADUs.* The maximum height allowed for detached ADUs is provided in 17.75.070(6)(d).

(4) *Facilities.* The ADU must include at least a kitchen, bathroom, and sleeping facilities

(5) *Building Coverage.* An increase of 10% lot coverage from the underlying zoning district will be allowed for creation of ADUs. (Ord. 24-X).

17.100.040 Procedure for Approval and Effect of Approval.

(1) ADUs built on site will be reviewed and permitted in the same manner as traditional site-built homes, and must comply with the most current state and local codes.

(2) Factory assembled, premanufactured, or modular ADUs must comply with the Washington State Department of Labor and Industries Factory Assembled Structures

Division requirements and standards. Installation of factory assembled, premanufactured, or modular ADU will be permitted and inspected by the City.

(3) An ADU cannot be subdivided or under separate ownership from the principal residence unless the resulting lots meet all the required minimum development standards of this Title.

(4) The property owner will file a restrictive covenant with the Whitman County Auditor's Office for the subject property prior to the issuance of a Certificate of Occupancy for the ADU. The recorded information will:

(a) Identify the property by address and legal description;

(b) State that the owner(s) reside in either the principal residence or the ADU;

(c) State that the owner(s) will notify any prospective buyers of the limitations of the ADU;

(d) State that the ADU will not be subdivided or otherwise segregated in ownership from the principal residence unless the resulting lot meets all required minimum development standards for the zoning district; and

(e) Provide, with proper notice, for the removal of the ADU within two (2) years, if any of the requirements of the City of Pullman Zoning Code are violated. (Ord. 24-X).

17.100.50 Additional Regulations.

(1) PCC 17.25 Assurances

(2) PCC 17.35 Exceptions and Special Provisions Pertaining to Uses, Development Regulations, and Performance Standards

(3) PCC 17.40 Off-street Parking and Loading

(4) PCC 17.45 Landscaping and Screening

(5) PCC 17.50 Sign Regulations

(6) PCC 17.75 Residential Districts

(7) PCC 17.135 Site Plan Review (Ord. 24-X).

Chapter 17.105

MANUFACTURED HOMES, TINY HOMES, RECREATIONAL VEHICLES, AND TRAILERS

Sections:

17.105.010 Purpose.
17.105.020 Definitions.
17.105.030 Individual Manufactured and Mobile Home Standards.
17.105.032 Individual Tiny Home Standards
17.105.035 Recreational Vehicle and Trailer Parking and Storage Regulations.
17.105.037 Camper and Canopy Storage Regulations.
17.105.040 Manufactured Home Park Uses and Standards.
17.105.050 Recreational Vehicle Park Uses and Standards.
17.105.060 Procedure for Approval and Effect of Approval.
17.105.070 Subdivision.
17.105.080 Changes to Approved Projects.
17.105.090 ~~Revocation~~ Repeal or Extension of Approval and Reversion to Underlying Zone.
17.105.100 Additional Regulations.

17.105.010 Purpose.

~~The purpose of this~~ This Chapter is to provide:

(1) ~~standards~~ Standards for the safe and compatible location of individual manufactured and tiny homes; and

(2) ~~the~~ The location and development of manufactured home parks and recreational vehicle parks. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.105.020 Definitions.

The following definitions ~~shall~~ will be applicable to the provisions of this ~~chapter~~ Chapter.

(1) *Camper.* A structure designed to be mounted upon a vehicle, ~~usually a truck, which~~ that provides facilities for human habitation or for temporary outdoor or recreational lodging.

(2) *Canopy.* A structure designed to be mounted upon a vehicle, ~~usually a truck, which~~ that provides security or shelter for things or persons under the structure ~~that is the canopy~~.

(3) *Community Facility.* An accessory building located in a manufactured home park or recreational vehicle park for ~~the purpose of~~ providing restroom, bathing and/or laundry facilities to residents or occupants of that park. Community facility buildings may also house the park office, shop or storage space, recreational facilities, or any commercial enterprise permitted by this Chapter.

(4) *Manufactured Home (MH).* A dwelling unit built according to the United States Department of ~~housing~~ Housing and Urban Development Manufactured Home Construction and Safety Standards Act (42 U.S.C. 5401-5426), as it exists now or may hereafter be amended. A manufactured home also:

(a) includes plumbing, heating, air conditioning, and electrical systems;

(b) is built on a permanent chassis; and

(c) can be transported in one or more sections with each section at least eight (8) feet wide and ~~forty (~~40~~)~~ feet long when transported, or when installed on the site is ~~three hundred twenty (~~320~~)~~ square feet or greater.

(5) *Manufactured Home Accessory Structure.* An awning, ramada, storage structure, carport, fence, windbreak, deck, or porch located on a manufactured home lot, all of which must comply with applicable construction codes.

(6) *Manufactured Home Lot.* Any portion of a manufactured home park designated as the location for one (1) manufactured or mobile home and its accessory structures.

(7) *Manufactured Home Park (MHP).* Real property under single ownership and management, or multiple ownerships and a single management, that is used as the location for two (2) or more manufactured or mobile homes that are, or are intended to be, occupied as dwellings.

(8) *Manufactured Home Stand.* That part of a manufactured home lot intended for the placement of a manufactured or mobile home.

(9) *Mobile Home.* A factory-built dwelling ~~until~~ built ~~prior to~~ before June 15, 1976, to standards other than the United States Department of Housing and Urban Development Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. A "Mobile Home" is not a "Manufactured Home."

(10) *Park Street.* A street or road within a manufactured home or recreational vehicle park that connects manufactured or mobile home lots or recreational vehicle sites with a street, road, or highway.

(11) *Recreational Facilities.* A building or outdoor recreational structure located in a manufactured home or recreational vehicle park for ~~the purpose of~~ providing leisure time activities for the residents of that park and their guests.

(12) *Recreational Vehicle (RV).* A motor home, travel trailer, truck camper, or camping trailer with or without motor power, built on a single chassis, and having a living area of less than ~~two hundred twenty (~~220~~)~~ square feet.

(13) *Recreational Vehicle Park (RVP).* Real property under a single ownership or management that is used as the location for the temporary occupancy of two (2) or more recreational vehicles and/or tents.

(14) *Recreational Vehicle Site.* That part of a recreational vehicle park that is designated for the parking or placement of a single recreational vehicle or tent.

(15) *Tiny Home.* A dwelling, not exceeding 400 square feet in floor area excluding sleeping lofts, on a permanent foundation with living facilities including provisions for sleeping, eating, cooking, and sanitation.

(16) *Tiny Home on wheels.* A dwelling, not exceeding 400 square feet in floor area excluding sleeping lofts, not on a permanent foundation with living facilities including provisions for sleeping, eating, cooking, and sanitation.

~~(15)~~(17) *Trailer.* A non-motorized vehicle designed for being drawn by or used in conjunction with a motorized vehicle and which is constructed so that no appreciable part of its weight rests upon or is carried by such motorized vehicle. The term trailer also includes what is commonly known as a "fifth-wheeler". (Ord. ~~05-12 §3, 2005; Ord. 01-5§14, 2001; Ord. 88-8 §2, 1988; Ord. 87-9 §1, 1987~~ 24-X).

17.105.030 Individual Manufactured and Mobile Home Standards.

This section establishes standards for the location of manufactured homes as set forth in the Use Chart, ~~Section~~ PCC 17.70.030.

(1) *Manufactured Homes on Individual Lots.* Any manufactured home placed on an individual lot outside of an MHP ~~shall~~ must:

(a) be a new manufactured home pursuant to the definition contained in RCW 35.63.160(2), as it now exists or may hereafter be amended;

(b) be set upon and securely attached to a permanent foundation, as specified by the manufacturer, with the space from the bottom of the home to the ground enclosed by concrete or a concrete product approved by the Building Official, which can be either load bearing or decorative;

(c) be thermally equivalent to or better than that required by the State Energy Code for new residential structures, as said Code exists now or may hereafter be amended;

(d) be a manufactured home comprised of at least two fully enclosed parallel sections each of not less than ~~twelve (~~12~~)~~ feet wide by ~~thirty-six (~~36~~)~~ feet long;

(e) have a composition or ~~word~~ wood, shake or shingle, coated and painted metal, or similar roof of not less than a nominal 3:12 pitch;

(f) have exterior siding similar in appearance to siding materials commonly used on conventional site-built residences, as determined by the Building Official;

(g) be sited in conformance with all applicable development standards for the zoning district in which the home is located, including all manufactured home accessory structures and attendant improvements.

(2) *Mobile Homes Prohibited Outside MHPs.* Mobile homes are prohibited on any property outside of an MHP.

(3) *Manufactured and Mobile Homes in New MHPs.*

(a) Any manufactured home placed in a new or expanded MHP ~~shall~~ must be installed to meet the requirements as set forth in WAC 296-150M, as it now exists or may hereafter be amended.

(b) Mobile homes are prohibited from being placed in a new or expanded MHP.

(4) *Manufactured or Mobile Homes in Existing MHPs.* Any manufactured or mobile home which is to be placed in an MHP existing at the time this Title becomes effective ~~shall~~ must be installed to meet the requirements as set forth in PCC 17.105.030(3)(a).

(5) *Manufactured Homes in Other Locations.*

(a) Manufactured homes permitted as accessory living quarters for security personnel or caretakers ~~shall~~ must be installed in a way that meets the requirements as set forth in PCC 17.105.030(3)(a).

(b) Manufactured homes permitted on construction sites or for emergency use, as permitted by PCC 17.35.040, ~~shall~~ must be installed in a way that meets the requirements as set forth in PCC 17.105.030(3)(a) or a lesser standard appropriate for the duration of use that is approved by the Building Official.

(6) *Running Gear Removal.* The hitch, wheels, and all other running gear ~~shall~~ must be removed or totally screened from view on all new or relocated manufactured or mobile homes, except those permitted for construction or emergency use.

(7) *Steps.* Steps and/or landings ~~shall~~ must be provided at all entrances to any new or relocated manufactured or mobile home in accordance with applicable construction codes. (Ord. ~~05-12 §4, 2005; Ord. 87-9 §1, 1987~~ 24-X).

17.105.032 Individual Tiny Home Standards

This section establishes standards for the location of tiny homes as set forth in the PCC 17.70.030, Use Chart.

(1) *Tiny Homes on Individual Lots.* Any tiny home placed on an individual lot must:

(a) be a new tiny home pursuant to the definition contained in RCW 35.21.686(4)(a), as it now exists or may hereafter be amended;

(b) be set upon and securely attached to a permanent foundation, as specified by the manufacturer, with the space from the bottom of the home to the ground enclosed by concrete or a concrete product approved by the Building Official, which can be either load bearing or decorative;

(c) be thermally equivalent to or better than that required by the State Energy Code for new residential structures, as said Code exists now or may hereafter be amended;

(d) be a tiny home of not more than 400 square feet of living space, excluding sleeping loft;

(e) have a composition or wood, shake or shingle, coated and painted metal, or similar roof of not less than a nominal 3:12 pitch;

(f) have exterior siding similar in appearance to siding materials commonly used on conventional site-built residences, as determined by the Building Official;

(g) be sited in conformance with all applicable development standards for the zoning district in which the home is located, including all tiny home accessory structures and attendant improvements.

(2) *Tiny Homes in New MHPs. Any* tiny home placed in a new or expanded MHP must be installed to meet the requirements as set forth in WAC 296-150M, as it now exists or may hereafter be amended.

(3) *Tiny Homes in Existing MHPs.* Any tiny home which is to be placed in an MHP existing at the time this Title becomes effective must be installed to meet the requirements as set forth in PCC 17.105.032(2).

(4) *Tiny Homes in Other Locations.*

(a) A tiny home permitted as accessory dwelling unit must be installed in a way that meets the requirements as set forth in PCC 17.105.032(2).

(b) Tiny homes permitted on construction sites or for emergency use, as permitted by PCC 17.35.040, must be installed in a way that meets the requirements as set forth in PCC 17.105.032(2) or a lesser standard appropriate for the duration of use that is approved by the Building Official.

(5) *Running Gear Removal.* The hitch, wheels, and all other running gear must be removed or totally screened from view on all new or relocated tiny homes, except those permitted for construction or emergency use.

(6) *Steps.* Steps and/or landings must be provided at all entrances to any new or relocated tiny home in accordance with applicable construction codes. (Ord. 24-X).

17.105.035 Recreational Vehicle and Trailer Parking and Storage Regulations.

(1) *Parking and Storage in Residential ~~Zone~~ Zoning Districts.* In residentially zoned districts a recreational vehicle or trailer may be parked or stored on a lot or parcel of land or stored in an accessory building thereon if,

(a) there will ~~still~~ remain on the lot or parcel of land useable parking spaces for at least one motor vehicle for each dwelling unit situated on the lot or parcel of land; and,

(b) the vision clearance area required by the provisions of PCC 17.35.020(3) can be satisfied when the recreational vehicle or trailer is parked or stored in a rear or side yard; or,

(c) The vision clearance area required by the provisions of PCC 17.35.020(3) can be satisfied and the recreational vehicle or trailer will be parked on an approved off-street parking area surface as defined in PCC 17.40.040(2) when the recreational vehicle or trailer is parked or stored in a front yard.

(2) *Habitation.* A recreational vehicle ~~shall~~ will not be used in any ~~zone~~ zoning district within the ~~city~~ City ~~of Pullman~~ for living or sleeping when the recreational vehicle is located outside of a permitted MHP or a permitted RVP; provided, however, that this

restriction ~~shall~~ will not apply when the user of the recreational vehicle is not a resident of the ~~city~~ City but is visiting a resident of the ~~city~~ City in which event the recreational vehicle may be lived in for ~~a period not exceeding fourteen~~ no more than 14 consecutive days.

(3) *Service Connections.* A recreational vehicle located outside a permitted MHP or a permitted RVP ~~shall~~ will not be permanently connected to separately metered gas, water, or sewer service, but may be temporarily connected to existing metered water service and electric service for ~~the purpose of~~ maintaining moisture or temperature control within the vehicle.

(4) *Waste Water Disposal.* The discharge of waste water from a recreational vehicle into a storm drain or onto the property where a recreational vehicle is parked is prohibited. (Ord. ~~88-8 §3, 1988; Ord. 87-9 §1, 1987~~ 24-X).

17.105.037 Camper and Canopy Storage Regulations.

In any ~~zone~~ zoning district, an unmounted camper or canopy may be stored on a lot or parcel of land if the vision clearance area required by the provisions of PCC 17.35.020(3) can be satisfied. (Ord. ~~88-8 §4, 1988; Ord. 87-9 §1, 1987~~ 24-X).

17.105.040 Manufactured Home Park Uses and Standards.

The uses permitted in and the development, alteration, or expansion of any MHP ~~shall~~ must be in accordance with the following:

(1) *Uses Permitted.* The following uses are permitted in an MHP:

(a) Manufactured, tiny, or mobile homes used as dwellings and accessory uses, including home occupations;

(b) recreational vehicles used as dwellings in MHPs that were in existence prior to the effective date of this Title;

(c) manufactured home accessory structures as defined in PCC 17.105.020;

(d) community and recreational facilities as defined by PCC 17.105.020;

(e) ~~an~~ a MHP office and storage buildings necessary for the maintenance or operation of the MHP;

(f) a residence for the use of a manager or caretaker which may be a manufactured, tiny, mobile, modular, or site-built home;

(g) one (1) convenience store, to provide retail products such as foods, household products, newspapers and magazines, cosmetics, and non-prescription drugs for the convenience of the MHP residents, if the store meets the following standards:

(i) the size of the store ~~shall~~ must be ~~commensurate~~ comparable with the potential population of the MHP;

(ii) the store ~~shall~~ will not be located contiguous to any public right-of-way;

(iii) the store ~~shall~~ will be primarily oriented to sales to the MHP residents; and,

(iv) any sign advertising such store ~~shall~~ will not be visible from any public right-of-way or property adjacent or contiguous to the MHP.

(2) *Development Standards.* MHPs ~~shall~~ must comply with applicable State laws and regulations, and the requirements of this Title. The standards established in this subsection are minimum standards and where they conflict with the standards for the ~~zone~~ zoning district in which the MHP is located, these standards ~~shall~~ will govern.

(a) *MHP Size.* The minimum size of an MHP ~~shall~~ will be three (3) acres, and the maximum size ~~shall~~ will be ~~twenty (~~20~~)~~ acres. The size of an MHP should be compatible with the scale of the surrounding residential area.

(b) *Residential Density.* The maximum density of development in any MHP ~~shall~~ will not exceed eight (8) manufactured or mobile homes per gross acre of MHP area.

(c) *Lot Size.* The minimum size for any manufactured home lot ~~shall~~ must be

(i) ~~two thousand four hundred (~~2,400~~)~~ square feet, with a minimum lot dimension of ~~thirty-four (~~34~~)~~ feet ~~if designed to accommodate~~ for a single- or double-wide manufactured or mobile home not exceeding ~~nine hundred sixty (~~960~~)~~ square feet within its walls; or,

(ii) ~~three thousand six hundred (~~3,600~~)~~ square feet, with a minimum lot dimension of ~~forty (~~40~~)~~ feet ~~if designed to accommodate~~ for a double- or triple-wide manufactured or mobile home exceeding ~~nine hundred sixty (~~960~~)~~ square feet within its walls.

(d) *Building Coverage.*

(i) *For each MH lot.* The maximum building coverage on any manufactured home lot ~~shall~~ must not exceed ~~sixty (~~60%~~) percent~~.

(ii) *For the Entire MHP.* Coverage of the site by buildings and other structures ~~shall~~ must not exceed the percentage permitted in the ~~zone~~ zoning district in which the MHP is located.

(e) *Building Height.* No building or structure within an MHP ~~shall~~ will exceed ~~thirty-five (~~35~~)~~ feet in height.

(f) *Required Yards.* A manufactured, tiny, or mobile home, manufactured home accessory structure, and other structures within an MHP ~~shall~~ must not be located within the following minimum required yards:

(i) within ~~twenty-five (~~25~~)~~ feet of any public right-of-way;

(ii) within ~~ten (~~10~~)~~ feet from any MHP street; or

(iii) within ~~fifteen (~~15~~)~~ feet from any MHP boundary that is not a public right-of-way.

(g) *Structural Separations.*

(i) *From Other Homes.* A manufactured, tiny. or mobile home or any part thereof ~~shall~~ must not be located within ~~ten (~~10~~)~~ feet of any other manufactured or mobile home.

(ii) *From Lot Lines.* All MHP office, storage, store, community, or recreational structures ~~shall~~ must be located at least ~~ten (~~10~~)~~ feet from any manufactured home lot line.

(h) *Automobile Access and Circulation.*

(i) *Ownership.* All MHP streets ~~shall~~ must be privately owned and maintained except arterial streets and local streets which could in the future be extended to serve adjacent property. These streets ~~shall~~ must be constructed to ~~city~~ City of Pullman Design Standards and ownership thereof ~~shall~~ must be conveyed to the ~~city~~ City at the time of final plan approval as set forth in PCC 17.105.060(3).

(ii) *Park Street Construction and Width.* All MHP streets ~~shall~~ must be constructed and paved in accordance with the ~~city~~ City of Pullman Design Standards. Streets ~~shall~~ must have a minimum of two (2), ~~ten (~~10~~)~~ foot wide travel lanes and may have parking lanes no less than eight (8) feet wide.

(iii) *Grade.* MHP streets ~~shall~~ must not have a grade over ~~eight (~~8%~~) percent~~, except on approaches to intersections with public ways where the maximum grade for ~~fifty (~~50~~)~~ feet before the intersection ~~shall~~ must be ~~five (~~5%~~) percent~~.

(iv) *Cul-de-Sacs.* Cul-de-sacs ~~shall~~ must have a minimum turning radius of ~~fifty (~~50~~)~~ feet and a maximum length of ~~four hundred (~~400~~)~~ feet. They may have a central planting or parking area, but the paved street width through a cul-de-sac ~~shall~~ must be the minimum required in PCC 17.105.040(2)(h)(ii).

(v) *Access to Public Streets.* Points of access from any MHP to public streets, roads, or highways ~~shall~~ must be designed and constructed in accordance with the ~~city~~ City of Pullman Design Standards. The number of access points created ~~shall~~ must not exceed one (1) in every ~~two hundred (~~200~~)~~ feet of frontage and may be further limited as a condition of approval.

(vi) *Street Names.* Each MHP street ~~shall~~ must be named and street name signs ~~shall~~ must be provided at all intersections. Each manufactured or mobile home ~~shall~~ must have a clearly visible address number in accordance with applicable City ~~codes~~ Codes.

(vii) *Directory Sign (Map).* Every MHP ~~shall~~ must have at each principal access point an identification sign as required by PCC 17.50.040(9) that

includes a directory of park streets and manufactured or mobile home numbers in map form.

(i) *Off-Street Parking.* Off-street parking facilities ~~shall~~ must be provided in accordance with the provisions of ~~Chapter~~ PCC17.40.

(j) *Pedestrian Circulation.* MHPs ~~shall~~ must have a pedestrian walkway system where necessary to provide safe pedestrian access to manufactured or mobile homes, and community and recreational facilities. The pedestrian walkway system may be incorporated into the vehicular circulation system if the combination provides for the safety of pedestrians. Pedestrian walkways ~~shall~~ must be constructed in accordance with the ~~city~~ City of Pullman Design Standards.

(k) *Utilities.* All water mains and rights-of-way therefor; and, sewer mains and storm drain mains and rights- of-way therefor which could in the future be extended to serve adjacent or other property ~~are required to~~ must be constructed to the ~~city~~ City of Pullman Design Standards and ownership thereof conveyed to the ~~city~~ City at the time of final plan approval as set forth in PCC 17.105.060(3). Other utilities may be private. Adequate utility capacity to serve a proposed MHP or MHP expansion must be available. Additional standards for MHP utility services are as follows:

(i) *Connections at Manufactured Home Stand.* Permanent power, water, and sewage connections that meet all requirements of this Code and of State law ~~shall~~ must be provided at each manufactured home stand.

