

## GENERAL PROVISIONS

### **11.02.060 Interpretations.**

(1) The administrator shall review and resolve any questions involving the proper interpretation or application of the provisions of this title that may be requested by any property owner, tenant, government officer, department or other person affected. The administrator's decision shall be in keeping with the spirit and intent of this title.

(2) Upon application, the ~~board of adjustment~~ Administrator may ~~rule-determine~~ that a use not specifically named in the allowed uses of a district shall be included among the allowed uses if the use is the same general type; and is similar in nature, to the allowed uses. Said use shall be consistent with the intent, goals and policies contained within the comprehensive plan. However, this section does not authorize the inclusion of a use in a district where it is not listed when the use is specifically listed in another district.

(3) A record shall be kept of all interpretations and rulings made by the administrator and on appeals to the board of adjustment. Such decisions shall be used for future administration and code amendments.

PESHASTIN URBAN GROWTH AREA

**11.22.030 Permitted, accessory and conditional uses.**

(1) A district use chart is established and contained herein as a tool for the purpose of determining the specific uses allowed in each use district. No use shall be allowed in a use district that is not listed in the use chart as either permitted, accessory or conditional use, unless the administrator determines, by a written administrative interpretation that may be appealed to the hearing examiner, that an unlisted use is similar to one that is already enumerated in the use chart and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions.

(2) The following acronyms apply to the following use chart.

**Uses:**

PRM = Permitted use

ACC = Accessory use

CUP = Conditional use

Where a cell is empty, the use is prohibited in that zone. All of these assume compliance with any and all development standards.

**Districts:**

R-1 = Low Density Residential

R-2 = Medium Density Residential

R-3 = High Density Residential

C-D = Downtown Commercial

C-H = Highway Commercial

I = Industrial

I-C = Campus Industrial

P-U = Public Use

Land Uses	R-1	R-2	R-3	C-D	C-H	I	I-C	P-U
<b>RESIDENTIAL USES</b>								
Accessory Dwelling, Detached	CUP	CUP		CUP			CUP	CUP
Accessory Dwelling, Attached	ACC	ACC	ACC					
Accessory Structure, Residential 1,500 Square Feet or Less	PRM	PRM	PRM	ACC	ACC		ACC	
Accessory Structure, Residential Greater than 1,500 Square Feet	ACC	ACC	ACC	ACC	ACC		ACC	
Bed and Breakfast	CUP	CUP	CUP	PRM1	PRM1			
Boarding/Lodging House	PRM	PRM	PRM	CUP	PRM	PRM		
Caretaker's Residence				ACC	ACC	ACC	ACC	ACC
Condominiums—Residential (Full-Time Ownership)		PRM	PRM	PRM	PRM		CUP	

Assisted Living Facility	PRM	PRM	PRM	PRM	PRM			
Convalescent Home/Nursing Home		CUP	CUP	PRM	PRM			
Daycare Center, Preschool	CUP	CUP	CUP	PRM	PRM	PRM	PRM	PRM
Daycare Home	ACC	ACC	ACC	ACC1	ACC1			
Duplex Dwelling	PRM	PRM	PRM	PRM	PRM		CUP	
Foster Home/Group Home	ACC	ACC	ACC	ACC1	ACC1			
Home Occupation, Type A	ACC	ACC	ACC	ACC1	ACC1			
Home Occupation, Type B	CUP	CUP	CUP	CUP1	CUP1			
Manufactured Home, Designated	PRM	PRM	PRM					
Manufactured/Mobile Home Park		PRM	PRM					
Manufactured Home	PRM	PRM	PRM					
Mobile Home								
Modular Home	PRM	PRM	PRM					
Multifamily Dwelling		PRM	PRM	PRM	PRM		CUP	
Single-Family Dwelling	PRM	PRM	PRM	PRM <sup>4</sup>	PRM <sup>4</sup>			
<a href="#">Existing Single-Family Dwelling as of July 1, 2008</a>				<a href="#">PRM</a>	<a href="#">PRM</a>			

### 11.22.040 Standards.

Development within the Peshastin urban growth area shall comply with the following minimum standards, as identified herein:