(ii) *Underground Utilities Required.* All utility service mains or lines within MHPs ~~shall~~ must be underground.

(iii) *Access to Utilities.* No water or natural gas meter, regulator, or shutoff valve ~~shall~~ will be located beneath a manufactured or mobile home.

(l) *Stormwater Runoff.* Storm drainage discharge ~~shall~~ must be to the public storm drain system, or to an existing natural drainage course. Where development will increase the amount of storm water runoff, peak runoff volume, or change the location of a storm water runoff discharge point, provisions must be made to protect downstream property from erosion and flooding such as procedures for retention, detention, and energy dissipation. Approval of any such procedure by the ~~city shall~~ City will not create liability on the part of the ~~city~~ City, any officer or employee thereof for any erosion or flood damage that may occur to property whether downstream or not.

(m) *Waste Disposal.* MHPs ~~shall~~ must be connected to the sanitary sewer system and provide for garbage collection.

(n) *Common Open Space.* A minimum of ~~twenty (~~20%~~) percent~~ of the net acreage ~~shall~~ must be dedicated or reserved as usable common open space land. Common

open space may be designed for either active or passive recreation. Driveways, parking lots, and required yard areas are not open space. The ~~City~~ Council may reduce this requirement if they find that the MHP is located adjacent to a public park which provides recreational facilities.

(o) *Outdoor Lighting.* MHPs ~~shall~~ must provide and maintain illumination for the night use of park streets, parking and storage areas, pedestrian walkways, and community and recreational facilities.

(p) *Screening.* MHPs ~~shall~~ must be screened from adjacent public streets by a Type I landscape strip, as set forth in ~~Section~~ PCC 17.45.080. Said Type I landscape strip ~~shall~~ must be installed along the entire length of any MHP property line that borders a public street. Additional screening for MHPs may be required in accordance with the provisions of ~~Chapter~~ PCC 17.45.

(q) *Landscaping.* Landscaping ~~shall~~ must be provided in accordance with the provisions of ~~Chapter~~ PCC 17.45. (Ord. ~~05-12 §5, 2005; Ord. 03-33 §39, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.105.050 Recreational Vehicle Park Uses and Standards.

The uses permitted in, and the development, alteration, or expansion of any RVP ~~shall~~ must be in accordance with the following:

(1) *RVP Size.* The ~~minimum~~ size of any RVP ~~shall~~ must be between one (1) acre and ~~the maximum size shall be twenty (~~20~~)~~ acres.

(2) *Location of RVP.* The major internal street serving the RVP ~~shall~~ must be connected to at least one (1) major arterial, secondary arterial, or collector arterial. No RVP ~~shall~~ will be located ~~so as~~ to be accessed through any residential district.

(3) *Safe Access.* Access points to RVPs ~~shall~~ must be located and designed in accordance with the specifications of the ~~city~~ City of Pullman Design Standards and ~~shall~~ must permit safe access to and from public streets. The provision of turning lanes, signs, or signals to assure safe access and minimize traffic congestion may be required as a condition of approval.

(4) *Uses Permitted.* The following uses are permitted in an RVP:

(a) temporary occupancy of RV sites by RVs or tents for a period not ~~to exceed one hundred eighty (~~greater than 180~~)~~ days. Permanent occupancy of RV sites is prohibited;

(b) an RVP office and storage buildings necessary for the operation and maintenance of the park;

(c) community and recreational facilities as defined in PCC 17.105.020;

(d) dump stations;

(e) a residence for the use of a manager or caretaker which may be a manufactured, tiny, mobile, modular, or site-built home;

(f) one (1) convenience store intended to provide retail products such as food, ice, newspapers and magazines, and souvenirs for the convenience of the RV park occupants, if the store meets the following standards:

(i) the size of the RVP store ~~shall~~ will be ~~commensurate~~ comparable with the number of RV sites in the park;

(ii) the RVP store ~~shall~~ must not be located contiguous to any public right-of-way; and,

(iii) the RVP store ~~shall~~ must be primarily oriented to sales to park occupants.

(5) *RVP Site Standards.*

(a) Every RVP site ~~shall~~ must include a gravel or hard-surfaced parking pad.

(b) All RVP sites ~~shall~~ must be properly graded and drained ~~in order~~ to reduce mud and the formation of puddles.

(c) Active use areas on any RVP site ~~shall~~ must be stabilized with a surface of cinder, gravel, or a comparable material ~~in order~~ to facilitate drainage, to reduce dust, and to maintain the park's appearance. Other portions of the site ~~shall~~ must be planted with lawn or another appropriate ground cover.

(d) Utility connections for an RVP site ~~shall~~ must be installed in accordance with the applicable construction codes.

(e) All water mains and rights-of-way therefor; and, sewer and storm drain mains and rights-of-way therefor which could in the future be extended to serve adjacent or other property ~~shall~~ must be constructed to the ~~city~~ City of Pullman Design Standards and ownership thereof conveyed to the ~~city~~ City at the time of final plan approval as set forth in PCC 17.105.060(3). Other utilities may be private.

(f) An RVP site ~~shall~~ must not contain less than ~~one thousand eight hundred (~~1,800~~)~~ square feet.

(6) *Residential Density.* An RVP ~~shall~~ must not have a density of more than ~~fifteen (~~15~~)~~ RV sites per gross acre.

(7) *Internal Separations.*

(a) *Between Pads.* A parking pad ~~shall~~ must not be located within ~~ten (~~10~~)~~ feet of an RVP site boundary line.

(b) *From Accessory Structures.* An RVP accessory structure, such as a park office, storage building, restroom or shower facility, or recreational facility ~~shall~~ must not be located within ~~ten (~~10~~)~~ feet of the boundary of an RVP site.

(8) *Vehicular Circulation.* Each RVP ~~shall~~ must have an internal street system which facilitates the maneuvering of RVs and their safe access to public ways, as required in

PCC 17.105.050(3). RVP street systems ~~shall~~ must be reviewed on a case-by-case basis according to the following standards:

(a) RVP streets ~~shall~~ must be dust-free.

(b) RVP streets ~~shall~~ must not have a grade of over ~~eight (~~8%~~) percent~~, except on approaches to intersections with public ways where the maximum grade for ~~fifty (~~50~~)~~ feet before the intersection ~~shall~~ will be ~~five (~~5%~~) percent~~.

(c) RVP streets ~~shall~~ must have a minimum of two (2), ~~ten (~~10~~)~~ foot wide travel lanes and may have parking lanes of no less than eight (8) feet in width.

(9) *Parking.* All RVPs ~~shall~~ must provide ~~in~~ parking lanes or ~~in~~ parking areas~~.~~ ~~at least~~ Parking requirements are three (3) parking spaces for each two (2) RV sites in addition to the parking pad on each RV site. Parking areas ~~shall~~ will be designed and constructed in accord with ~~Chapter~~ PCC 17.40 except that lots containing more than four (4) spaces may be graveled.

(10) *Pedestrian Circulation.* RVPs ~~shall~~ must have a pedestrian walkway system where necessary to provide safe pedestrian access to recreational vehicles, community, and recreational facilities. The pedestrian walkway system may be incorporated into the vehicular circulation system if the combination provides for the safety of pedestrians. Pedestrian walkways ~~shall~~ must be constructed in accordance with the ~~city~~ City of Pullman Design Standards.

(11) *Buffers.* RVPs ~~shall~~ must have buffer areas as shown in Table 17.105.1. No structure or RV site ~~shall~~ must be located within the required buffer areas.

Table 17.105.1. REQUIRED RV PARK BUFFERS

Buffering	Buffer Width	Landscaping Type[1]
Public rights-of-way	25 ft.	Type III
Residential districts	50 ft.	Type I
Commercial districts	25 ft.	Type II
Industrial districts	50 ft.	Type I

[1] See ~~Section~~ PCC 17.45.080

(12) *Open and Recreational Space.* At least ~~ten (~~10%~~) percent~~ of an RVP's gross area ~~shall~~ must be developed as open and recreational space for the enjoyment of the park's occupants.

(13) *Community Facilities.* A community facility having separate toilets and lavatories for men and women ~~shall~~ must be located within ~~four hundred (~~400~~)~~ feet of every RV site.

(14) *Solid Waste Disposal.* An approved solid waste collection container ~~shall~~ must be located within ~~three hundred (~~300~~)~~ feet of every RV site. (Ord. ~~05-12 §6, 2005; Ord. 87-9 §1, 1987~~ 24-X).

17.105.060 Procedure for Approval and Effect of Approval.

The MHP and RVP approval process ~~shall~~ must take place in three (3) stages: pre-application review; review of preliminary plan; and final approval. MHP and RVP projects may be developed in phases, subject to an approved phasing schedule.

(1) *Pre-Application Review.* The pre-application plans of the proposal ~~shall~~ must be submitted to the ~~city planner~~ Director of Community Development for review and comment. Such potential problems as drainage, topography, circulation, site design, and neighborhood impact should be identified and addressed before the proposal is submitted for preliminary review.

(2) *Review of Preliminary Plans.*

(a) *Application Requirements.* The applicant ~~shall~~ must submit the following material:

(i) a reproducible preliminary plan showing all information required for a preliminary plat by PCC 13.80.080. The plan ~~shall~~ must clearly show all proposed MH lots and RV sites, structures, common areas and facilities, yard setbacks, and circulation elements including walkways, bike paths and parking, in sufficient detail to show relationships between these elements;

(ii) all information required for preliminary review of a subdivision by PCC 13.80.060;

(iii) a map of the surrounding area in sufficient detail to show existing uses within ~~three hundred (~~300~~)~~ feet from all project boundaries;

(iv) explanatory material describing the characteristics of the project and the planned construction schedule for the project; and,

(v) a landscape plan, drawn to scale which may be combined with the site plan showing all existing and proposed vegetation including vegetation to be removed, and any fences, walls, walks and other landscaping improvements.

(b) *Review by Site Plan Review Committee.* The SPRC ~~shall~~ must review the proposal using the criteria of ~~Chapter~~ PCC 17.135 and make recommendations to be considered by the ~~planning commission~~ Commission and included in the ~~planning commission's~~ Commission's recommendation to the ~~City~~ Council.

(c) *Planning Commission and City Council Review.* The ~~planning commission shall~~ Commission must make recommendations and the ~~City~~ Council ~~shall~~ must review the proposal as contained in the preliminary plan under the provisions of PCC 17.180.030 and PCC 17.180.040.

(d) *Review Criteria.* The ~~planning commission~~ Commission and ~~City~~ Council ~~shall~~ must review the preliminary application for conformity with the Comprehensive

Plan, this Title, ~~Chapters~~ PCC 13.80, and PCC 13.90 ~~of this Code~~ as now existing and in accordance with any amendments that may hereafter be made thereto, and the following additional criteria:

(i) compatibility with existing and planned land uses in the vicinity; and

(ii) adequacy of assurances that the MHP or RVP will be developed as presented in the application.

If the development calls for the construction of the MHP or RVP in phases, then the reasonableness of the schedule of phasing ~~shall~~ will be considered. Each completed phase must independently of other phases of the development plan satisfy the development regulations of the approved MHP or RVP plan.

(e) *Effect of Preliminary Approval.* The preliminary plan as approved or approved as modified by the ~~City~~ Council ~~shall~~ will be binding as to the general intent and apportionment of land for structures and buildings, stipulated use, circulation pattern, and conditions of approval, but ~~shall~~ must not be construed to render inflexible the ultimate design, specific uses, or final plan of the MHP or RVP.

(f) *Denied Preliminary Application.* If the ~~City~~ Council denies a proposal contained in a preliminary application, a similar proposal for the site may not be submitted for one (1) year. A new preliminary application which varies materially from the denied proposal as determined by the ~~city planner~~ Director of Community Development, or one that satisfies the objections stated by the ~~City~~ Council may be submitted at any time.

(2) *Final Approval.*

(a) *Final Plan.* Within three (3) years after approval of the preliminary proposal by the ~~City~~ Council, the applicant ~~shall~~ must submit a final development plan to the ~~city planner~~ Director of Community Development for approval by the ~~City~~ Council. The ~~city planner shall~~ Director of Community Development must review the plan and submit it to the Council along with ~~his or her~~ their recommendation ~~and the recommendation of the director~~. This plan ~~shall~~ must contain final and precise drawings of all graphic information required by PCC 17.105.060(2) and as preliminarily approved by the City Council. The applicant ~~shall~~ must also submit all covenants, assurances, and any other documentation consistent with the preliminary approval given by the ~~City~~ Council.

(b) *City Council Review.* If the ~~City~~ Council finds that the final development plan conforms to the preliminary approval and all applicable conditions thereto, and assurances have been submitted which are satisfactory to the ~~City~~ Council, the Council ~~shall~~ will approve the plan and its accompanying conditions as an amendment to the Official Zoning Map; and ~~shall~~ will incorporate by reference all maps, drawings, and other data required to specify the precise land use authorized. This amendatory ordinance ~~shall~~ must legally describe the boundaries of the approved MHP or RVP and ~~shall bear~~ must have the file number of the

application. The official file ~~shall~~ must be maintained by the ~~department of public works~~ Department of Public Works and ~~shall~~ must contain all maps and other documents or exhibits referred to or incorporated in the amendatory ordinance. The ~~city clerk or finance director shall~~ City Clerk or Director of Finance and Administrative Services must record the ordinance with the County Auditor if no subdivision plat is to be recorded. The MHP and RVP ~~shall~~ must be identified on the Official Zoning Map by the suffix "MHP" and "RVP" respectively, attached to the zone designation for the underlying district (e.g. C3-MHP) and reference ~~shall~~ must be made to the amendatory ordinance number.

(c) *Effect of Approval.* The provisions of the amendatory ordinance ~~shall~~ must be restrictions on the use and design of the site. Adoption of the amendatory ordinance ~~shall~~ must not alter the underlying zone classification for the site but ~~shall~~ must only allow development to occur in a different way consistent with the underlying zoning. ~~Revocation~~ Repeal of approval or abandonment as provided in this Chapter ~~shall~~ must eliminate all requirements imposed by an approved MHP or RVP plan and ~~shall~~ must cause the previous underlying zoning regulations to be exclusively operative.

(d) *Expiration.* If the applicant does not submit the final development plan to the ~~city planner~~ Director of Community Development within the time allowed, or if the Council does not approve the final plan, the preliminary approval ~~shall~~ will expire and be of no further validity. The ~~City~~ Council ~~shall~~ will act on a final development plan for an MHP or RVP within ~~ninety (~~90~~)~~ days of its submission to the Council.

(e) *Extension.* Under the procedure set forth in PCC 17.175.050(2) the applicant may file an application for an extension of time within the time allowed for submitting the final development plan, along with the fee as set by ~~City~~ Council resolution. The ~~city planner~~ Director of Community Development may approve a single one (1) year extension by making a written finding that there is no material change in the proposal, and that the findings and conclusions of the preliminary approval still apply. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.105.070 Subdivision.

An applicant who intends to subdivide land for transfer as part of an MHP or RVP project ~~shall~~ must obtain subdivision approval in accordance with ~~Chapter~~ PCC 13.80 or ~~Chapter~~ PCC 13.90 before any building permit or authorization to begin construction is issued, and before any portion of the property is transferred. The preferred method is for the applicant to process the subdivision application concurrently with the MHP or RVP proposal. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.105.080 Changes to Approved Projects.

~~An~~ A MHP or RVP ~~shall~~ must be used and constructed only as approved. Any change in or expansion of an MHP or RVP, except as provided in this section, ~~shall~~ must be applied for and processed in the same manner as an original application. Minor changes in plans or

specifications may be allowed by the ~~city planner~~ Director of Community Development under the procedure of PCC 17.175.050(2) at the time a building permit is issued. Minor changes are those which may affect the precise dimensions or siting of buildings, but which do not affect the basic character or arrangement of buildings or MH lots or RV sites approved in the final development plan, nor the density of the development or the open space requirements. (Ord. ~~05-12 §7, 2005; Ord. 87-9 §1, 1987~~ 24-X).

17.105.090 ~~Revocation~~ Repeal or Extension of Approval and Reversion to Underlying Zone.

(1) *City Review.* If a condition of approval is violated or not met within the time set for its completion, the Council may, either on recommendation of the ~~city planner~~ Director of Community Development or on its own motion, hold a public meeting to consider the question of the ~~revocation~~ repeal or extension of the final approval and any permits granted pursuant thereto. During this or a subsequent public meeting, the Council may by ordinance revoke or extend the approval and any permits, or may change the terms of approval. Nothing in this section ~~shall~~ will limit the ~~revocation~~ repeal of building permits, issuance of stop work orders, or other similar procedures authorized by other provisions of this Title.

(2) *Reversion to Underlying Zoning.* If upon the expiration of two (2) years from the adoption of the amendatory ordinance of approval, the MHP or RVP development project is voluntarily abandoned or development has not been completed, the final approval of the development project ~~shall~~ will automatically expire and thereafter only the land use regulations of the underlying ~~zone~~ zoning district ~~shall~~ must apply to any further construction for which a permit is required. If the MHP or RVP development project has been commenced within a two (2) year period following the effective date of the amendatory ordinance, but is not completed within this two-year period, the applicant ~~shall~~ must apply to the ~~City~~ Council for an extension of time in which to complete the project; failure to make such application ~~shall~~ must cause the final approval of the development project to automatically expire and thereafter only the land use regulations of the underlying ~~zone~~ zoning district ~~shall~~ must apply to any further construction for which a permit is required. (Ord. ~~03-33 §40, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.105.100 Additional Regulations.

The following chapters may qualify or supplement the regulations of this Chapter.

(1) PCC 17.25 Assurances
(2) PCC 17.35 Exceptions and Special Provisions Pertaining to Uses, Development Regulations, and Performance Standards
(3) PCC 17.40 Off-street Parking and Loading
(4) PCC 17.45 Landscaping and Screening
(5) PCC 17.50 Sign Regulations
(6) PCC 17.75 Residential Districts
(7) PCC 17.135 Site Plan Review (Ord. ~~87-9 §1, 1987~~ 24-X).

Chapter 17.106

PLANNED UNIT DEVELOPMENTS

Sections:

17.105.010 Purpose.
17.105.020 Permitted ~~uses~~ Uses.
17.105.030 Administering ~~authority~~ Authority.
17.105.040 Design and ~~maintenance standards and procedures~~ Maintenance Standards and Procedures.
17.105.050 Procedure for ~~approval of planned unit developments~~ Approval of Planned Unit Developments.
17.105.060 Subdivision.
17.105.070 Changes to ~~approved projects~~ Approved Projects.
17.105.080 ~~Revocation or extension of approval and reversion to underlying zone~~ Repeal or Extension of Approval and Reversion to Underlying Zone.
17.105.090 Building ~~permits~~ Permits.

17.106.010 Purpose.

It is the purpose of the Planned Unit Development (PUD) zone to encourage innovation and creativity in the development of new mixed-use, commercial, and industrial areas in the City. To carry out the objective and spirit of the Comprehensive Plan, it is the purpose of this zone to encourage new development now limited by the strict application of the City's zoning and subdivision regulations. More specifically, it is the purpose the PUD zone to:

(1) Encourage development of a variety of uses;

(2) Encourage development of a viable economic base that enhances the image of the City;

(3) Create and/or preserve usable open space for recreation and aesthetic enjoyment of residents and employees;

(4) Preserve as much as possible the natural characteristics of the land, including topography, native vegetation, and views;

(5) Avoid construction in hazardous areas;

(6) Preserve and/or create wildlife habitat;

(7) Encourage creativity in design;

(8) Provide for maximum efficiency in the layout of streets, utility networks, and other public improvements;

(9) Provide a guide for developers and City officials who review and approve commercial and industrial developments meeting the standards and purposes of the PUD zone;

(10) Encourage the development of uses that will be compatible with adjacent existing and proposed uses and that will be beneficial to the community;

(11) Allow development of parcels of property in phases over ~~a period of~~ time, as specified in the plan;

(12) Encourage flexibility that will permit a more creative approach to the development of land and will result in a more efficient, aesthetic, and desirable use of open spaces; and

(13) Encourage and permit flexibility and design, placement of buildings, use of open spaces, circulation facilities, parking areas, and best utilize the potential of sites characterized by special features of geography, topography, size, or shape of proposed uses of land. (Ord. ~~22-26 §1, 2022~~ 24-X).

17.106.020 Permitted ~~uses~~ Uses.

The following uses are allowed in a PUD: any use as set forth in the Use Chart, ~~Section~~ PCC 17.70.030 allowed in the zoning district in which the proposal is located and any use that is compatible with the location, scale, adjacent roadway network, topography, etc. (Ord. ~~22-26 §1, 2022~~ 24-X).

17.106.030 Administering ~~authority~~ Authority.

(1) *Official Agency.* The ~~Planning~~ Commission ~~shall~~ must conduct public hearings after at least ~~ten~~ 10 days' published notice to review proposed ~~planned unit developments~~ PUD and make appropriate recommendations to the ~~City~~ Council.

(2) *Approving Agency.* The ~~City~~ Council, upon consideration of the recommendations of the ~~Planning~~ Commission, ~~and at a public hearing, shall~~ must be the final approving agency for PUD zone determination. (Ord. ~~22-26 §1, 2022~~ 24-X).

17.106.040 Design and ~~maintenance standards and procedures~~ Maintenance Standards and Procedures.

(1) *Subdivision Requirements.* Property within a ~~planned unit development shall~~ PUD must be subject to and comply with relevant subdivision laws.

(2) *Review of Criteria and Checklist.* The following ~~shall~~ must be considered in the review of the ~~planned unit development~~ PUD application in light of the purposes stated in PCC 17.106.010:

(a) Topography;

(b) Geologic hazard;

(c) Access;

(d) Open space;

(e) Densities;

(f) Compatibility with Comprehensive Plan;

(g) Vehicular and pedestrian circulation to and within the project;

(h) Utility and other easements;

(i) Setbacks;

(j) Height limitations;

(k) Surface drainage;

(l) Sub-surface drainage;

(m) Occupancy schedule; and

(n) Other pertinent considerations.

(3) *Maintenance of Common Open Space and Other PUD Facilities.* Maintenance of common open space and other PUD facilities, including streets unless dedicated to the ~~city~~ ~~shall~~ City must be the responsibility of a property owners' association created as a nonprofit corporation. All owners of property in the PUD ~~shall~~ must be members of the association. Provisions ~~shall~~ must be made for the assessment, collection, and enforcement of collection of money to be used for the maintenance of common open space and other PUD facilities. (Ord. ~~22-26 §1, 2022~~ 24-X).

17.106.050 Procedure for ~~approval of planned unit developments~~ Approval of Planned Unit Developments.

The PUD approval process ~~shall~~ must take place in three (3) stages: pre-application review; review of preliminary plan; and final approval. PUD projects may be developed in phases, subject to an approved phasing schedule.

(1) *Pre-Application Review.* The pre-application plans of the proposal ~~shall~~ must be submitted to the Director of Community Development ~~Director~~ for review and comment. Such potential problems as drainage, topography, circulation, site design, and community impact should be identified and addressed before the proposal is submitted for preliminary review.

(2) *Review of Preliminary Plan.*

(a) *Application Requirements.* The applicant ~~shall~~ must submit the following material:

(i) A reproducible preliminary plan showing all information required for a preliminary plat by PCC 13.80.080. The plan ~~shall~~ must display the general layout of all proposed structures, common areas and facilities, and circulation elements including walkways, bike paths, and parking in sufficient detail to show relationships between these elements;

(ii) All information required for preliminary review of a subdivision by PCC 13.80.060;

(iii) Proposed covenants that prescribe architectural design elements for all structures to be built within the PUD, addressing such matters as general architectural style, building size, roof material and design, exterior surfaces, and accessory structures;

(iv) A map of the surrounding area in sufficient detail to show existing uses within ~~three hundred (~~300~~)~~ feet from all PUD project boundaries;

(v) Explanatory material describing the characteristics of the PUD project and the planned construction schedule for the project; and

(vi) A landscape plan drawn to scale which may be combined with the site plan showing the general layout of existing and proposed vegetation, including vegetation to be removed, as well as fences, walls, and other landscaping improvements.

(b) *Review by Site Plan Review Committee (SPRC).* The SPRC ~~shall~~ must review the proposal using the criteria of ~~Chapter~~ PCC 17.135 ~~PCC~~ and make recommendations to be considered by the ~~planning commission~~ Commission and included in the ~~planning commission's~~ Commission's recommendation to the ~~City~~ Council.

(c) *Planning Commission and City Council Review Procedure.* The ~~planning commission shall~~ Commission must make recommendations and the ~~City~~ Council ~~shall~~ must review the proposal as contained in the preliminary plan under the provisions of PCC 17.180.030 and PCC 17.180.040.

(d) *Review Criteria.* The ~~planning commission~~ Commission and the ~~City~~ Council ~~shall~~ must review the preliminary application for conformity with the Comprehensive Plan, this Title, and ~~Chapters~~ PCC 13.80 and PCC 13.90 ~~PCC~~ as now existing and in accordance with any amendments that may hereafter be made thereto, and the following additional criteria:

(i) Compatibility with existing and planned land use in the vicinity; and

(ii) Adequacy of assurances that the PUD will be developed as presented in the application.

If the development plan calls for the construction of the PUD in phases, then the reasonableness of the schedule of phasing ~~shall~~ must be considered. Each completed phase must, independently of other phases of the development plan, satisfy the development regulations of the approved PUD plan.

(e) *Effect of Preliminary Approval.* The preliminary plan as approved or approved as modified by the ~~City~~ Council ~~shall~~ must be binding as to the general intent and apportionment of land for structures and buildings, stipulated use, circulation pattern, and conditions of approval, but ~~shall~~ must not be construed to render inflexible the ultimate design, specific uses, or final plan of the PUD.

(f) *Denied Preliminary Applications.* If the ~~City~~ Council denies a proposal contained in a preliminary application, a similar proposal for the site may not be submitted for one (1) year. A new preliminary application which varies materially from the denied proposal, as determined by the Director of Community Development ~~Director~~, or one that satisfies the objections stated by the ~~City~~ Council may be submitted at any time.

(3) *Final Approval and Effect of Approval.*

(a) *Final Plan.* Within three (3) years after approval of the preliminary proposal by the ~~City~~ Council, the applicant ~~shall~~ must submit a final development plan to the Director of Community Development ~~Director~~ for approval by the ~~City~~ Council. The Director of Community Development ~~Director shall~~ must review the plan and submit it to the Council along with ~~his or her~~ their recommendation and the recommendation of the ~~director~~ Director of Public Works. This plan ~~shall~~ must contain final drawings of graphic information required by subsection (2) of this section. The applicant ~~shall~~ must also submit all covenants, assurances, property owners' association papers, maintenance agreements, and any other documentation consistent with the preliminary approval given by the ~~City~~ Council.

(b) *City Council Review.* If the ~~City~~ Council finds that the final development plan conforms to the preliminary approval and all applicable conditions thereto, and assurances have been submitted which are satisfactory to the ~~City~~ Council, the Council ~~shall~~ must approve the plan and its accompanying conditions as an amendment to the Official Zoning Map and ~~shall~~ must incorporate by reference all maps, drawings, and other data required to specify the precise land use authorized. This amendatory ordinance ~~shall~~ must legally describe the boundaries of the approved PUD and ~~shall~~ must bear the file number of the application. An official file ~~shall~~ must be maintained by the ~~department of public works~~ Department of Public Works and ~~shall~~ must contain all maps and other documents or exhibits referred to or incorporated in the amendatory ordinance. The ~~city clerk or finance director shall~~ City Clerk or Director of Finance & Administrative Services must record the ordinance with the County Auditor if no subdivision plat is to be recorded. The PUD ~~shall~~ must be identified on the Official Zoning Map by the suffix "PUD" attached to the zone designation for the underlying district (e.g., R3-PUD) and reference ~~shall~~ must be made to the amendatory ordinance number.

(c) *Effect of Approval.* The provisions of the amendatory ordinance ~~shall~~ must be restrictions on the use and design of the site. Adoption of the amendatory ordinance ~~shall~~ must not alter the underlying zone classification for the site but ~~shall~~ will only allow development to occur in a different way consistent with the underlying zoning. ~~Revocation~~ Repeal of approval or abandonment as provided in this chapter ~~shall~~ will eliminate all requirements imposed by an approved PUD plan and ~~shall~~ will cause the previous underlying zoning regulations to be exclusively operative.

(d) *Expiration.* If the applicant does not submit the final development plan to the Director of Community Development ~~Director~~ within the time allowed, or if the Council does not approve the final plan, the preliminary approval ~~shall~~ will expire and be of no further validity. The Council ~~shall~~ must act on a final development plan for a PUD within ~~ninety (~~90~~)~~ days of its submission to the Council. (Ord. ~~22-26 §1, 2022~~ 24-X).

17.106.060 Subdivision.

An applicant who intends to subdivide land for transfer as part of a PUD project ~~shall~~ must obtain subdivision approval in accordance with ~~Chapter~~ PCC 13.80 or PCC 13.90 ~~PCC~~ before any building permit or authorization to begin construction is issued, and before any portion of the property is transferred. The preferred method is for the applicant to process the subdivision application concurrently with the PUD proposal. (Ord. ~~22-26 §1, 2022~~ 24-X).

17.106.070 Changes to ~~approved projects~~ Approved Projects.

A PUD ~~shall~~ must be used and constructed as approved by the Council. Any change in or expansion of a PUD, except as provided in this section, ~~shall~~ must be applied for and processed in the same manner as an original application. Minor changes in plans or specifications may be allowed by the Director of Community Development ~~Director~~ at the time a building permit is issued. Minor changes are those which may affect the precise dimensions or siting of buildings but which do not affect the basic character or arrangement of buildings or lots approved in the final development plan, nor the density of the development or the open space requirements. Such dimensional adjustments ~~shall~~ must not vary more than ~~ten (~~10%~~) percent~~ from the original. (Ord. ~~22-26 §1, 2022~~ 24-X).

17.106.080 ~~Revocation or extension of approval and reversion to underlying zone~~ Repeal or Extension of Approval and Reversion to Underlying Zone.

(1) *City Review.* If a condition of approval is violated or not met within the time set for its completion the Council may, either on recommendation of the Director of Community Development ~~Director~~ or on its own motion, hold a public meeting to consider the question of the ~~revocation~~ repeal or extension of the final approval and any permits granted pursuant thereto. During this or subsequent public meetings, the Council may by ordinance revoke or extend the approval and any permits, or may change the terms of approval. Nothing in this section ~~shall~~ will limit the ~~revocation~~ repeal of building permits, issuance of stop work orders, or other similar procedures authorized by other provisions of this Title.

(2) *Reversion to Underlying Zoning.* If upon the expiration of two (2) years from the adoption of the amendatory ordinance of approval, the PUD project is voluntarily abandoned or development has not been completed, the final approval of the development project ~~shall~~ will automatically expire and thereafter only the land use regulations of the underlying ~~zone~~ zoning district ~~shall~~ must apply to any further construction for which a permit is required. If the PUD project has been commenced within a two (2) year period following the effective date of the amendatory ordinance, but is not completed within this two-year period, the applicant ~~shall~~ must apply to the ~~City~~ Council for an extension of time in which to complete the project; failure to make such application ~~shall~~ will cause the final approval of the development project to automatically expire and thereafter only the land use regulations of the underlying ~~zone~~ zoning district ~~shall~~ will apply to any further construction for which a permit is required. (Ord. ~~22-26 §1, 2022~~ 24-X).

17.106.090 Building ~~permits~~ Permits.

Building and other permits ~~shall~~ must be issued for the construction in ~~planned unit development~~ PUD areas only in accordance with the final plan and program elements as approved by the ~~City~~ Council. (Ord. ~~22-26 §1, 2022~~ 24-X).

Chapter 17.107

PLANNED RESIDENTIAL DEVELOPMENT

Sections:

17.01.010 Purposes.
17.01.020 Where Permitted.
17.01.030 Uses Allowed.
17.01.040 Development Standards.
17.01.050 Procedure for Approval and Effect of Approval.
17.01.060 Subdivision.
17.01.070 Changes to Approved Projects.
17.01.080 ~~Revocation~~ Repeal or Extension of Approval and Reversion to Underlying Zone.
17.01.090 Additional Regulations.

17.107.010 Purposes.

The purposes of this Chapter are:

(1) to provide the city with an alternative form of residential development which will promote flexibility and creativity in the layout and design of new residential developments and which will protect the environment through the increased use of open space.

(2) to provide an alternative to traditional lot-by-lot development by accomplishing, among other things, the following:

(a) the preservation of natural landscapes, trees, streams, or other valuable community amenities;

(b) the clustering of structures to preserve or create open spaces, especially where steep slopes or other environmentally sensitive areas exist;

(c) the provision of a more efficient street and utility system serving units in a cluster, thus lowering housing, land development, ~~and~~ maintenance costs, and reducing the ~~amount~~ number of impervious surfaces.

(3) to encourage the use of alternate energy sources and the construction of energy efficient structures, the development of recreational facilities and other development amenities by allowing increased density incentives. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.107.020 Where Permitted.

Planned Residential Development (PRD) projects are permitted in any residential district when processed and authorized as provided in this Chapter. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.107.030 Uses Allowed.

The following uses are allowed in a PRD:

(1) any use as set forth in the Use Chart, ~~Section~~ PCC 17.70.030 allowed in the ~~zone~~ zoning district in which the proposal is located;

(2) any service or trade uses designed primarily to serve the residents of the PRD with goods and services, provided the following conditions are complied with:

(a) only service or trade uses allowed under the C1 zone ~~shall~~ will be permitted, but any proposed service or trade use not allowed in the C1 zone or is intended primarily to serve a population beyond the PRD ~~shall~~ must require a zone and Comprehensive Plan change of the underlying zone and land use designation;

(b) the total area devoted to service or trade uses in the PRD ~~shall~~ must not exceed ~~five (~~5%~~) percent~~ of the total gross area of the PRD or 10,000 square feet, whichever is less. However, the ~~planning commission~~ Commission may consider exceeding this limit where a need to do so is demonstrated by a competent market analysis. ~~Seventy-five (~~75%~~) percent~~ of all residential building permits must have been issued before a building permit can be issued for a service or trade use. All development standards for these service or trade uses ~~shall~~ must comply with C1 development regulations, unless provided otherwise by this Chapter. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.107.040 Development Standards.

In considering a proposed PRD project the ~~City~~ Council may, if allowed in this section, approve a change from regular development regulations. Standards for the development of PRDs are as follows:

(1) *PRD Size.* The minimum size of a PRD ~~shall~~ must be one (1) acre or five (5) lots, whichever is greater.

(2) *Residential Density.* The number of dwelling units allowed in a PRD ~~shall~~ will be determined as follows:

(a) *Basic Density.* The number of dwelling units ~~shall~~ will be calculated by dividing the net developable area by the minimum lot area per dwelling unit required by the zone in which the site is located. Net developable area is determined by subtracting the area set aside for public streets and nonresidential uses such as schools, churches or service or trade uses from the total development area.

(b) *PRD Bonus Density.* An increase in residential density above the level established in PCC 17.107.040(2)(a) ~~shall~~ will be allowed at a rate of a ~~one (~~1%~~) percent~~ increase in density for each density bonus point if a PRD incorporates the following features:

(i) *Energy Conservation.* Up to a maximum of five (5) density bonus points ~~shall~~ will be awarded to any PRD incorporating any combination of the following energy conservation features:

(aa) Five (5) density bonus points ~~shall~~ will be awarded if ~~seventy (~~70%~~) percent~~ or more of all proposed structures intended for

human occupancy have a calculated heating/ cooling energy consumption less than that required by the Washington State Energy Code standards;

(bb) Two and one-half (~~2-1/2~~ 2.5) density bonus points ~~shall~~ will be awarded if legally guaranteed solar access is provided to the south-facing surfaces of ~~fifty (~~50%~~) percent~~ or more of all proposed structures that are intended for human occupancy;

(cc) Two and one-half (~~2-1/2~~ 2.5) density bonus points ~~shall~~ will be awarded if ~~fifty (~~50%~~) percent~~ or more of all proposed structures intended for human occupancy derive ~~fifty (~~50%~~) percent~~ or more of their space heating/cooling, water heating, or electrical power needs from active, passive, or photovoltaic solar systems; or

(dd) Two and one-half (~~2-1/2~~ 2.5) density bonus points ~~shall~~ will be awarded if natural topography, grading, and planting are effectively used to decrease the energy consumption of structures in the PRD and to enhance the seasonal use of private or common open spaces.

(ii) *Open Space.* Up to a maximum of five (5) density bonus points ~~shall~~ will be awarded to any PRD that provides more than the required open space. The amount of the bonus will be determined by the amount of additional open space reserved, with a ~~one (~~1%~~) percent~~ bonus being awarded for each additional ~~one (~~1%~~) percent~~ open space reserved.

(iii) *Active Recreational Facilities.* Up to a maximum of five (5) density bonus points ~~shall~~ will be awarded to any PRD that provides for common, active recreational facilities such as a swimming pool, tennis court, or playground. These facilities ~~shall~~ must be sized and designed to meet the needs of the PRD residents and their guests. The density bonus points awarded may range from one-half (~~1/2~~ 0.5) point to five (5) points depending on the cost, quality, and quantity of the facility(ies).

(iv) *Design Feature.* Up to a maximum of five (5) density bonus points ~~shall~~ will be awarded to any PRD incorporating two (2) or more of the following design elements:

(aa) on-site stormwater management using natural drainage channels and landscaped drainage retention facilities;

(bb) the preservation of significant natural vegetation or natural landmarks;

(cc) the preservation of significant historic sites or structures;

(dd) the preservation of significant view corridors, both on-site and especially for neighboring uses;

(ee) the provision of public access to significant natural landmarks, rivers, trails, scenic sites, or viewpoints; or

(ff) the provision of off-street pedestrian and bicycle circulation systems. Streets may be used as a part of a system for short distances where there is limited traffic.

(c) *Maximum Residential Density Bonuses.* If all ~~of~~ the provisions of PCC 17.107.040(2)(b) are satisfied, a ~~twenty (~~20%~~) percent~~ increase in residential density will be allowed. This maximum ~~twenty (~~20%~~) percent~~ increase in density would result in the following lot area per dwelling unit ratios:

~~Zone~~ Zoning District	Square Feet per Dwelling
~~R1~~	~~5,000~~
~~RT~~ R1	3,750
R2	2,500
R3	1,250
R4	833

(3) *Building Coverage.* Coverage of the site by buildings and other structures ~~shall~~ must not exceed the largest percentage permitted in any zone in which the project is located. The maximum building coverage in a PRD ~~shall~~ will be the same as for the underlying ~~zone~~ zoning district.

(4) *Building Height.* The maximum height of any building ~~shall~~ will not exceed the height permitted in the ~~zone~~ zoning district in which the PRD is located. If the proposal is ~~to be~~ located in zones with different height requirements, buildings located in each zone ~~shall~~ must conform to the zone within which the building is located. If a building will be built in two (2) or more ~~zone~~ zoning districts, the most restrictive height requirements ~~shall~~ must apply.

(5) *Minimum Required Yards.*

(a) *Exterior Boundary.* The minimum distance between a building and the exterior boundary line of a PRD ~~shall not be less than ten (10)~~ must be a minimum of 10 feet except for a front yard which must be ~~not less than fifteen (15)~~ a minimum of 15 feet.

(b) *Between Buildings.* Buildings may have common walls except in the R1 ~~zone~~ zoning district, and therefore may be built on an interior property line. Whenever buildings are separated, a minimum distance of ~~ten (~~10~~)~~ feet ~~shall~~ must be maintained between them.

(6) *Common Open Space.* A minimum of ~~fifteen (~~15%~~) percent~~ of the net developable area as defined in PCC 17.107.040(2)(a) ~~shall~~ must be dedicated or reserved as usable common open space land. Common open space may be designed to provide either active

or passive recreation. Driveways, parking lots, and minimum required yard areas are not open space.

(7) *Private Open Space.* ~~Two hundred (~~200~~)~~ square feet of usable private open space having a minimum depth of ~~ten (~~10~~)~~ feet ~~shall~~ must be provided for each ground level dwelling unit in a PRD. Such private open space is to serve as a buffer between dwelling units and common open space. Private open space is private yard for ground level dwelling units, this can be a fenced patio area.

(8) *Off-street Parking.* The total required off-street parking facilities ~~shall~~ must not be less than the sum of the required parking facilities for the various uses computed separately in accordance with the provisions as set forth in the Use Chart, ~~Section~~ PCC 17.70.030.

(9) *Maintenance of Common Open Space and other PRD Facilities.* Maintenance of common open space and other PRD facilities, including streets unless dedicated to the ~~city~~ City, ~~shall~~ will be the responsibility of a homeowners' association created as a nonprofit corporation. All owners of property in the PRD ~~shall~~ must be members of the association. Provisions ~~shall~~ must be made for the assessment, collection, and enforcement of collection of money to be used for the maintenance of common open space and other PRD facilities.

(10) *Perimeter Transition.* All projects ~~shall~~ must give special treatment to perimeter transition ~~so as~~ to minimize negative impacts on adjacent areas through buffering, screening, and landscaping.

(11) *Infrastructure.* All streets; sidewalks, if built; utility mains; and attendant facilities for the PRD ~~shall~~ must be constructed in accordance with the ~~city~~ City of Pullman Design Standards unless alternate improvements are approved by the ~~City~~ Council. (Ord. 24-X).

17.107.050 Procedure for Approval and Effect of Approval.

The PRD approval process ~~shall~~ must take place in three (3) stages: pre-application review; review of preliminary plan; and final approval. PRD projects may be developed in phases, subject to an approved phasing schedule.

(1) *Pre-Application Review.* The pre-application plans of the proposal ~~shall~~ must be submitted to the ~~city planner~~ Director of Community Development for review and comment. Such potential problems as drainage, topography, circulation, site design, and neighborhood impact should be identified and addressed before the proposal is submitted for preliminary review.

(2) *Review of Preliminary Plan.*

(a) *Application Requirements.* The applicant ~~shall~~ must submit the following material:

(i) A reproducible preliminary plan showing all information required for a preliminary plat by PCC 13.80.080. The plan ~~shall~~ must display the general layout of all proposed structures, common areas and facilities, and

circulation elements including walkways, bike paths, and parking in sufficient detail to show relationships between these elements;

(ii) all information required for preliminary review of a subdivision by PCC 13.80.060;

(iii) proposed covenants that prescribe architectural design elements for all structures to be built within the PRD, addressing such matters as general architectural style, building size, roof material and design, exterior surfaces, and accessory structures;

(iv) a map of the surrounding area in sufficient detail to show existing uses within ~~three hundred (~~300~~)~~ feet from all PRD project boundaries;

(v) explanatory material describing the characteristics of the PRD project and the planned construction schedule for the project;

(vi) a landscape plan drawn to scale which may be combined with the site plan showing the general layout of existing and proposed vegetation, including vegetation to be removed, as well as fences, walls, and other landscaping improvements.

(b) *Review by Site Plan Review* Committee. The SPRC ~~shall~~ must review the proposal using the criteria of ~~Chapter~~ PCC 17.135 and make recommendations to be considered by the ~~planning commission~~ Commission and included in the ~~planning commission's~~ Commission's recommendation to the ~~City~~ Council.

(c) *Planning Commission and City Council Review Procedure.* The ~~planning commission shall~~ Commission must make recommendations and the ~~City~~ Council ~~shall~~ must review the proposal as contained in the preliminary plan under the provisions of PCC 17.180.030 and PCC 17.180.040.

(d) *Review Criteria.* The ~~planning commission~~ Commission and the ~~City~~ Council ~~shall~~ must review the preliminary application for conformity with the Comprehensive Plan, this Title, ~~Chapters~~ PCC 13.80 and PCC 13.90 of this Code as now existing and in accordance with any amendments that may hereafter be made thereto, and the following additional criteria:

(i) compatibility with existing and planned land use in the vicinity; and

(ii) adequacy of assurances that the PRD will be developed as presented in the application.

(e) If the development plan calls for the construction of the PRD in phases, then the reasonableness of the schedule of phasing ~~shall~~ will be considered. Each completed phase must independently of other phases of the development plan satisfy the development regulations of the approved PRD plan.

(f) *Effect of Preliminary Approval.* The preliminary plan as approved or approved as modified by the ~~City~~ Council ~~shall~~ must be binding as to the general intent and

apportionment of land for structures and buildings, stipulated use, circulation pattern, and conditions of approval, but ~~shall~~ must not be construed to render inflexible the ultimate design, specific uses, or final plan of the PRD.

(g) *Denied Preliminary Applications.* If the ~~City~~ Council denies a proposal contained in a preliminary application, a similar proposal for the site may not be submitted for one (1) year. A new preliminary application which varies materially from the denied proposal, as determined by the ~~city planner~~ Director of Community Development, or one that satisfies the objections stated by the ~~City~~ Council may be submitted at any time.

(3) *Final Approval and Effect of Approval.*

(a) *Final Plan.* Within three (3) years after approval of the preliminary proposal by the ~~City~~ Council, the applicant ~~shall~~ must submit a final development plan to the ~~city planner~~ Director of Community Development for approval by the ~~City~~ Council. The ~~city planner shall~~ Director of Community Development must review the plan and submit it to the Council along with ~~his or her~~ their recommendation and the recommendation of the ~~director~~ Director of Public Works. This plan ~~shall~~ must contain final drawings of graphic information required by PCC 17.107.050(2). The applicant ~~shall~~ must also submit all covenants, assurances, homeowners' association papers, maintenance agreements, and any other documentation consistent with the preliminary approval given by the ~~City~~ Council.

(b) *City Council Review.* If the ~~City~~ Council finds that the final development plan conforms to the preliminary approval and all applicable conditions thereto, and assurances have been submitted which are satisfactory to the ~~City~~ Council, the Council ~~shall~~ must approve the plan and its accompanying conditions as an amendment to the Official Zoning Map; and ~~shall~~ must incorporate by reference all maps, drawings, and other data required to specify the precise land use authorized. This amendatory ordinance ~~shall~~ must legally describe the boundaries of the approved PRD and ~~shall~~ must bear the file number of the application. An official file ~~shall~~ must be maintained by the ~~department of public works and shall~~ Department of Public Works and must contain all maps and other documents or exhibits referred to or incorporated in the amendatory ordinance. The ~~city clerk or finance director shall~~ City Clerk or Director of Finance & Administrative Services will record the ordinance with the County Auditor if no subdivision plat is to be recorded. The PRD ~~shall~~ must be identified on the Official Zoning Map by the suffix "PRD" attached to the zone designation for the underlying district (e.g., R3-PRD) and reference ~~shall~~ must be made to the amendatory ordinance number.

(c) *Effect of Approval.* The provisions of the amendatory ordinance ~~shall~~ will be restrictions on the use and design of the site. Adoption of the amendatory ordinance ~~shall~~ will not alter the underlying zone classification for the site, but ~~shall~~ will only allow development to occur in a different way consistent with the

underlying zoning. ~~Revocation~~ Repeal of approval or abandonment as provided in this chapter ~~shall~~ will eliminate all requirements imposed by an approved PRD plan and ~~shall~~ will cause the previous underlying zoning regulations to be exclusively operative.

(d) *Expiration.* If the applicant does not submit the final development plan to the ~~city planner~~ Director of Community Development within the time allowed, or if the Council does not approve the final plan, the preliminary approval ~~shall~~ will expire and be of no further validity. The Council ~~shall~~ must act on a final development plan for a PRD within ~~ninety (~~90~~)~~ days of its submission to the Council.

(e) *Extension.* Under the procedure set forth in PCC 17.175.050(2), the applicant may file an application for an extension of time within the time allowed for submitting the final development plan, along with the fee as set by ~~City~~ Council resolution. The ~~city planner~~ Director of Community Development may approve successive one (1) year extensions by making a written finding that there is no material change in the proposal, and that the findings and conclusions of the original preliminary approval still apply. (Ord. ~~03-33 §42, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.107.060 Subdivision.

An applicant who intends to subdivide land for transfer as part of a PRD project ~~shall~~ must obtain subdivision approval in accordance with ~~Chapter~~ PCC 13.80 or ~~Chapter~~ PCC 13.90 before any building permit or authorization to begin construction is issued, and before any portion of the property is transferred. The preferred method is for the applicant to process the subdivision application concurrently with the PRD proposal. (~~Ord. 87-9 §1, 1987~~ 24-X).

17.107.070 Changes to Approved Projects.

A PRD ~~shall~~ must be used and constructed as approved by the Council. Any change in or expansion of a PRD, except as provided in this section, ~~shall~~ must be applied for and processed in the same manner as an original application. Minor changes in plans or specifications may be allowed by the ~~city planner~~ Director of Community Development at the time a building permit is issued. Minor changes are those which may affect the precise dimensions or siting of buildings, but which do not affect the basic character or arrangement of buildings or lots approved in the final development plan, nor the density of the development or the open space requirements. Such dimensional adjustments ~~shall~~ must not vary more than ~~twenty (20) ten (~~10%~~) percent~~ from the original. (Ord. ~~03-33 §43, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.107.080 ~~Revocation~~ Repeal or Extension of Approval and Reversion to Underlying Zone.

(1) *City Review.* If a condition of approval is violated or not met within the time set for its completion the Council may, either on recommendation of the ~~city planner~~ Director of Community Development or on its own motion, hold a public meeting to consider the question of the ~~revocation~~ repeal or extension of the final approval and any permits granted pursuant thereto. During this or subsequent public meeting, the Council may by

ordinance revoke or extend the approval and any permits, or may change the terms of approval. Nothing in this ~~Section shall~~ section will limit the ~~revocation~~ repeal of building permits, issuance of stop work orders, or other similar procedures authorized by other provisions of this Title.

(2) *Reversion to Underlying Zoning.* If upon the expiration of two (2) years from the adoption of the amendatory ordinance of approval, the PRD project is voluntarily abandoned or development has not been completed, the final approval of the development project ~~shall~~ will automatically expire and thereafter only the land use regulations of the underlying ~~zone~~ zoning district ~~shall~~ will apply to any further construction for which a permit is required. If the PRD project has been commenced within a two (2) year period following the effective date of the amendatory ordinance, but is not completed within this two-year period, the applicant ~~shall~~ must apply to the City Council for an extension of time in which to complete the project; failure to make such application ~~shall~~ will cause the final approval of the development project to automatically expire and thereafter only the land use regulations of the underlying ~~zone~~ zoning district ~~shall~~ will apply to any further construction for which a permit is required. (Ord. ~~03-33 §44, 2003; Ord. 87-9§1, 1987~~ 24-X).

17.107.090 Additional Regulations.

The following chapters may qualify or supplement the regulations in this Chapter.

(1) PCC 17.25 Assurances

(2) PCC 17.35 Exceptions and Special Provisions Pertaining to Uses, Development Regulations, and Performance Standards

(3) PCC 17.40 Off-street Parking and Loading

(4) PCC 17.45 Landscaping and Screening

(5) PCC 17.50 Sign Regulations

(6) PCC 17.75 Residential Districts

(7) PCC 17.135 Site Plan Review (Ord. ~~87-9 §1, 1987~~ 24-X).

Chapter 17.108

TOWNHOUSES

Sections:

17.108.010 Purposes.
17.108.020 Platting and Site Plan Requirements.
17.108.030 Development Standards.
17.108.040 Design Standards.
17.108.050 Design Objectives.
17.108.060 Additional Regulations.

17.108.010 Purposes.

The purposes of this Chapter are to:

(1) permit within residential neighborhoods the development of townhouses which may be conveyed on separately platted lots;

(2) permit within low-, medium-, and high-density residential neighborhoods the development of townhouse structures built to standards designed to include amenities usually associated with conventional single-family detached housing, and to ensure their compatibility with the surrounding neighborhood; and

(3) promote affordable housing, efficient use of land and energy, and a variety of housing types in a variety of locations to provide a wide range of individual homeowner options. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.108.020 Platting and Site Plan Requirements.

Townhouses may be constructed on property which meets the following platting and/or site plan requirements:

(1) In the ~~RT~~ R1 District, townhouse developments involving the creation of four (4) or fewer townhouse lots ~~shall~~ will be approved pursuant to the regulations and procedures established in ~~Chapter~~ PCC 13.90 (Short Subdivisions) or ~~Chapter~~ PCC 13.80 (Subdividing and Platting) if a short plat is not proper, the standards of this Chapter, and when applicable, Site Plan Review. Dwelling units ~~shall~~ must be divided in such a manner as to have a common wall located on a common lot line. This division ~~may~~ must be made ~~after~~ before the issuance of a building permit, ~~but must be made prior to the issuance of a certificate of occupancy~~.

(2) In the ~~RT~~ R1 District, townhouse developments involving the creation of five (5) or more townhouse lots ~~shall~~ must be approved pursuant to the regulations and procedures established in ~~Chapter~~ PCC 13.80 (Subdividing and Platting), the standards of this Chapter, and when applicable, Site Plan Review. Dwelling units ~~shall~~ must be divided in such a manner as to have a common wall on a common lot line. This division ~~may~~ must be made ~~after~~ before the issuance of a building permit~~, but must be made prior to the issuance of a certificate of occupancy~~.

(3) In the R2, R3 and R4 Multi-Family Residential Districts and Commercial Districts, townhouse developments ~~shall~~ will be subject to the following standards:

(a) when applicable, Site Plan Review; and,

(b) when platting is desired by the developer, the regulations and procedures established in ~~Chapter~~ PCC 13.80 (Subdividing and Platting) or ~~Chapter~~ PCC 13.90 (Short Subdivisions).

Platting of each individual townhouse unit is not mandatory in these districts. Ownership may be conveyed through the condominium process.

(4) When platting is not required or desired by the developer, a binding site plan ~~shall~~ will be required.

(5) The subdivision or short subdivision of a site containing previously constructed townhouse dwellings ~~shall~~ will be allowed if the standards of this Chapter are met. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.108.030 Development Standards.

Townhouse dwellings and lots ~~shall~~ must comply with the following standards:

(1) Number of Units Per Structure.

(a) In the ~~RT~~ R1 District, townhouse structures ~~shall~~ will contain no more than four (4) individual dwelling units.

(b) In the R2, R3 and R4 Multi-Family Residential Districts and Commercial Districts, requirements of the underlying district ~~shall~~ will apply ~~with regard~~ to the number of units per structure, except that the number of units per townhouse structure ~~shall~~ must not exceed eight (8).

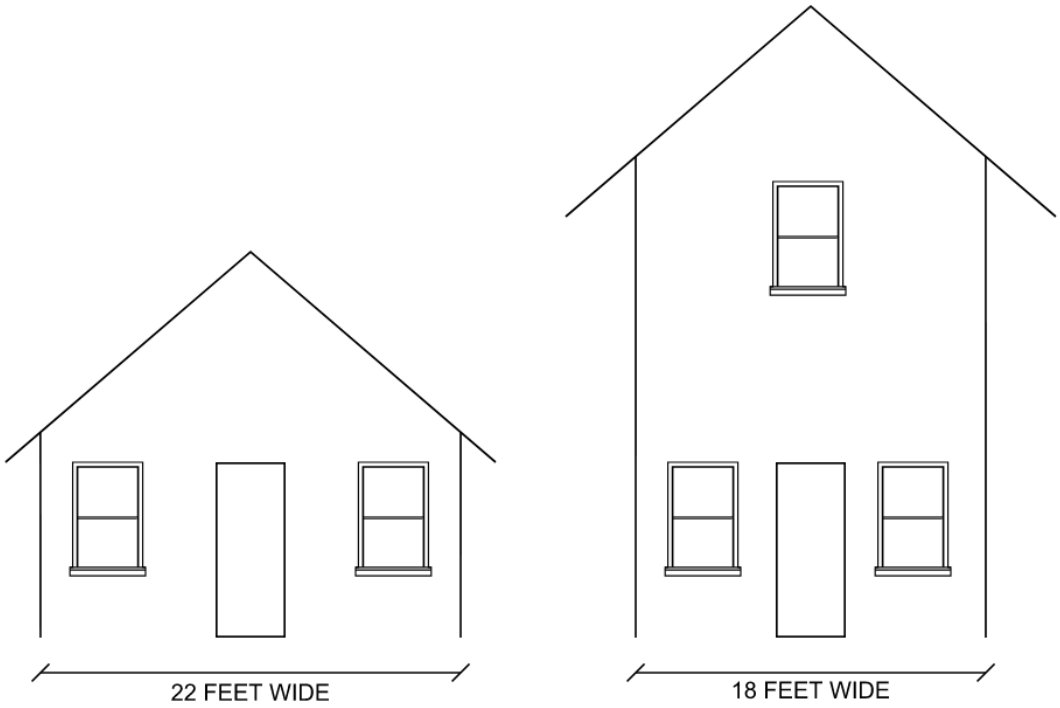
(2) *Density.* The overall density of a townhouse development ~~shall~~ must not exceed the number of dwelling units per acre permitted in the underlying ~~zone~~ zoning district. If two (2) or more ~~zone~~ zoning districts are involved, the number of dwelling units is limited to the total number calculated for each district.

(3) *Minimum Building Widths.* Each individual townhouse dwelling unit ~~shall~~ will have a minimum width as follows:

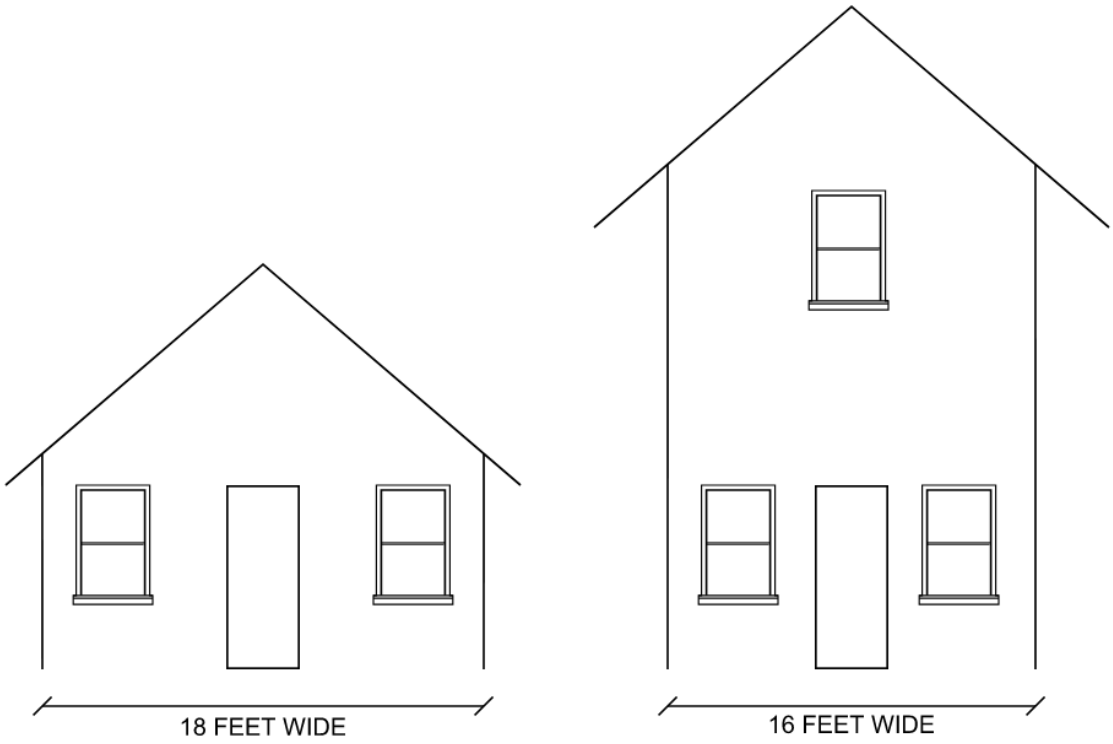
(a) ~~RT~~ R1 District: ~~twenty-four (~~24~~)~~ feet for one-story buildings and ~~twenty (~~20~~)~~ feet for two-story buildings;



(b) R2 District: ~~twenty-two (~~22~~)~~ feet for one-story buildings and ~~eighteen (~~18~~)~~ feet for two-story buildings;



(c) R3 District: ~~eighteen (~~18~~)~~ feet for one-story buildings and ~~sixteen (~~16~~)~~ feet for two-story buildings;



(d) other districts which allow multi-family structures: No limitation.

(4) *Minimum Required Yards.* Yard requirements for front and rear yards and for side yards of end dwelling units of townhouse structures ~~shall~~ must be the same as the underlying district, except that end side yards which adjoin property zoned R1 ~~or RT shall~~ must not be less than ~~ten (~~10~~)~~ feet for projects with three (3) or more townhouse dwelling units and five (5) feet for two (2) units.

(5) *Maximum Building Coverage.* The building coverage requirements for townhouse developments ~~shall~~ must be the same as the underlying ~~zone~~ zoning district, except that building coverage on individual platted townhouse lots may exceed such requirements provided that the aggregate coverage of the individual structures in the townhouse development ~~shall~~ will be the same as the underlying ~~zone~~ zoning district.

(6) *Maximum Height of Buildings.* The maximum height of buildings in townhouse developments ~~shall~~ must be the same as the underlying ~~zone~~ zoning district. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.108.040 Design Standards.

In addition to other requirements of this Chapter, townhouse developments ~~shall~~ must be reviewed and approved ~~on the basis of~~ based on compliance with the following criteria:

(1) a minimum of ~~two hundred (~~200~~)~~ square feet of private, usable yard space including decks and patios ~~shall~~ must be provided for each townhouse dwelling unit;

(2) an enclosed or suitably screened refuse storage and collection area ~~shall~~ must be provided in an appropriate location;

(3) there ~~shall~~ must be an appropriate instrument for the support, upkeep, and maintenance of any common land, area, or facilities. Each townhouse development ~~shall~~ will have recorded with the county auditor a perpetually binding common party wall agreement as a covenant to each deed establishing the rights and obligations of each owner;

(4) relative to the common party wall and foundation, and providing for easements for purposes of maintenance and fire protection;

(5) easements or covenants for the operation and maintenance of common or shared utilities ~~shall~~ will be provided;

(6) provision ~~shall~~ must be made for emergency ingress and egress, and for access of fire, ambulance, and services; and,

(7) common wall construction ~~shall~~ must comply with a Sound Transmission Class (STC) 55-59 sound rating. Construction ~~shall~~ must comply with the latest edition of the "Fire Resistance Design Manual" published by the Gypsum Association or any design certified by a registered architect or engineer to comply with the STC of 55-59. (Ord. ~~87-9§1, 1987~~ 24-X).

17.108.050 Design Objectives.

The following criteria should be considered in the design of townhouse developments:

(1) There should be an efficient and harmonious grouping of structures and space which encourages the individuality of separate townhouse dwelling units within a unifying design concept. The spacing between structures within the project should be compatible with spacing between structures in the surrounding neighborhood;

(2) Due consideration should be given to the impact of the townhouse development on the neighborhood or district in which the property is located. Development should be designed to minimize view obstruction;

(3) The design of the townhouse structures and overall site plan should be compatible with the physical characteristics of the site, with buildings adjacent to the site, and with the character of the neighborhood or district. Design compatibility of buildings includes harmonious building style, form, size, color, materials, and relationship to site topography. A compatible design plan is one which preserves the existing neighborhood character, facilitates efficient and convenient circulation, is functionally related to the natural topography, utilizes natural characteristics of the site, and is an asset to the community;

(4) Landscaping and buffering should be designed to present a pleasing appearance from both on and off the site; and

(5) The natural vegetation and topography should be pre-served where such natural features contribute to the attractiveness of the project and compatibility with the neighborhood or district. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.108.060 Additional Regulations.

The following chapters may qualify or supplement the regulations in this Chapter.

(1) PCC 17.25 Assurances

(2) PCC 17.35 Exceptions and Special Provisions Pertaining to Uses, Development Regulations, and Performance Standards

(3) PCC 17.40 Off-street Parking and Loading

(4) PCC 17.45 Landscaping and Screening

(5) PCC 17.50 Sign Regulations

(6) PCC 17.75 Residential Districts

(7) PCC 17.135 Site Plan Review (Ord. ~~87-9 §1, 1987~~ 24-X).

Chapter 17.109

SHORT-TERM RENTALS

Sections

17.109.010 Purpose.
17.109.020 Definitions.
17.109.030 Permitted Zones.
17.109.040 Eligible Dwellings and Limitations.
17.109.050 Application for Short-Term Rentals.
17.109.060 Criteria for Approval.
17.109.070 Notice Requirements.
17.109.080 Term of Annual Permit.
17.109.090 Continued Compliance with this Chapter.
17.109.100 Nontransferability.
17.109.110 Violations.
17.109.120 Enforcement, Penalties, and Appeal.
17.109.130 Severability.

17.109.010 Purpose.

The purpose of this chapter is to

(1) establish regulations and procedures for permitting of Short-Term Rentals (STRs) to ensure the safety and convenience of renters, owners, and neighboring property owners;

(2) protect the character of the residential neighborhoods; and

(3) address potential negative effects such as excessive noise, overcrowding, illegal parking, nuisance activities, and the accumulation of refuse. (Ord 24-X).

17.109.020 Definition.

(1) *Full Time.* Means at least 11 months of the year

(2) *Local Property Representative.* A person, who is not the owner, who resides full-time within 30 minutes driving distance from Pullman and is available 24 hours a day to respond to complaints, questions, or concerns.

(3) *Owner.* Person that owns and holds legal and/or equitable title to the property.

(4) *Remuneration.* Compensation, money, rent, or other bargained-for consideration given in return for occupancy, possession, or use of real property.

(5) *Short-Term.* Means 30 consecutive calendar days or less per rental transaction.

(6) *Violation.* Any violation by the owner or occupant(s) of any provision of this chapter, any provision of the Pullman City Code, or any violation of state law. (Ord 24-X).

17.109.030 Permitted Zones.

STRs are permitted in all zones where single-family homes, townhouses, duplexes, or accessory dwelling units are permitted. (Ord 24-X).

17.109.040 Eligible Dwellings and Limitations.

An STR may be in a single-family dwelling, duplex, or accessory dwelling unit (ADU) (Ord 24-X).

17.109.050 Application for Short-Term Rentals.

Applicants for an STR permit and yearly renewals must pay the fees stated herein and provide the following additional information as required on the forms provided by the City. Applications which do not include all required information will be deemed incomplete within 30 days from application submittal. After the applicant is notified of the application being incomplete, the application must be completed within 30 days or the application will be deemed abandoned.

(1) *Application Fee.* The application fee for a new STR as set by resolution ($350).

(2) *Plans.*

(a) Plot plan showing the property, house, and all parking.

(b) Floor plan showing sleeping rooms, living area, kitchen, bathrooms, and evacuation plan.

(3) *Advertising.* Provide information identifying all websites and other locations where availability of the STR is posted or advertised and any listing number(s). The City issued permit number must be part of any posting or advertisement of the STR.

(4) *Verification of Taxes Paid.* Verification that lodging and business taxes through the previous quarter from the expiration date have been remitted to the Washington State Department of Revenue for an existing short-term rental. If applying for a new short-term rental, then verification of lodging taxes will be completed at the annual renewal of the permit.

(5) *Business License.* A business license is required for STRs, and must be applied for through the Washington State Department of Revenue. If compliance with the provisions of this chapter is demonstrated, an endorsement for an STR use will be issued by the City.

(6) *Comment Period.* There will be a 10-day comment period published in the newspaper. If significant opposition is received the application will be reviewed by the Hearing Examiner for approval.

(7) *Additional Application Materials.* The Director of Community Development may require additional materials to administer this chapter. (Ord 24-X).

17.109.060 Criteria for Approval.

The following criteria must be met for approval of an STR application:

(1) *Business License Endorsement.* A business license endorsement must be applied for and obtained prior to using the property as a STR. Endorsements are specific to the owner of the dwelling unit. When the holder of an endorsement sells or transfers the property, the new owner must obtain an endorsement before using the dwelling unit as a STR. The

STR endorsement will remain in effect if a valid business license is maintained for the rental use and the property is not sold or transferred.

(2) *Occupancy.* Maximum occupancy of the STR will be no more than two (2) people per sleeping room plus two (2) additional people per unit, but at no time will the maximum number of occupants exceed 10 people. The property owner will be responsible for ensuring that the dwelling unit is in conformance with its maximum occupancy. The Director of Community Development may approve additional occupants for a STR, as an administrative Variance pursuant to Chapter 17.130, if there is no significant impact on adjoining properties and the STR meets all other requirements of this Chapter.

(3) *Compliance.* The STR must comply with the requirements of the International Residential Code (IRC), as adopted in WAC 51-51.

(4) *Parking and Vehicles.* Parking must comply with PCC 17.70.030, 17.40.040, and 17.75.070. The number of vehicles at an STR will not at any time exceed the number of available parking spaces on the subject property. All overnight occupant parking must be on site or immediately in front of the STR. Immediately in front will be the on-street area directly in front of the property on which the STR is located.

(5) *Signage.* No outdoor advertising signs related to the STR will be allowed on the site.

(6) *Solid Waste Collection.* Weekly solid waste collection is required during all months. If normal weekly collection is insufficient for the use, the property owner or local property representative must arrange for additional solid waste removal.

(7) *Local Property Representative.* Where the property owner does not reside full-time within a 30-minute drive of Pullman, a local property representative must be designated. The name, address, and telephone contact number of the property owner or local representative must be kept on file at the Community Development Department. The local representative or property owner will be responsible for responding to complaints about the rental.

(8) *Insurance.* The owner of the STR must have property insurance and liability coverage for the STR.

(9) *Informational Signage.* Signs must be clearly posted inside the STR to provide information on maximum occupancy, location of off-street parking, contact information for the property owner or local representative, evacuation routes, and the renter's responsibility not to trespass on private property or to create disturbances.

(10) *Safety Requirements.*

(a) Functioning smoke detectors and carbon monoxide detectors must be in all sleeping rooms, outside sleeping rooms, and every level (if multiple levels) and will be interconnected in accordance with the IRC.

(b) Functioning fire extinguisher(s) will be wall-mounted within the STR. The number and location will be determined based on the size of the structure during the inspection process.

(c) An emergency evacuation plan as approved by the Building Official or designee.

(d) At least one (1) emergency egress light with a battery backup will be installed.

(11) *Pool.* If a pool is on the same property as an STR, the pool must be fenced in accordance with the most current International Pool and Spa Code.

(12) *Inspection.* A dwelling unit proposed for an STR must be inspected by the Building Official or designee to determine its conformance with the standards of this chapter and basic health and safety elements as required by all applicable codes. Any corrective action required must be completed before the dwelling unit can be rented.

(13) *Other Standards.* The STR must meet all applicable requirements of the zoning district where it is located, including but not limited to setbacks, maximum height, and lot coverage standards. (Ord 24-X).

17.109.070 Notice Requirements.

Once endorsed, the City must provide notice to property owners within 200 feet of the subject property, that an STR application has been approved. Such notice will include the address of the dwelling unit, a location where additional information can be obtained, and the name, phone number, mailing address, and email address (if available) of the owner or designated contact. (Ord 24-X).

17.109.080 Term of Annual Permit.

(1) STR permits are valid until January 31 of the following year, and must be renewed annually.

(2) The following is required to renew an STR permit: Verification that all lodging taxes for year have been paid to the Washington State Department of Revenue.

(3) If an STR permit is not renewed by the expiration date, the owner will have 30 days to comply with the renewal process or the STR permit and endorsement will be revoked and a new application must be submitted for endorsement. (Ord 24-X).

17.109.090 Continued Compliance with this Chapter.

A City approved STR must comply with the standards of PCC 17.109.060 and PCC 17.109.080 or will be subject to the provisions of PCC 17.109.110. The owner of the STR is responsible for compliance with the provisions of this chapter. The failure of the local property manager or representative to comply with this chapter will be deemed noncompliance by the owner. (Ord 24-X).

17.109.100 Nontransferability.

An STR approval is issued to a specific owner of a dwelling. If the property owner sells or transfers the property, the new owner must apply for and receive approval from the City before using the dwelling as a STR. (Ord 24-X).

17.109.110 Violations.

Penalties may be imposed for any of the following reasons:

(1) Advertising, renting, or using an STR where the owner does not hold a valid endorsement issued pursuant to this chapter.

(2) Advertising, renting, or using, an STR in a manner that does not comply with the endorsement requirements of PCC 17.109.050.

(3) Failure by the owner to pay the special excise tax required by PCC 6.93 taxes.

(4) Failure of the owner's designated contact to respond to tenant, citizen, or City complaints or inquiries. "Failure to respond" occurs if City staff is unable to reach the designated contact after three (3) attempts, using the information that the owner has on file with the City.

(5) Failure of the owner or any occupant to comply with any of the provisions and/or requirements of PCC 17.109.060. (Ord 24-X).

17.109.120 Enforcement, Penalties, and Appeal.

(1) *Enforcement.* This chapter may be enforced by any authorized representative of the City including, but not limited to, the Police Chief, Building Official or designee, Code Enforcement Officer, Director of Community Development, City Administrator, or designee.

(2) *Penalties*

(a) For the first two (2) violations within a 12-month period, the City will issue a written warning to the owner. This written warning may also be accompanied by a Notice of Violation and Order to Correct or Cease Activity as may be appropriate pursuant to PCC 17.10.090.

(b) For the third violation within a 12-month period, the Director of Community Development will revoke the owner's STR endorsement.

(c) Penalties under this section will be deemed to be separate from any other applicable penalty provisions including license and tax penalties.

(3) *Appeal.* Any owner wishing to appeal the revocation of the STR endorsement may request an appeal to the Hearing Examiner in accordance with PCC 17.185.030. 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. (Ord 24-X).

17.109.130 Severability.

The provisions of this Chapter are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this Chapter or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this Chapter will not because of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid. (Ord. 24-X).

Chapter 17.110

CHANGES TO THE COMPREHENSIVE PLAN

Sections:

17.110.010 Purpose.
17.110.020 Planning Commission Review.
17.110.030 Review Criteria.
17.110.040 General Findings.
17.110.050 Transmission of Recommendation.
17.110.060 City Council Meeting.
17.110.070 Maintenance of Official Comprehensive Plan Map and Plan.
17.110.080 Procedural Irregularities.

17.110.010 Purpose.

The purpose of this Chapter is to establish procedures and set forth criteria for considering proposed amendments to the existing Comprehensive Plan (Plan), or the adoption of a new plan. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.110.020 Planning Commission Review.

The ~~planning commission shall~~ Commission must review proposed changes to the existing ~~Comprehensive~~ Plan and proposed new elements of the Plan, or a new ~~plan~~ Plan, as provided in PCC 17.180.030, using the findings and criteria as stated in this Chapter as the basis for its review and recommendation. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.110.030 Review Criteria.

The ~~planning commission~~ Commission and ~~City~~ Council ~~shall~~ must consider the following factors when reviewing proposed amendments to the ~~Comprehensive~~ Plan or the adoption of a new plan:

(1) the effect upon the physical environment;

(2) the effect upon the economic environment;

(3) the effect upon the social environment;

(4) the effect on open space, streams, and rivers;

(5) the compatibility with and impact on adjacent land uses and surrounding neighborhoods;

(6) the adequacy of and impact on community facilities including utilities, roads, public transportation, parks, recreation, and schools;

(7) the benefit to the neighborhood, city, and region;

(8) the quantity and location of land planned for the proposed land use type and density;

(9) the current and projected population density in the area proposed to be changed and the surrounding area; and,

(10) the effect of the proposed change upon other aspects of the ~~Comprehensive~~ Plan. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.110.040 General Findings.

A proposed change to the ~~Comprehensive~~ Plan may be approved only if each of the following general findings can be made:

(1) the proposed change would promote the public health, safety, or welfare;

(2) the proposed change would be a benefit to the residents of the ~~city~~ City. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.110.050 Transmission of Recommendation.

Upon completion of a hearing, the Commission ~~shall~~ will transmit a copy of its recommendation to the ~~City~~ Council through the ~~office of the mayor~~ Office of the Mayor, who ~~shall~~ must acknowledge receipt thereof and direct the ~~finance director~~ Director of Finance & Administrative Services to certify thereon the date of receipt. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.110.060 City Council Meeting.

(1) The ~~City~~ Council ~~shall~~ must within ~~sixty (~~60~~)~~ days from its receipt of the recommendation concerning the proposed change to the ~~Comprehensive~~ Plan hold a public meeting. The ~~City~~ Council, within ~~ninety (~~90~~)~~ days of the conclusion of the public meeting, ~~shall~~ must vote to:

(a) approve the change to the ~~Comprehensive~~ Plan by adopting an appropriate resolution;

(b) modify and approve, as modified, the change to the ~~Comprehensive~~ Plan by adopting an appropriate resolution;

(c) disapprove the change to the ~~Comprehensive~~ Plan by adopting an appropriate resolution; or

(d) refer the proposed change back to the ~~planning commission~~ Commission for further proceedings, in which case the ~~City~~ Council ~~shall~~ must specify the time within which the ~~planning commission shall~~ Commission must report back to the ~~City~~ Council its findings and recommendations on the matters referred to it.

(2) The final form and content of the changes to the ~~Comprehensive~~ Plan ~~shall~~ must be determined by the ~~City~~ Council.

(3) An affirmative vote of not less than a majority of the total members of the ~~City~~ Council ~~shall~~ will be required for the adoption of a resolution to approve the ~~Comprehensive~~ Plan or any amendments thereto. (Ord. ~~03-33 §45, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.110.070 Maintenance of Official Comprehensive Plan Map and Plan.

The Official Comprehensive Plan Map and any amendments thereto ~~shall~~ must be certified by the ~~finance director~~ Director of Finance & Administrative Services, kept in the ~~City~~ Council chambers, and updated by the ~~city planner~~ Director of Community Development. The

~~Comprehensive~~ Plan and any amendments thereto as approved by the ~~City~~ Council ~~shall~~ must be filed with the ~~city planner~~ Department of Community Development. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.110.080 Procedural Irregularities.

No procedural irregularity or informality in the consideration, hearing, and development of the Comprehensive Plan, amendments thereto, or any of its elements, ~~shall~~ will affect the validity of the Zoning Code or any amendments thereto. (Ord. ~~87-9 §1, 1987~~ 24-X).

Chapter 17.115

REZONES

Sections:

17.01.010 Purpose.
17.01.020 Planning Commission and City Council Review.
17.01.030 "Limited" Zone.

17.115.010 Purpose.

The purpose of this Chapter is to set forth criteria for considering requests for rezones. This Chapter does not apply to the adoption of a new Official Zoning Map adopted in conjunction with the future enactment of a new Zoning Ordinance. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.115.020 Planning Commission and City Council Review.

The ~~planning commission shall~~ Commission must review a proposed rezone as provided in PCC 17.180.030. The following questions ~~shall~~ must be considered by the ~~planning commission~~ Commission and ~~City~~ Council in reviewing a proposed rezone:

(1) *Comprehensive Plan.* Is the proposal consistent with the Comprehensive Plan at the time the decision is made on the proposed rezone request? No rezone may be approved unless a finding can be made that the proposed zoning is consistent with the Comprehensive Plan Land Use Map designation for the property.

(2) *Zoning Ordinance.* Is the proposal consistent with the purposes of the Zoning Code, and is the proposal consistent with the purposes of the proposed ~~zone~~ zoning district?

(3) *Surrounding Area.* What is the relationship of the proposed zoning change to the existing land uses, and the zoning of surrounding or nearby property?

(4) *Changes.* Has there been sufficient change in the character of the surrounding or nearby area, or in city policy to justify the rezone?

(5) *Suitability.* Is the property economically and physically suitable for the uses allowed under the existing zoning, and under the proposed zoning? Consideration should be given to the length of time the property has remained undeveloped compared to the surrounding area and other parcels in the ~~city~~ City with the same zoning.

(6) *Value.* What is the relative gain to the public health, safety and welfare compared to a potential increase or decrease in value to the property owners?

(7) *Error.* Is the proposal necessary to correct an error?

(8) *Compatibility.* Are special conditions, pursuant to PCC 17.115.030, necessary to achieve compatibility of development with surrounding properties?

(9) *Special Criteria.*

(a) *Rezone Guidelines for C1 ~~Zone~~ Zoning District.* Zone changes to create new neighborhood commercial districts or extend existing neighborhood commercial districts should follow these guidelines:

(i) separate C1 districts should not be located closer than one quarter (1/4) pedestrian mile from each other or within one quarter (1/4) pedestrian mile of any other commercial district in which similar services or facilities are provided;

(ii) C1 districts should not contain more than one (1) acre;

(iii) C1 districts should be located only along major, secondary, or collector arterials as identified in the circulation element of the Comprehensive Plan;

(iv) C1 districts should be limited to a ~~four hundred (~~400~~)~~ -foot frontage along the arterial;

(v) C1 districts should be located where access to parking facilities and internal circulation patterns can be limited and coordinated so as not to be unreasonably disruptive to the vehicular and pedestrian traffic flow in the neighborhood.

(b) *Rezone Guidelines for C2 ~~Zone~~ Zoning District.* Zone changes to expand the C2 Central Business District should follow these guidelines:

(i) extensions of the C2 district should be contiguous to the existing C2 Central Business District;

(ii) C2 districts should be located along major or secondary arterials as identified in the circulation element of the Comprehensive Plan;

(iii) extensions of the C2 district should contain enough land to provide for a reasonable amount of on-site off-street parking considering the potential uses and land available.

(c) *Rezone Guidelines for C3 Zoning District.* Zone changes to create new general commercial districts or to extend existing general commercial districts should follow these guidelines:

(i) C3 districts should not be extended or created if there is adequate, available space for in-fill in existing C3 Districts;

(ii) extensions of C3 districts should be three (3) acres or larger whenever feasible;

(iii) new C3 districts should not be located within three-quarter (3/4) vehicular mile of an existing C3 District or any other district providing similar goods or services, and should contain at least ~~ten (~~10~~)~~ acres;

(iv) the width or frontage of any new C3 district, whenever feasible, should not be less than ~~forty (~~40%~~) percent~~ of its length or depth;

(v) C3 districts should be located along major or secondary arterials as identified in the circulation element of the Comprehensive Plan;

(vi) C3 districts should be located where access to parking facilities and internal circulation patterns can be limited and coordinated ~~so as~~ to not be unreasonably disruptive to vehicular and pedestrian traffic flow.

(d) *Rezone Guidelines for Industrial Districts.* Zone changes to create new industrial districts should follow these guidelines:

(i) new Industrial Research Park (IRP) and Light Industrial (I1) districts should be no less than five (5) acres;

(ii) new Heavy Industrial (I2) districts should be no less than ~~forty (~~40~~)~~ acres. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.115.30 "Limited" Zone.

(1) *Purpose.* Any use permitted in any ~~zone~~ zoning district should not be a detriment to the surrounding properties. The purpose of the "L" or "limited" ~~zone~~ zoning district classification is to set forth standards when necessary which are intended to promote the compatibility of the uses permitted within each ~~zone~~ zoning district.

The "limited" ~~zone~~ zoning district classification creates a district with special conditions pertaining to the uses permitted in the "limited" ~~zone~~ zoning district. The "limited" ~~zone~~ zoning district classification cannot be petitioned for, but it may be recommended by the ~~planning commission~~ Commission after study and review of a rezone request.

(2) *Limiting Conditions in Any ~~Zone~~ Zoning District.* Conditions limiting the uses or conduct of permitted uses may be required in any ~~zone~~ zoning district or portion thereof where necessary to achieve compatibility of development with surrounding properties. Any zone or portion thereof where such conditions are required ~~shall~~ must be established by ordinance and identified on the Official Zoning Map by the suffix "L" attached to its zone designation (e.g., "R3-L", "C1-L") and ~~shall~~ must be referred to as a "limited" zone.

(3) *Standards as Warranted.* In recommending a "limited" ~~zone~~ zoning district classification, the ~~planning commission shall~~ Commission must consider the unique circumstances and characteristics of a ~~particular~~ rezone request and the proposed land use.

These conditions may include reasonable limitations on the use and development of the property and a time limit for commencing the use or development of the property as specified in the rezoning ordinance. If a time limit is imposed by the ~~City~~ Council and the time limit has expired without commencement of the use or development, the land ~~shall~~ must automatically revert to its previous zoning classification before the "limited" zone classification was granted, unless an extension of the time limit is authorized by the ~~City~~ Council prior to the expiration of the time limit. (Ord. ~~03-33 §46, 2003; Ord. 87-9 §1, 1987~~ 24-X).

Chapter 17.120

TEXT AMENDMENTS

Sections:

17.120.010 Purpose.
17.120.015 Initiation.
17.120.020 Planning Commission and City Council Review.

17.120.010 Purpose.

The purpose of this Chapter is to set forth criteria for considering amendments to the text and any applicable figures, charts, and tables of this Title. Following the adoption of this Title, growth and economic changes may occur or other circumstances may arise that make it necessary to revise this Title. The requirements of this Chapter also apply to future adoption of a new Zoning Code. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.120.015 Initiation.

Text amendments ~~shall~~ must be initiated only by application of the ~~city planner~~ Director of Community Development, or motion of the ~~planning commission~~ Commission, or motion of the ~~City~~ Council. (Ord. ~~03-33 §69, 2003~~ 24-X).

17.120.020 Planning Commission and City Council Review.

The ~~planning commission shall~~ Commission must review proposed amendments to the text of this Title and any applicable maps, figures, charts, and tables as provided in PCC 17.180.030. The following questions ~~shall~~ must be considered by the ~~planning commission~~ Commission and ~~City~~ Council in reviewing a proposed text amendment:

(1) Is the amendment consistent with the Comprehensive Plan?

(2) Is the amendment reasonable and does it substantially promote the public health, safety, or welfare?

(3) Is the amendment in the best interests of the residents of Pullman; and if so, how?

(4) Has sufficient change in economic, technological, or land use conditions occurred to warrant modification of this text?

(5) Is the amendment necessary to correct an error in this Title, or clarify the meaning or intent of this Title? (Ord. ~~03-33 §47, 2003; Ord. 87-9 §1, 1987~~ 24-X).

Chapter 17.125

CONDITIONAL USE PERMITS

Sections:

17.125.010 Purpose.
17.125.020 Criteria and Findings.
17.125.025 Transferability.
17.125.030 General Requirements.
17.125.040 Permit Conditions.
17.125.050 Expansion of Approved Conditional Uses.

17.125.010 Purpose.

The purpose of this Chapter is to set forth criteria, procedures, and limitations for the issuance of conditional use permits. It is recognized that there are special uses which, because of their unique characteristics, cannot be properly classified in any ~~particular~~ zoning district without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. These uses are called conditional uses. It is the intent and policy of the ~~city~~ City of Pullman that such uses be dealt with in a manner that is equitable to the owner or applicant in terms of the interest of the ~~city~~ City in securing public health, safety, and general welfare. When considering uses that are protected by the First Amendment to the United States Constitution, the ~~hearing examiner~~ Hearing Examiner should consider the need to balance governmental regulations with free exercise claims. (Ord. ~~22-2 §8, 2022; Ord. 87-9 §1, 1987~~ 24-X).

17.125.020 Criteria and Findings.

A conditional use permit may be approved when all ~~of~~ the following findings required by this section can be made:

(1) that the proposed use is consistent with the Comprehensive Plan;

(2) that the proposed use, and its location, are consistent with the purposes of the ~~zone~~ zoning district in which the use is to be located;

(3) that the proposed use will meet all required yard, parking, and other material development standards of the Zoning Code unless otherwise varied in the approved conditional use permit;

(4) that the use, as approved or conditionally approved, will

  (a) be located on a site that is adequate in size and shape;

  (b) be located on a site that has sufficient access to streets and highways adequate in width and type of surface to carry the quantity and quality of traffic generated by the proposed use;

  (c) not have a significant adverse environmental impact on the adjacent area or the community in general;

(d) be compatible with surrounding land uses;

(e) be provided with adequate parking; and,

(f) be served by adequate public utilities and facilities. (Ord. ~~03-33 §48, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.125.025 Transferability.

The ~~hearing examiner~~ Hearing Examiner at the time of the issuance of the conditional use permit ~~shall~~ must determine whether the conditional use permit may or may not be used by a subsequent user of the same property or if the permit ~~shall~~ will be personal. When the ~~hearing examiner~~ Hearing Examiner finds it appropriate, the ~~hearing examiner~~ Hearing Examiner may require that the permit be recorded in the form of a covenant with the Whitman County Auditor. (Ord. ~~22-2 §8, 2022; Ord. 87-9 §1, 1987~~ 24-X).

17.125.030 General Requirements.

The following general requirements ~~shall~~ must be applicable to all conditional use permits:

(1) The ~~hearing examiner shall~~ Hearing Examiner must review applications for conditional use permits as provided in PCC 17.180.030, except conditional use permit applications in conjunction with an application for a ~~Planned Residential Development~~ PRD, Manufactured Home Park, or Recreational Vehicle Park which ~~shall~~ must be reviewed by the ~~planning commission~~ Commission as provided in PCC 17.180.030.

(2) Any person may appeal a ~~hearing examiner~~ Hearing Examiner decision to the Superior Court of Whitman County as provided in ~~Chapter~~ PCC 17.185.

(3) An approved conditional use permit must be acted on by the permittee within one (1) year from its date of approval. Otherwise, the conditional use permit ~~shall~~ will expire and be ~~null and void~~ invalid, unless the permittee files an application for an extension of the time ~~thirty (~~30~~)~~ days before the expiration of the one (1) year period and the ~~city planner~~ Director of Community Development approves the application.

(4) An application for any extension of time ~~shall~~ must be reviewed by the ~~city planner~~ Director of Community Development as provided in PCC 17.175.050.

(5) A conditional use permit applies only to the property for which it has been approved, and may not be transferred to any other property.

(6) A conditional use permit application ~~shall~~ must be denied if the proposal cannot be conditioned so that the findings required by PCC 17.125.020 can be made. (Ord. ~~22-2 §8, 2022; Ord. 03-33 §49, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.125.040 Permit Conditions.

Approval of a conditional use permit application may be conditioned so that the required findings can be made. Permit conditions may include requirements which:

(1) increase the required lot size or yard dimensions;

(2) increase street widths;

(3) control the location and number of access points to the property;

(4) increase the number of off-street parking or loading spaces required;

(5) limit the number of signs;

(6) limit the coverage or height of buildings or structures because of obstructions to view, reduction of light and air to adjacent property, or incompatibility with surrounding uses;

(7) limit or prohibit openings in sides of buildings or structures or expand requirements for screening or landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area;

(8) establish requirements under which any future enlargement or alteration of the use ~~shall~~ will be reviewed by the city and new conditions imposed; and,

(9) establish regulations for the use of the property as necessary to protect nearby property or improvements from detrimental effects of the proposed use, such as limiting the hours of operation or number of employees. (Ord. ~~96-19 §4, 1996; Ord. 87-9 §1, 1987~~ 24-X).

17.125.050 Expansion of Approved Conditional Uses.

By means of the procedure set forth in PCC 17.175.050, the ~~city planner~~ Director of Community Development may authorize up to a ~~ten (~~10~~%) percent~~ expansion, in any five year period, of an approved conditional use in relation to its gross floor area, height, parking, and occupancy, including number of seats, classrooms, and students; provided, however, that no expansion of a structure by means of this procedure ~~shall~~ will exceed 5,000 square feet in gross floor area. All such modifications ~~shall~~ will be consistent with the original conditions of approval and applicable regulations. (Ord. ~~03-33 §70, 2003~~ 24-X).

Chapter 17.127

SPECIAL USE PERMITS FOR HISTORIC STRUCTURES

Sections:

17.127.010 Purpose.
17.01.020 Contents of Applications.
17.01.030 Criteria and Findings.
17.01.040 Permit Special Exceptions.
17.01.050 General Requirements.

17.127.010 Purpose.

The purpose of this Chapter is to set forth criteria and procedures governing the issuance of special use permits for historic structures listed on a federal, state, or city registry of historic places. It is recognized that there are historic structures which were constructed for a special purpose, but due to changed circumstances can no longer be profitably or practically used for the use originally intended. ~~In order to~~ To promote the preservation of these historic structures and allow "practical economic use," it is the intent and policy of the ~~city~~ City that such structures may be considered for special use permits for historic structures. These permits, with such special exceptions as may be appropriate, may be issued for any appropriate use to encourage the preservation of historic structures; and, to promote their compatibility, to the greatest extent practicable, with surrounding properties and the underlying ~~zone~~ zoning district. The provisions of this Chapter ~~shall~~ will be liberally construed in favor of preserving historic structures. (Ord. ~~89-8 §1, 1989~~ 24-X).

17.127.020 Contents of Applications.

Applications for special use permits for historic structures ~~shall~~ must include:

(1) all information required by ~~Section~~ PCC 17.175.030;

(2) documentation showing that the proposed use will be reasonably able to financially support the property in a manner that will preserve the historic integrity of the structure; and,

(3) proof that the structure is registered, or application has been made for registration, on a federal, state, or local registry of historic places. (Ord. ~~89-8 §2, 1989~~ 24-X).

17.127.030 Criteria and Findings.

A special use permit for a historic structure will be issued by the HPC when all ~~of~~ the following criteria are satisfied and these findings can be made:

(1) that the structure is listed on a federal, state, or city registry of historic places;

(2) that the proposed use is reasonably necessary to preserve the historic integrity of the structure, considering its existing use and other uses allowed in the ~~zone~~ zoning district in which it is located;

(3) that none of the uses designated for the underlying ~~zone~~ zoning district as set forth in the Use Chart, ~~Section~~ PCC 17.70.030 are likely to locate in the structure in a manner that

would result in the preservation of the structure in a manner that would maintain its historic integrity;

(4) that the proposed use will be a "practical economic use" (i.e., a use which will be reasonably capable of supporting and maintaining the property in a manner that preserves its historic integrity);

(5) that the proposed use as approved or as approved with special exceptions will:

(a) be located on a site that is adequate in size and shape;

(b) be located on a site that has access to streets and highways that are adequate in width and type of surface to carry the quantity and quality of traffic generated by the proposed use;

(c) not have significant adverse environmental impact resulting in excessive noise, light and glare, or soil erosion on adjacent properties as determined by the Responsible Official;

(d) be provided with parking availability that is adequate for the proposed use and which will not significantly adversely affect or interfere with the character or use of neighboring properties or the surrounding area;

(e) be served by adequate public utilities and facilities;

(2) that the owner of the property, in exchange for the benefits afforded by the special use permit, will enter into an agreement with the ~~hearing examiner~~ HPC containing at least the following elements:

(a) mutually agreeable maintenance standards;

(b) assurances that the property will retain those characteristics that make it architecturally and historically significant; and

(c) provisions for the agreement to run with the land. The agreement will be recorded by the ~~city~~ City at the permittee's expense with the Whitman County Auditor. (Ord. ~~22-2 §8, 2022; Ord. 06-15 §5, 2006; Ord. 89-8 §3, 1989~~ 24-X).

17.127.040 Permit Special Exceptions.

A special use permit for a historic structure must satisfy the criteria set forth in PCC 17.127.030. ~~In order to~~ To do so, the following special exceptions may be granted by the HPC:

(1) increase or decrease the required lot size or yard dimensions;

(2) increase or decrease street widths;

(3) control the location and number of access points to the property;

(4) increase or decrease the number and location of off-street parking and loading spaces required;

(5) limit or increase the number, type, and allowable square footage of signs;

(6) limit the coverage or height of buildings because of obstructions to view and reduction of light or air to adjacent property;

(7) limit or prohibit openings in sides of buildings or structures or expand requirements for screening or landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area;

(8) establish requirements under which any future enlargement or alteration of the use ~~shall~~ must be reviewed by the ~~city~~ City and new conditions imposed; and,

(9) establish regulations for the use of the property as necessary to protect nearby property or improvements from detrimental effects of the proposed use, such as limiting the hours of operation or number of employees. (Ord. ~~89-8 §4, 1989~~ 24-X).

17.127.050 General Requirements.

The following general requirements apply to all special use permits for historic structures:

(1) The ~~hearing examiner shall~~ HPC must review, ~~as provided in PCC 17.180.030, applications for special use permits for historic structures~~.

(2) Any aggrieved person may appeal a ~~hearing examiner~~ HPC decision to the ~~Superior Court of Whitman County~~ Hearing Examiner as provided in ~~Chapter~~ PCC 17.185.

(3) An approved special use permit for a historic structure must be acted upon by the permittee within one (1) year from its date of approval. Otherwise, the special use permit ~~shall~~ will expire and be ~~null and void~~ invalid after that time unless the permittee applies in writing to the ~~city planner~~ Director of Community Development for an extension of time at least ~~thirty (~~30~~)~~ days before the expiration of the one-year period, setting forth the reasons for the extension; and, the ~~city planner~~ Director of Community Development finds that good cause exists for the extension and approves the application.

(4) An application for any extension of time ~~shall~~ must be reviewed by the ~~city planner~~ Director of Community Development as provided in PCC 17.175.050.

(5) If the use for which the permit was granted is abandoned for a period of one (1) year, the use may not be reinstated without the issuance of a new special use permit.

(6) If the permittee or a subsequent owner of the structure fails to maintain or improve the property in accordance with the special use permit and the agreement with the ~~city~~ City, the ~~hearing examiner~~ HPC may revoke the special use permit after holding a public meeting.

(7) The permit may not be transferred to any other property, but may be transferred to subsequent owners of the property for which the permit was issued.

(8) The special exceptions may be amended by the ~~hearing examiner~~ HPC using the procedures set forth in this Chapter for obtaining an original special use permit for historic structures. (Ord. ~~22-2 §8, 2022; Ord. 03-33 §50, 2003; Ord. 89-8 §5, 1989~~ 24-X).

Chapter 17.130

VARIANCES

Sections:

17.01.010 Purpose.
17.01.020 Findings.
17.01.030 General Requirements.
17.01.040 Administrative Variances.

17.130.010 Purpose.

The purpose of this Chapter is to set forth criteria and procedures to vary or adapt the strict application of the terms of this Title. However, variances may not be granted to vary the use and procedural requirements of this Title. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.130.020 Findings.

A variance may be approved when all ~~of~~ the following findings required by this section can be made.

(1) *Special Circumstances.* That because of special circumstances relating to the property, the strict enforcement of the Zoning Code would deprive the owner of development rights and privileges permitted to other properties in the vicinity with the same zoning.

(a) Special circumstances include the size, shape, topography, location of the property and surrounding property, and environmental factors such as vegetation, streams, ponds, and wildlife habitats.

(b) Special circumstances should not be ~~predicated~~ based upon any factor personal to the owner/applicant such as age or disability, extra expense which may be necessary to comply with the Zoning Code, the ability to secure a scenic view, the ability to make more profitable use of the property, or any factor resulting from the action of the owner/applicant.

(2) *Special Privilege.* That approval of the variance is not a grant of a special privilege to the property in comparison with the limitations upon other properties in the vicinity with the same zoning.

(3) *Comprehensive Plan.* That approval of the variance is consistent with the Comprehensive Plan.

(4) *Zoning Code.* That approval of the variance is consistent with the purposes of the Zoning Code and the ~~zone~~ zoning district in which the property is located.

(5) *Not Detrimental.* That the variance as approved or conditionally approved will not be significantly detrimental to the public health, safety, and welfare, or injurious to the property or improvements in the vicinity and same zone.

(6) *Minimum Variance.* That the approved variance is the minimum necessary to allow the owner the rights enjoyed by other properties in the vicinity with the same zoning. (Ord. ~~03-33 §51, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.130.030 General Requirements.

The following general requirements ~~shall~~ must be applicable to all variances:

(1) The ~~hearing examiner shall~~ Hearing Examiner must review applications for variances as provided in PCC 17.180.030, except administrative variances which ~~shall~~ must be reviewed by the ~~city planner~~ Director of Community Development as provided in PCC 17.175.050, and PCC 17.130.040.

(2) Any person may appeal a ~~hearing examiner~~ Hearing Examiner decision to the Superior Court of Whitman County as provided in ~~Chapter~~ PCC 17.185.

(3) An approved variance must be acted on by the permittee within one (1) year from the date of granting the variance. Otherwise, the variance ~~shall~~ will expire and be ~~null and void~~ invalid, unless the permittee files an application for an extension of time ~~thirty (~~30~~)~~ days before the expiration of the one (1) year period and the ~~city planner~~ Director of Community Development approves the application.

(4) An application for an extension of time ~~shall~~ must be reviewed by the ~~city planner~~ Director of Community Development as provided in PCC 17.175.050.

(5) A variance applies only to the property for which it has been approved and may not be transferred to any other property. (Ord. ~~22-2 §8, 2022; Ord. 03-33 §52, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.130.040 Administrative Variances.

(1) The following variances may be approved by the ~~city planner~~ Director of Community Development as provided in PCC 17.175.050:

(a) up to a ~~fifteen (~~15%~~) percent~~ reduction in lot area, setbacks, and lot width from the amount required in the ~~zone~~ zoning district in which the subject property is located;

(b) up to a five (5) percent increase in lot coverage and building height from the amount required in the ~~zone~~ zoning district in which the subject property is located;

(c) pursuant to PCC 17.75.070(4)(b), larger maximum lot area per dwelling unit ratios as set forth in PCC 17.75.070(4);

(d) pursuant to PCC 17.75.070(11)(f), modification of infill development standards as set forth in PCC 17.75.070(11);

(e) pursuant to PCC 17.37.060(3), modification of adult entertainment business separation standards as set forth in PCC 17.37.060;

(f) height variances in any airport overlay district; ~~and,~~

(g) administrative variances to sign regulations as specifically set forth in ~~Chapter~~ PCC 17.50; and,

(h) additional occupants in short term rentals.

(2) No variance ~~shall~~ will be approved by the ~~city planner~~ Director of Community Development which will allow an increase in the number of dwelling units on a parcel, or which will permit the reduction in area of any lot created after the effective date of this Title.

(3) Prior to approval of an administrative variance, the ~~city planner shall~~ Director of Community Development will determine that the granting of the variance will not be significantly detrimental to the public health, safety, and welfare, or injurious to nearby property or improvements. For an administrative variance, the ~~city planner~~ Director of Community Development need not make the findings set forth in PCC 17.130.020. (Ord. ~~03-33 §53, 2003; Ord. 00-8 §8, 2000; Ord. 87-9 §1, 1987~~ 24-X).

Chapter 17.135

SITE PLAN REVIEW

Sections:

17.135.010 Purpose.
17.135.020 Composition of the Committee.
17.135.030 Applicability.
17.135.040 Optional Pre-Application.
17.135.050 Review Procedure.
17.135.060 Contents of Application.
17.135.070 Review Criteria.
17.135.080 Limitations.

17.135.010 Purpose.

The purpose of this Chapter is to set forth procedures and guidelines for the internal arrangement of uses permitted by this Title through a comprehensive site plan review process intended to ensure compliance with plans, policies, and ordinances of the ~~city~~ City; and, to provide procedures for the examination of development proposals with respect to overall site design; and to assure that a proposed development is designed in a manner which will not be detrimental to the public health, safety, and general welfare or to adjacent properties. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.135.020 Composition of the Committee.

The Site Plan Review Committee (SPRC) ~~shall~~ will consist of the following members: ~~the director of public works, who shall serve as chairperson;~~ the Director of Community Development, who will serve as chairperson; the ~~city engineer~~ City Development Engineer; the ~~fire chief~~ Fire Marshal; ~~and~~ the ~~building inspector~~ Building Official; and the Assistant Planner, or their regularly designated representatives. Three (3) members ~~shall~~ will constitute a quorum. (Ord. ~~21-15 §6, 2021; Ord. 92-12 §2, 1992; Ord. 87-9 §1, 1987~~ 24-X).

17.135.030 Applicability.

Except as otherwise provided in this Title, a site plan review by the ~~Site Plan Review Committee (~~SPRC~~)~~ ~~shall~~ will be required when an application for a permit is made in the following instances:

(1) for original construction of new facilities or structures except single-family dwellings, duplexes, or manufactured homes on individual lots;

(2) for any variance except for a single-family dwelling, duplex, or manufactured home on an individual lot;

(3) for a ~~Planned Residential Development~~ PRD, PUDs, Manufactured Home Park, or Recreational Vehicle Park;

(4) for remodeling or reconstruction of any structure except single-family dwellings and duplexes, where the value of remodeling or reconstruction exceeds ~~thirty (~~30%~~) percent~~

of the value of the structure prior to remodeling. For ~~the purpose of~~ this section, values ~~shall~~ will be assigned from the ~~International Conference of Building Officials (ICBO)~~ International Code Council (ICC) building ~~permit~~ valuation tables in use at the time of application.

(5) where, in the opinion of the ~~director of public works~~ Director of Community Development, the magnitude and character of the project, or the topography of the property could result in an adverse effect on adjacent properties, the subject property, or public facilities. (Ord. ~~03-33 §54, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.135.040 Optional Pre-Application.

Prior to applying for site plan review, the applicant may submit the plans required in PCC 17.135.060 in preliminary or sketch form, so that the comments and advice of the SPRC may be incorporated in the final plans submitted for an application. Information submitted for preliminary site plan comments and advice ~~shall~~ will be considered confidential. (Ord. ~~87-9 §1,1987, 1987~~ 24-X).

17.135.050 Review Procedure.

Applications for site plan review and amendments to approved site plans ~~shall~~ must be reviewed in accordance with the following procedures.

(1) When a zone change, conditional use permit, or variance will be required before construction of a particular project can commence, such approval ~~shall~~ must be obtained prior to review of the site plan application.

(2) *Review by Site Plan Review Committee.* Except in cases where the applicant agrees to an extension of time, the SPRC ~~shall~~ must within ~~ten (~~10~~)~~ working days after the filing of an application which is accepted by the ~~city planner~~ Director of Community Development as complete, review the proposed development and make a recommendation to the ~~director~~ Director of Community Development to approve, conditionally approve, or deny the application.

(3) *Approval of the Director.*

(a) The ~~director shall~~ Director of Community Development will approve, conditionally approve, or deny an application based upon the recommendation of the SPRC within five (5) working days from the receipt of recommendation.

(b) Whenever the ~~director~~ Director of Community Development disapproves an application for a site plan, ~~he or she shall~~ they will set forth, in writing, findings which ~~shall~~ will state the reasons for disapproval noting the particular standards, provisions, and policies where the application fails to comply.

(c) The decision of the ~~director shall~~ Director of Community Development will be final unless appealed to the ~~hearing examiner~~ Hearing Examiner by any aggrieved person or entity pursuant to ~~Chapter~~ PCC 17.185.

(4) *Failure to Act.* Failure of the ~~city~~ City to act within the specified time ~~period shall~~ will constitute approval of the site plan application as accepted by the ~~city planner~~ Director of Community Development and the applicant may apply for a building permit. Time required to review an environmental checklist and make a threshold determination and, if appropriate, to develop and review an Environmental Impact Statement under the provisions of State Environmental Policy Act (SEPA) ~~shall~~ will not be included in the time limitations of this subsection.

(5) *Referral to the Hearing Examiner.* The ~~director shall~~ Director of Community Development will have the prerogative of refusing to rule on a site plan review application and referring the application to the ~~hearing examiner~~ Hearing Examiner for approval if in the opinion of the ~~director~~ Director of Community Development review of the application for the site plan would be benefitted by public input. All decisions to refuse ruling and refer to the ~~hearing examiner shall~~ Hearing Examiner will be made by the ~~director~~ Director of Community Development within ~~ten (~~10~~)~~ working days after the application in complete form is accepted.

(6) *Review by the Hearing Examiner.* Notice of review of a site plan application by the ~~hearing examiner shall~~ Hearing Examiner must be given as set forth in PCC 17.170.020. The ~~hearing examiner shall~~ Hearing Examiner will initiate a public hearing on the application within ~~ninety (~~90~~)~~ days from the date of referral from the ~~director~~ Director of Community Development and in accordance with the review criteria set forth in PCC 17.135.070. The decision of the ~~hearing examiner shall~~ Hearing Examiner will be final and conclusive, unless within ~~twenty-one (~~21~~)~~ days from the date of the decision any aggrieved person or entity files a land use petition with the Superior Court for Whitman County in accordance with RCW 36.70C, as it now exists or may hereafter be amended.

(7) *Site Plan Review Log—Summary of Action.* ~~Not~~ No later than the first working day following the action of the ~~director~~ Director of Community Development or the ~~hearing examiner~~ Hearing Examiner on an application for a site plan approval, a brief summary of the action and the date of the expiration of the appeal period ~~shall~~ will be entered in the Site Plan Review Log maintained in the ~~public works department~~ Department of Community Development.

(8) *Decision to be ~~Mailed~~ Communicated.* The decision of the ~~director~~ Director of Community Development or the ~~hearing examiner shall~~ Hearing Examiner will be ~~in writing and mailed~~ communicated by either email or postal mail to the applicant within five (5) working days following the action.

(9) *Final Approval—Expiration.* Construction in accordance with an approved site plan must be commenced within two (2) years of the date of approval of the application by the ~~director~~ Director of Community Development or the ~~hearing examiner~~ Hearing Examiner. Otherwise the approval ~~shall~~ will expire and be ~~null and void~~ invalid, unless the applicant files an application for an extension of time ~~thirty (~~30~~)~~ days before the expiration of the two (2) year period and the ~~city planner~~ Director of Community Development approves the application.

(10) *Conformance with Approved Site Plan.* Conformance with the conditions of any approved site plan ~~shall~~ will be determined at the time of final inspection of the last structure to be inspected, and prior to issuance of a final certificate of occupancy. A final certificate of occupancy ~~shall~~ must be issued only when all conditions of the approved site plan have been satisfied.

(11) *Amendment of Site Plan.* A site plan application approved by the ~~director~~ Director of Community Development or by the ~~hearing examiner~~ Hearing Examiner may be amended following the same procedures set forth in this Chapter for obtaining original site plan approval, provided, however, that if final approval of an original site plan was given by the ~~hearing examiner~~ Hearing Examiner then final action on the amendment ~~shall~~ must be made by the ~~hearing examiner~~ Hearing Examiner.

(12) *Minor Changes in Plans.* Minor changes in plans or specifications may be authorized by the ~~city planner~~ Director of Community Development under the procedure set forth in PCC 17.175.050 when a building permit is issued. Minor changes are those which may affect the precise dimensions or siting of buildings, but which do not affect the basic character or arrangement of buildings in the approved plan, nor the density of the development nor the open space requirements. Dimensional adjustments ~~shall~~ must not vary more than ~~ten (~~10%~~) percent~~ from the dimensions on the approved plan. (Ord. ~~22-2 §8, 2022; Ord. 03-33 §55, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.135.060 Contents of Application.

Each application for site plan review ~~shall~~ must contain the following information:

(1) an environmental checklist when required;

(2) the title of the proposed development, its location by both address and legal description, together with the applicant's name, address, email, and telephone number and the owner's name, address, and telephone number if the applicant is not the owner; and, if applicable, the name, address, and telephone number of any architect, planner, designer, or engineer responsible for preparation of the plan and of any authorized representative of the applicant;

(3) a written description of the scope of the project, the nature and size in gross floor area of each use, and the total amount of square feet to be covered by impervious surfaces;

(4) a reproducible site plan drawn to a scale of not less than one (1) inch equals ~~forty (~~40~~)~~ feet on a sheet(s) with minimum dimensions of ~~eight and one-half (~~8½~~)~~ 8.5 inches by ~~eleven (~~11~~)~~ inches and maximum dimensions of ~~twenty- four (~~24~~)~~ inches by ~~thirty-six (~~36~~)~~ inches showing the proposed layout of structures and other site development including the following:

(a) dimensions and orientation of the property;

(b) location and dimensions of buildings and structures, both existing and proposed;

(c) location and layout of off-street parking and loading facilities and pedestrian access separate from vehicular driveways;

(d) location of points of entry and exit for motor vehicles and the internal circulation pattern;

(e) location of walls and fences with an indication of their height and construction;

(f) placement of exterior lighting and the height and type thereof;

(g) location, size, and height of all exterior signs;

(h) a grading plan adequate to show all new cuts and fills and changes in drainage prepared as required by the provisions of the ~~city~~ City of Pullman Design Standards. Grading plans ~~shall~~ will include provisions for drainage and erosion control during construction.

(i) the heights of both existing and proposed buildings and structures;

(j) location of refuse facilities including the location and proposed screening of solid waste dumpsters and self-contained, liquid-tight, compacting solid waste containers;

(k) the proposed use of buildings shown on the site;

(l) the location of required buffer areas, yards, and open spaces;

(m) the location of all existing and proposed easements;

(n) the location of all existing and proposed utility structures and lines including connections to the public water and sewer lines;

(o) the location and capacity of stormwater drainage systems including roof drains, subdrains, and surface drainage for existing and proposed buildings, structures, and parking lots. Storm drainage discharge ~~shall~~ must be to the public storm drain system, or to an existing natural drainage course. Where development will increase the amount of storm water runoff, peak runoff volume, or change the location of a storm water runoff discharge point, provisions such as procedures for retention, detention, and energy dissipation must be made to protect downstream property from erosion and flooding. Approval of any such procedure ~~shall~~ must not create liability on the part of the ~~city~~ City, any officer or employee thereof for any erosion or flood damage that may occur to property whether downstream or not;

(p) the location of existing and proposed fire hydrants within ~~two hundred fifty (~~250~~)~~ feet of the proposed buildings or structures; and

(q) a signature block with space for signatures for the approval of the ~~director~~ Director of Community Development or ~~hearing examiner~~ Hearing Examiner, whichever is appropriate depending on the method of approval;

(5) architectural drawings, drawn to scale, of all exterior elevations with exterior surfaces and colors specified;

(6) a topographic map delineating contours, existing and proposed, at intervals of five (5) feet and locating existing streams, marshes, and other natural features;

(7) a landscape plan drawn to a scale of not less than one (1) inch equals ~~forty (~~40~~)~~ feet which may be combined with the site plan showing the location and description of landscaped areas;

(8) a vicinity map; and

(9) the existing ~~zone~~ zoning district of the proposed development site and any other ~~zone~~ zoning district adjacent to the site. (Ord. ~~22-2 §8, 2022; Ord. 03-33 §56, 2003; Ord. 90-16 §1, 1990; Ord. 87-9 §1, 1987~~ 24-X).

17.135.070 Review Criteria.

The SPRC and ~~director~~ Director of Community Development or the ~~hearing examiner~~ Hearing Examiner on appeal or referral ~~shall~~ must base its review, findings, and decisions on the following:

(1) the goals, policies, and standards of the Comprehensive Plan;

(2) the specific requirements, guidelines, and provisions relating to the ~~zone~~ zoning district in which the property is located, including special requirements applicable to any ~~particular~~ use or area including all overlay ~~zone~~ zoning districts;

(3) the relationship between buildings and structures and open space, and the harmonious setting of buildings and structures in relation to other buildings and structures in the vicinity;

(4) environmental concerns which have resulted in a Determination of Significance under the State Environmental Policy Act;

(5) the impact of the proposed use on pedestrian and vehicular circulation;

(6) protection of neighboring owners, uses, and properties from adverse effects of the proposal;

(7) assurance that the grading plan provides for minimum impact on the property proposed to be developed and surrounding properties. Cut slopes and fill slopes and cuts and fills may require a retaining wall or other protection as required by the provisions of the ~~city~~ City of Pullman Design Standards.

(8) the adequacy of existing public water and sewer lines to accommodate increased demand created by the proposed development. If lines are inadequate, the ~~director~~ Director of Community Development may require the applicant to improve or replace existing public sewer and water lines at no cost to the ~~city~~ City.

(9) the adequacy of existing and proposed fire hydrants. Additional fire hydrants may be required along adjoining streets or within the development when determined necessary by the Fire Chief in accordance with the Uniform Fire Code and the guidelines published by

the Insurance Service Office. All fire hydrants and water lines serving fire hydrants and their respective easements ~~shall~~ must be dedicated for ~~city~~ City use and maintenance.

(10) conformity with the ~~city~~ City of Pullman Design Standards as now existing and in accordance with any amendments that may hereafter be made thereto.

(11) the fiscal impact of the proposed development on the ~~city~~ City. (Ord. ~~22-2 §8, 2022; Ord. 03-33 §57, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.135.080 Limitations.

In carrying out the authority and duties assigned by this Chapter, the SPRC, ~~director~~ Director of Community Development or ~~hearing examiner shall~~ Hearing Examiner must observe the following limitations:

(1) review ~~shall~~ must not be of land use decisions or construction code decisions, but ~~shall~~ will be restricted to a prompt, reasonable, and professional review of the proposal and plans, leaving full responsibility for design and development to the applicant. Any required changes to the proposal and plans ~~shall~~ will be made by the applicant, not by staff, the SPRC, ~~director~~ Director of Community Development, or the ~~hearing examiner~~ Hearing Examiner.

(2) only the applicant's failure to provide the necessary elements required for review in PCC 17.135.060 and to satisfy the criteria set forth in PCC 17.135.070 ~~shall~~ will justify disapproval of a proposal.

(3) account ~~shall~~ will be taken of cost considerations, but these considerations ~~shall~~ will not be overriding.

(4) modifications and conditions ~~shall~~ will be limited to changing and/or adding the following:

(a) the location, dimensions of, and the types of improvements to be made on property to be dedicated to the public or for public utilities including, but not limited to, street rights-of-way and utility easements;

(b) the location, size, and dimensions of yards, courtyards, setbacks, and all other open spaces between buildings and structures;

(c) the location, dimensions, and types of driveways, curbs, gutters, parking areas, walkways, means of ingress and egress, and drainage;

(d) the location, size, bulk, exterior surfaces, height and number of stories of all buildings and structures, including signs and fences;

(e) he location, size, dimensions, and materials used in landscaped areas;

(f) the extent of grading conducted at the site to observe the provisions of PCC 17.35.085 and to reduce impacts on surrounding properties;

(g) the location, size, dimensions, materials, and screening of refuse facilities;

(h) the proposal ~~so as~~ to require the installation or improvement to ~~city standards~~ City Standards of adjacent streets, including paving, curbs, gutters, sidewalks, street lighting, storm drainage, turn lanes, signage, and signals when the ~~director~~ Director of Public Works determines that traffic movements generated by the new private development warrant such installation or improvement. (Ord. ~~22-2 §8, 2022; Ord. 03-33 §8, 2003; Ord. 87-9 §1, 1987~~ 24-X).

Chapter 17.140

BINDING SITE PLAN

Sections:

17.140.010 Purpose.
17.140.020 Conditions and Requirements
17.140.030 Preliminary Non-binding Advisory Review.
17.140.040 Referral to Other Departments, Agencies, and Offices
17.140.050 Approval
17.140.060 Final Recording Fees
17.140.070 Final Recording
17.170.080 Appeals.

17.140.010 Purpose.

The procedures regulating binding site plans are established for the following purposes:

(1) To provide an alternative procedure for the orderly and efficient division of platted land into parcels for the purpose of lease or sale for industrial or commercial uses on land upon which no residential structures will be placed.

(2) To provide an alternative procedure for the orderly and efficient division of platted land into parcels for the purpose of lease for manufactured homes or travel trailers.

(3) To promote the general health, safety, and welfare.

(4) To comply with the provisions of state law.

The binding site plan procedures specified herein are available as a complement to other methods for subdividing land for commercial and industrial development, and will be the required method of development for manufactured home parks. (Ord 24-X).

17.140.020 Conditions and Requirements.

(1) General Conditions and Requirements:

(a) Binding site plan will only be submitted for property that is currently platted or is in the process of being platted. Binding site plan applications must include a preliminary record of survey for the binding site plan. A record of survey for a binding site plan must not be recorded until the underlying plat has been recorded, and until the record of survey has been approved by the City Administrator.

(b) Binding site plan applications should be processed simultaneously with the application for subdivisions, rezones, PRD or PUD districts, building site plan approvals, and similar quasi-judicial or administrative actions to the extent those procedural requirements applicable to these actions permit simultaneous processing.

(c) The binding site plan must be comprised of a single lot.

(d) Binding site plans must be recorded as a record of survey.

(e) A commercial or industrial binding site plan authorizes a sale or transfer of a parcel. The binding site plan and all of its requirements will be legally enforceable on the purchaser or other person acquiring ownership of the parcel. The sale or transfer of such parcel in violation of the binding site plan, or without obtaining a binding site plan approval, is an illegal act in violation of state law and will be restrained by injunctive action.

(f) Manufactured home park and recreational vehicle park binding site plans do not authorize the sale or transfer of ownership of a parcel of the binding site plan.

(g) Alteration of an approved binding site plan will be accomplished by submitting a new binding site plan application to the Director of Community Development. The amended binding site plan will comprise the entire original binding site plan, with the revised parcels shown clearly on the new record of survey for the altered binding site plan. The altered binding site plan will be processed subject to all the procedures and requirements of this chapter.

(h) All improvements within the binding site plan boundaries must be privately held and maintained by the property owners, except that the water meters will be owned by the City. The meters will be installed at locations approved by the Public Works Director. A municipal easement must be filed with the Whitman County Auditor's Office concurrently with the record of survey for the original binding site plan, to allow the City Maintenance and Operations Division to access the water meters and to flush the water system; and for all records of surveys for revised binding site plans if the municipal easement is not already provided. All water and sewer mains and appurtenances must be constructed per the current City of Pullman Design Standards. Construction and permits must be in accordance with Pullman City Code.

(i) The binding site plan must comply with all zoning and health regulations. The survey and drafting standards for records of survey must comply with all the regulations set forth in state law.

(j) The binding site plan must be consistent with the Comprehensive Plan.

(k) Environmental information must be prepared and submitted by the applicant in accordance with the guidelines established under the State Environmental Policy Act of 1971, as amended. Said information is a part of and will accompany the binding site plan application.

(l) Binding site plans will be approved, disapproved, or returned to the applicant for modification within 90 days from the date of filing unless the applicant consents to an extension of such time period. Provided that, if an Environmental Impact Statement is required by state law, the 90 day period will not include the time spent preparing and circulating the Environmental Impact Statement by the local governmental agency.

(2) Specific Conditions and Requirements.

(a) Prior to submitting a binding site plan application, the applicant must schedule a pre-application conference with the Planning Division. The applicant will present a conceptual idea of the binding site plan. The Director of Community

Development and representatives of affected City Departments will respond informally and address potential items of concern to aid the applicant in preparing the binding site plan.

(b) The binding site plan application and record of survey must be filed with the Planning Division on forms provided by the Planning Division. Said application will be accompanied by four (4) full-size copies of the record of survey for the binding site plan, one (1) 11 inch by 17 inch reduction of the record of survey, and a plat certificate that is dated within 30 days of the application.

(c) The record of survey for a binding site plan must be a neat and accurate drawing in black permanent ink prepared, stamped, and signed by a land surveyor. The record of survey must be drawn on two (2) or more sheets if the scale necessary to accommodate the map on one (1) sheet would unduly congest the drawing.

(d) All public dedications shown on the plat being overlaid will be shown on the record of survey for the binding site plan.

(e) The record of survey for a binding site plan must contain the following:

(i) The title to read as follows;

(NAME OF THE SUBDIVISION, LOT, AND BLOCK)

(TYPE OF) BINDING SITE PLAN

A Record of Survey

(ii) All existing streets, municipal easements, and public utility easements, including those shown on any underlying preliminary subdivision(s).

(iii) Parcel locations including dimensions and number or letter designations.

(iv) Distances and bearings for line segments for each parcel, and length, delta angle, and radius for all curved lines for each parcel.

(v) The names of all subdivisions immediately adjacent thereto.

(vi) The scale of the record of survey for a binding site plan must be drawn at a scale that is approved by the Director of Community Development. Scales will generally be at 10, 20, 30, 40, 50, or 60 feet per inch; or multiples of ten (10) to these six (6) scales. A graphical scale must be included on the record of survey.

(vii) A vicinity map at a sufficient scale that shows the location of the binding site plan.

(viii) Surveyor's Certificate. This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of _____ in _____, 20_____.

_____

Name of Person

(Signed and Sealed) _____

Certificate No. _____

(ix) Auditor's *Certificate.* Filed for the record this day of _____, 20_____ at _____ M. in book _____ of binding site plans at page _____ at the request of the City of Pullman.

Whitman County Auditor

_____

by Deputy Auditor

(x) The Whitman County Treasurer's Certificate must be included on the last sheet or sheets of all binding site plans as follows:

Treasurer's Certificate: I hereby certify that all taxes and assessments now due and payable according to the records of Whitman County, including _____advanced taxes, have been fully paid.

_____

Whitman County Treasurer

_____

Date

(xi) Approvals:

Examined and approved by the City of Pullman City Administrator on _____, 20_____.

_____

City Administrator

(f) If the binding site plan is a re-division of an existing binding site plan, the parcels of the preceding binding site plan must be shown by dotted lines in their proper

positions in relation to the new arrangement of the binding site plan, the new binding site plan being so clearly shown in solid lines as to avoid ambiguity.

(g) The applicant's land surveyor must set all required monuments and will stake all parcel corners as shown on the record of survey before the binding site plan is submitted for approval. (Ord 24-X).

17.140.030 Preliminary Non-Binding Advisory Review.

(1) A preliminary, non-binding, advisory review of a proposed binding site plan will be set up by the Director of Community Development, if so requested by the applicant. With the request, the applicant will submit the preliminary record of survey for the binding site plan in substantial compliance with Section 17.140.020.

(2) The binding site plan and request for preliminary, non-binding, advisory review will be referred to other Departments, Agencies, and Offices in compliance with Section 17.140.040. (Ord 24-X).

17.140.040 Referral to Other Departments, Agencies, and Offices.

(1) Upon receipt of a complete and satisfactory conclusive binding site plan application, copies of the record of survey for the binding site plan will be distributed for review and comment to the following offices:

(a) Engineering

(b) Stormwater

(c) Public Works

(d) Public Services

(e) Police Department

(f) Fire Department

(g) Whitman County Assessor

(h) Whitman County Auditor

(2) The Department will distribute the binding site plan application to the Site Plan Review Committee (SPRC) upon issuance of a determination of completeness. Binding site plan applications will be reviewed by the SPRC.

(3) All comments will be made to the Director of Community Development within 14 days after the record of survey is distributed for review.

(4) If the binding site plan is found to be unacceptable, a letter will be delivered to the applicant within 20 days of receipt of the determination of completeness. (Ord 24-X).

17.140.050 Approval.

(1) The Director of Community Development will provide written approval of the binding site plan to the applicant, with conditions of approval, after the 14 day comment and review period and within time limits established by state law.

(2) After all conditions of approval for a binding site plan are met and acceptable to the Director of Community Development, the applicant may submit the final mylars, electronic copies, and fees to the City for final approval signatures and recording. (Ord 24-X).

17.140.060 Final Recording Fees.

The applicant must remit a check that is payable to the Whitman County Auditor for the recording fees. (Ord 24-X).

17.140.070 Final Recording.

(1) The applicant will submit two (2) full-size copies of the record of survey on Mylar® or acceptable equivalent to the Planning Division. Additionally, the applicant will submit one (1) electronic copy to the Director of Community Development, and one (1) electronic copy to the Whitman County Assessor's office.

(2) The Planning Division will take the two (2) Mylar® record of surveys to the Whitman County Auditor after the Mylars® are signed by the City Administrator. One (1) Mylar® record of survey will be confirmed by the Whitman County Auditor and returned to the City Engineer.

(3) Binding site plans are not valid and do not confer any rights or privileges upon the property or its owners unless the record of survey for a binding site plan bears the approval by the City Administrator. (Ord 24-X).

17.140.080 Appeals.

Decisions approving or disapproving binding site plans will be reviewable as provided in Chapter 17.185. (Ord 24-X).

Chapter 17.170

PUBLIC HEARINGS AND NOTICE

Sections:

17.170.010 Purpose.
17.170.020 Notice.
17.170.030 Procedure.
17.170.040 Consolidation.

17.170.010 Purpose.

The purpose of this Chapter is to set minimum standards for public hearings which apply whenever a public hearing is required by this Title. Other provisions of this Title may set additional requirements, such as different periods of time or additional methods of giving notice. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.170.020 Notice.

(1) *Notice Procedure for Quasi-judicial Hearing.* Whenever a quasi-judicial public hearing is required by this Title, notice of the public hearing ~~shall~~ will be given at least ~~ten (~~10~~)~~ days before the hearing by each of the following methods:

(a) *Mailing.* Notice ~~shall~~ will be mailed by the ~~city~~ City to:

(i) applicant or appellant, and/or owner of the property involved;

(ii) property owners as shown on the records of the County Assessor and to street addresses of property located within ~~three hundred (~~300~~)~~ feet of the property involved in the proposal. Failure of any person to receive said notice ~~shall~~ will not invalidate any proceedings in connection with the proposal.

(b) *Publication.* The ~~city shall cause notice to be published~~ City will publish the notice in a newspaper of general circulation in the ~~city~~ City. If the ~~city planner~~ Director of Community Development determines that the change is significant enough to warrant additional notice, ~~he or she~~ they may also give notice of the proposal by other means, such as newspaper display advertisement.

(c) *Posting.* The ~~city shall cause~~ City will post notice of the date, time, place, and purpose of the public hearing ~~to be posted~~ in a ~~conspicuous manner~~ noticeable place on ~~a sign at~~ the property involved in the proposal or at a location immediately adjacent to said property that provides maximum visibility to motorists in the area.

(2) *Notice Procedure for Legislative Hearing.* Whenever a legislative public hearing is required by this Title, the ~~city shall~~ City will give notice of the public hearing at least ~~ten (~~10~~)~~ days before the hearing by means of PCC 17.170.020(1)(b).

(3) *Contents of Notice for Quasi-judicial or Legislative Hearing.* The notice given pursuant to PCC 17.170.020(1) and (2) ~~shall~~ will contain at least the following:

(a) a general description of the proposal;

(b) a nonlegal description or map sufficient to identify the location of the property including the street address, if applicable;

(c) the date, time, place, and purpose of the hearing;

(d) the place where further information is available;

(e) a statement that oral comments at the hearing may be subject to a time limit, and an invitation to submit written comments before the hearing, or oral comments at the hearing;

(f) a statement of the action contemplated to be taken at the hearing. (Ord. ~~06-15 §6, 2006; Ord. 03-33 §59, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.170.030 Procedure.

(1) *Opening of Public Hearing.* The person presiding at the hearing ~~shall~~ will declare the public hearing open.

(2) *Staff Report.* The staff ~~shall~~ will present its report ~~and recommendation~~, and answer questions from the person or members of the body holding the hearing.

(3) *Public Testimony.* If the hearing is quasi-judicial in nature, the person presiding at the hearing ~~shall~~ will ask all members of the hearing body questions concerning their ability to fairly hear the matter to be heard. The applicant, and/or his or her representatives, if any, ~~shall~~ will speak first. If the hearing is an appeal filed by a person other than the applicant, that person ~~shall~~ will speak first and then the applicant ~~shall~~ will be allowed to speak. After both the proponents and opponents of a proposal or appeal have presented their cases any interested person who is neutral as to the proposal or appeal may be heard. After all interested persons have had a fair opportunity to speak and respond to other speakers, the person presiding over the hearing ~~shall~~ will declare the public hearing either continued or closed.

Any hearing may be continued to a date, time, and place certain to obtain information needed for a proper decision for the presentation of written or formal findings and conclusions, or for other good cause. No further notice of the continued hearing ~~shall~~ will be required if the hearing is continued to a date, time, and place certain.

(4) *Relevant Speech and Material.* A person may speak or submit material on any relevant subject. A subject is relevant if it is related to the proposal being reviewed, and the findings and review criteria required by this Title. The person presiding at a hearing may exclude speech and material which is not relevant.

(5) *Time Limits.* The person or body holding a hearing may impose reasonable time limits for persons speaking during a hearing.

(6) *Rules of Procedure.* The person or body holding a hearing may adopt rules of procedure to supplement this Section. However, formal rules of evidence or procedure followed by

a court of law ~~shall~~ will not be applicable to hearings conducted in accordance with the requirements of this Title.

(7) *Discussion.* The person or members of the body holding a hearing may ask questions of the staff or any other person after a hearing is closed for public testimony. However, if these questions raise relevant new material and that material is discussed, the public hearing may be reopened for testimony on the relevant new material not presented previously.

(8) *Decision.* The decision of the person or body holding a hearing ~~shall~~ will be made after the hearing is closed for public testimony. For the ~~city planner~~ Director of Community Development and other staff, the decision ~~shall~~ will be made within ~~fourteen (~~14~~)~~ days ~~of~~ after the day the hearing was closed for public testimony. For the ~~hearing examiner~~ Hearing Examiner, ~~planning commission~~ Commission, and ~~City~~ Council, the decision ~~shall~~ will be made within ~~ninety (~~90~~)~~ days ~~of~~ after the day the hearing was closed for public testimony. The decision ~~shall~~ will be made after due deliberation and ~~shall~~ will be based on the relationship of the proposal to the appropriate standards and criteria of this Title. The decision ~~shall~~ will be supported by appropriate findings and conclusions. The decision ~~shall~~ will be reported in writing promptly to the applicant, or appellant if any, and any other person requesting a copy of the decision.

(9) *Records.* The ~~city planner shall~~ Department of Community Development will keep a permanent record of all public hearings including a verbatim tape recording of the hearing, summary minutes, and all exhibits including staff reports. (Ord. ~~22-2 §8, 2022; Ord. 03-33 §60, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.170.040 Consolidation.

For each separate project permit application, the ~~city shall~~ City will conduct no more than one open record hearing and one closed record appeal in accordance with RCW 36.70B, as it now exists or may hereafter be amended. If certain provisions in this Title create uncertainty as to how this requirement should be accomplished, the ~~director shall~~ Director of Community Development will determine the proper procedures to utilize for a ~~particular~~ project permit application to comply with this Section. (Ord. ~~03-33 §71, 2003~~ 24-X).

Chapter 17.175

APPLICATION AND STAFF REVIEW

Sections:

17.175.010 Purpose.
17.175.020 Burden of Proof.
17.175.030 Application.
17.175.040 Staff Analysis and Report.
17.175.050 Staff Decision.

17.175.010 Purpose.

The purpose of this Chapter is to set forth the application requirements and staff review procedures for all permits or approvals required by this Title. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.175.020 Burden of Proof.

The applicant has the responsibility of proving that under the provisions of this Title, the applicant is entitled to the requested action. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.175.030 Application.

(1) *Filing.* All applications ~~except those filed under the provisions of Chapter 17.100 shall~~ will be filed with the Department of Community Development unless a state statute or rule requires otherwise. The Department of Community Development ~~shall~~ will provide the appropriate application form. Application fees as set by ~~City~~ Council resolution ~~shall~~ will be paid to the ~~city~~ City at the time of filing the application.

(2) *Date of Filing.* The ~~city planner shall~~ Director of Community Development will review all applications and accept for filing only those which include all the information required for the specific application being submitted. The date of filing ~~shall~~ will be the date the application is accepted as complete for processing. When an Environmental Impact Statement is required or a Proposed Negative Declaration is made pursuant to ~~Chapter~~ PCC 16.39 Environmental (SEPA) Procedure, the date of filing ~~shall~~ will be the day on which the Final Environmental Impact Statement is filed by the applicant or the Final Negative Declaration is filed by the ~~director~~ Director of Community Development.

(3) *Required Material.*

(a) The applicant ~~shall~~ will provide the following information for all applications:

(i) the applicant’s name and address; and,

(ii) the owner’s name, address, proof of ownership, and written consent if the applicant is not the owner.

(b) Applicants for changes to the Comprehensive Plan, rezones, conditional use permits, special use permits for historic structures, variances, and townhouse developments ~~shall~~ will provide the location by address and legal description of the site.

~~(c) Applicants for changes to the Comprehensive Plan, rezones, conditional use permits, special use permits for historic structures, and variances shall provide a list of the names and mailing addresses, as shown on the records of the County Assessor, of the owners of property and the street addresses of the property within three hundred (300) feet of the boundaries of the project site.~~

~~(d)~~(c) Applicants for conditional use permits, special use permits for historic structures, and variances ~~shall~~ will provide a plot plan that shows the proposed layout of site development, both existing and proposed.

~~(e)~~(d) Applicants for changes to the Comprehensive Plan, rezones, conditional use permits, special use permits for historic structures, and variances ~~shall~~ will provide written findings of fact related to the application.

~~(f)~~(e) An application fee established pursuant to PCC 17.10.060.

(4) *Initiation.* The ~~city~~ City or a representative thereof, or an owner or authorized agent thereof may file an application relative to a ~~particular~~ property. Applications for text amendments ~~shall~~ will be initiated only by application of the ~~city planner~~ Director of Community Development, or motion of the ~~planning commission~~ Commission, or motion of the ~~City~~ Council. (Ord. ~~21-15 §6, 2021; Ord. 10-9 §1, 2010; Ord. 06-15 §7, 2006; Ord. 03-33 §61, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.175.040 Staff Analysis and Report.

(1) If a public hearing is to be held on an application, the ~~city planner shall~~ Director of Community Development will visit the site and prepare a staff report, a copy of which ~~shall~~ will be provided to the applicant and the person or body holding the hearing, and made available to the public before the hearing. The report ~~shall~~ will contain an analysis of the proposal, including a comparison of the proposal to the criteria and standards contained in this Title for the type of application being reviewed. The report ~~shall~~ will also contain proposed findings of fact and conclusions. ~~If the report recommends approval, it shall also contain any recommended conditions of approval.~~ The ~~city planner shall~~ Director of Community Development will summarize the comments of other divisions or departments, if any, and incorporate them in the staff ~~recommendation~~ analysis, or attach them to the report if the comments are lengthy or complex.

(2) If no hearing is to be held on the application, the staff ~~shall~~ will make written findings and conclusions as to whether the proposal meets the standards and criteria of this Title. This document ~~shall~~ will be available for public review. (Ord. ~~03-33 §62, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.175.050 Staff Decision.

(1) *Scope.* The following permits and approvals are reviewed under this procedure:

(a) extensions of time for conditional use permits, variances, ~~and planned residential developments~~ PRDs, and PUDs;

(b) expansions of approved conditional uses pursuant to PCC 17.125.050;

(c) minor changes to approved site plans which stand alone or are in conjunction with conditional use permits, variances, ~~and planned residential developments~~ PRDs, and PUDs;

(d) administrative variances pursuant to PCC 17.130.040;

(e) joint use of parking pursuant to PCC 17.40.070(2);

(f) accessory television or radio aerials, antennae, or transmission towers that are greater than the maximum height restriction of the residential ~~zone~~ zoning district in which they are to be located but less than ~~seventy (~~70~~)~~ feet in height;

(g) such other matters as specifically referred by this Title.

(2) *Procedure.* The ~~city planner shall make a decision~~ Director of Community Development will decide, based upon written findings and conclusions, within ~~sixty~~ 60 days from the date of filing of an application whether to approve, conditionally approve, or deny the application.

(a) *Notice.* The ~~city planner shall cause~~ Director of Community Development will publish notice of the decision ~~to be published~~ in a newspaper of general circulation in the ~~city~~ City. Said notice ~~shall~~ will contain at least the following:

(i) a general description of the proposal and the ~~city planner's~~ Director of Community Development's decision;

(ii) a nonlegal description or map of the location of the property including the street address, if there is one;

(iii) reference to the place where further information is available; and

(iv) a statement that the ~~city planner's~~ Director of Community Development's decision may be appealed in accordance with the provisions of ~~chapter~~ PCC 17.185, including a notation as to the date on which the appeal period ends.

(b) *Appeal.* If a valid appeal is filed within ~~ten (~~10~~)~~ days of the date of publication of the notice described in PCC 17.175.050(2)(a), then the appeal procedures set forth in ~~Chapter~~ PCC 17.185 ~~shall~~ will apply. (Ord. ~~03-33 §63, 2003; Ord. 87-9 §1, 1987~~ 24-X).

Chapter 17.180

HEARING EXAMINER, PLANNING COMMISSION AND CITY COUNCIL REVIEW

Sections:

17.180.010 Purpose.
17.180.020 Burden of Proof.
17.180.030 Hearing Examiner and Planning Commission Review.
17.180.040 City Council Action on Recommendations.

17.180.010 Purpose.

The purpose of this Chapter is to establish review procedures for all permits and approvals required by Title 17 which are not reserved for staff action under ~~Chapter~~ PCC 17.175. (Ord. ~~87-9 §1, 1987~~ 24-X).

17.180.020 Burden of Proof.

The applicant has the responsibility of proving to the hearing body (~~hearing examiner~~ Hearing Examiner, ~~planning commission~~ Commission and/ or ~~City~~ Council) that, under the provisions of this Title, the applicant is entitled to the requested action; provided, however, that in the case of an appeal, the appellant has the responsibility of proving to the ~~hearing examiner~~ Hearing Examiner that the decision from which the appeal is taken was incorrect. (Ord. ~~22-2 §8, 2022; Ord. 87-9 §1, 1987~~ 24-X).

17.180.030 Hearing Examiner and Planning Commission Review.

The ~~hearing examiner and planning commission shall~~ Hearing Examiner and Commission will:

(1) review all information in the official file for the project kept by the Department of Community Development, including the application, staff report, and environmental checklist; during a hearing, the hearing body, accompanied by the ~~city planner~~ Director of Community Development, may visit the project site;

(2) hold a public hearing as provided in ~~Chapter~~ PCC 17.170 within ~~ninety (~~90~~)~~ days of the date of filing of the application for the project to be reviewed. (Ord. ~~22-2 §8, 2022; Ord. 21-15 §6, 2021; Ord. 03-33 §64, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.180.040 City Council Action on Recommendations.

(1) *Normal Review.* Recommendations from the ~~planning commission shall~~ Commission will be forwarded to the ~~City~~ Council within ~~fourteen (~~14~~)~~ days from the date of the recommendation. Thereafter, the ~~City~~ Council ~~shall~~ will consider a recommendation at a public meeting within ~~sixty (~~60~~)~~ days from receipt of the recommendation. At said public meeting, the Council ~~shall~~ will approve, modify, conditionally approve, deny, or remand the proposal. In the event of a remand, the Council ~~shall~~ will specify the time within which the ~~planning commission shall~~ Commission will report back its findings and recommendations to the Council.

(2) *Findings, Conclusions, and Decisions.* The Council's decision ~~shall~~ will be supported by findings and conclusions based upon the record before Council, and on the required

standards and criteria of this Title governing the type of application being reviewed. The ~~City~~ Council action ~~shall~~ will be final and ~~shall~~ will be put into writing by either ordinance, resolution, or minutes, as appropriate, and ~~shall~~ will state any conditions placed on an approval; provided, however, that decisions on rezones and text amendments made pursuant to this Title ~~shall~~ will be adopted by ordinance. (Ord. ~~03-33 §65, 2003; Ord. 87-9 §1, 1987~~ 24-X).

Chapter 17.185

APPEALS AND COURT REVIEW

Sections:

17.185.010 Purpose.
17.185.020 Appealable Staff Decisions.
17.185.030 Appeal Procedure.
17.185.040 Court Review.

17.185.010 Purpose.

The purpose of this Chapter is to provide the basic procedure for processing appeals. Decisions made pursuant to Title 17, Zoning, and Title 5, Health and Sanitation, may be appealed as provided in this Chapter unless specific provisions of Title 17 or Title 5 provide otherwise. (Ord. ~~07-9 §1, 2007; Ord. 87-9 §1, 1987~~ 24-X).

17.185.020 Appealable Staff Decisions.

Any aggrieved party may appeal administrative decisions of staff on the following matters to the ~~hearing examiner~~ Hearing Examiner;

(1) classifications of uses not specified in the Use Chart, ~~Section~~ PCC 17.70.030;

(2) interpretations of the Official Zoning Map;

(3) interpretations of the text of Title 17;

(4) approved site plans reviewed under the provisions of ~~Chapter~~ PCC 17.135;

(5) permits or approvals required by this Title;

(6) Notices of Violation and Orders to Correct or Cease Activity;

(7) a denial, approval, or conditional approval of ~~floodplain development permit~~ Floodplain Development Permit; or a written interpretation of the Floodplain Boundary maps; and

(8) nuisance abatement and abatement costs arising from Title 5, Health and Sanitation, of the Pullman City Code. (Ord. ~~22-2 §8, 2022; Ord. 07-9 §2, 2007; Ord. 87-9 §1, 1987~~ 24-X).

17.185.030 Appeal Procedure.

(1) *Written Appeal.* Appeals ~~shall~~ will be written and ~~shall~~ will include the following:

(a) The name of the project applicant and the date of the decision, or the name of the person who has received a Notice to Abate under PCC 5.01.080 and the date of the notice;

(b) The name and address of the person appealing, and his or her interest in the matter;

(c) A brief statement of the specific action being appealed, together with any material facts claimed to support the contentions of the appellant;

(d) A brief statement of the relief sought and the reasons why it is claimed the action appealed from should be reversed, modified, or otherwise set aside; and

~~(e) Regarding actions pertinent to PCC Title 17, a list of property owners as specified in PCC 17.170.020(1)(a) if no public hearing has been held earlier; and~~

~~(f)~~(e) An appeal fee established pursuant to PCC 17.10.060.

(2) *Filing the Appeal.*

(a) In actions arising under PCC Title 17, the appellant ~~shall~~ will file an appeal with the Department of Community Development within ~~ten (~~10~~)~~ days after the date of the decision being appealed.

(b) In actions arising under PCC Title 5, the appellant ~~shall~~ will file an appeal with the City Clerk within five (5) days after the date of the Notice of Abate.

(3) *Rejection of Appeal.* If an appeal is not properly filed because one or more of the required materials set forth in subsection (1) of this section has not been submitted within the time limit established in subsection (2) of this section, the ~~city administrator or his/her~~ City Administrator has the authority to reject the appeal. In such instances, the ~~city administrator~~ City Administrator or designee ~~shall~~ will inform the appellant in writing that the appeal has been rejected and include an explanation of its deficiency(ies).

Nothing in this section ~~shall~~ will be construed to limit the City's authority to proceed with summary abatement under PCC 5.01.120.

(4) *Stay of Proceedings.* If an appeal is properly filed within the time limit, the appealed decision ~~shall~~ will be suspended, and no further action which is the subject of the appeal may be taken until the appeal is decided, but if a suspension would cause imminent peril to life or property, development action may be continued only by an order issued by the ~~hearing examiner~~ Hearing Examiner or by a court of competent jurisdiction.

(5) *Department Action.*

(a) If an appeal relating to PCC Title 17, Zoning Code, is properly filed within the time limit, the Director of Community Development ~~shall~~ will:

(i) Set the hearing on the appeal for a date that is within ~~ninety (~~90~~)~~ days of the date the appeal was filed;

(ii) Give notice of the hearing as specified in PCC 17.170.020; and

(iii) Provide the ~~hearing examiner~~ Hearing Examiner with copies of the staff report, minutes if any, the decision, a preliminary response to the appeal, and other relevant material. The project applicant, appellant, and other interested parties who have made requests to the Department of Community Development ~~shall~~ will be notified in writing when these materials are filed and that they may be reviewed and/or copied at the expense of the persons wishing to do so.

(b) If an appeal related to PCC Title 5, Health and Sanitation, is properly filed within the time limit, the City ~~shall~~ will set the date and give notice of hearing on the appeal for the earliest practicable date, but ~~not more than thirty (30)~~ within 30 calendar days from the date the written appeal was filed.

(6) *Hearing Examiner Review.*

(a) On matters related to PCC Title 17, Zoning Code:

(i) The ~~hearing examiner shall~~ Hearing Examiner will hold a public hearing on the appeal in the manner provided in ~~Chapter~~ PCC 17.170 PCC.

(ii) The ~~hearing examiner shall~~ Hearing Examiner will base their decision on the same standards and criteria set forth in this Title for the original decision.

(iii) The ~~hearing examiner~~ Hearing Examiner may affirm, modify, or reverse the action of the staff.

(iv) The decision of the ~~hearing examiner shall~~ Hearing Examiner will include any conditions placed on the approval if approval is granted.

(v) The decision of the ~~hearing examiner shall~~ Hearing Examiner will be final and conclusive, unless within ~~twenty-one (~~21~~)~~ days from the date of the decision the project applicant, appellant, or an aggrieved person files with the Superior Court of Whitman County a land use petition in accordance with Chapter 36.70C RCW, as it now exists or may hereafter be amended.

(b) On matters related to PCC Title 5, Health and Sanitation:

(i) The ~~hearing examiner shall~~ Hearing Examiner will hold a public hearing on the appeal of the Notice to Abate under the procedures established in PCC 17.170.030, except as stated in this section. The ~~hearing examiner~~ Hearing Examiner may affirm, modify, or reverse the Notice to Abate.

(ii) The City ~~shall~~ will have the burden of proof to demonstrate by a ~~preponderance~~ majority of the evidence that a violation has occurred and that the required corrective action is reasonable.

(iii) The determination of the applicable ~~responsible official~~ Responsible Official as to the need for the required corrective action ~~shall~~ will be accorded substantial weight by the ~~hearing examiner~~ Hearing Examiner in determining the reasonableness of the required corrective action.

(iv) If the ~~hearing examiner~~ Hearing Examiner determines that a violation of PCC Title 5 has occurred, the ~~hearing examiner shall~~ Hearing Examiner will issue an order to the person responsible for the violation which contains the following:

(aa) The ~~hearing examiner's~~ Hearing Examiner's decision on the Notice to Abate, including findings of fact and conclusions based thereon in support of the decision;

(bb) The required corrective action, with any modifications expressly stated;

(cc) The date and time at which the City may proceed with abatement of the violation if the required corrective action is not completed; and

(dd) A copy of the ~~hearing examiner's~~ Hearing Examiner's Order ~~shall~~ will be sent via U.S. Mail to the last known owner as listed in the tax records of Whitman County, if the owner is not a party to the appeal. (Ord. ~~22-2 §6, 2022; Ord. 21-15 §6, 2021; Ord. 07-9 §3, 2007; Ord. 03-33 §66, 2003; Ord. 87-9 §1, 1987~~ 24-X).

17.185.040 Court Review.

Unless otherwise provided by law, any final decision or other final action for which no other direct appeal is specifically provided in this Title and for which all other appeals specifically authorized have been timely exhausted ~~shall~~ will be reviewable by the Superior Court of Whitman County by filing a land use petition pursuant to RCW 36.70C, as it now exists or may hereafter be amended. The action may be brought by any aggrieved person by filing said land use petition within ~~twenty-one (~~21~~)~~ days from any final decision or other final action to be reviewed. The appellant ~~shall~~ will bear the cost of transcribing and reproducing all records ordered certified by the court for such review. (Ord. ~~03-33 §67, 2003; Ord. 00-22 §1, 2000; Ord. 87-9 §1, 1987~~ 24-X).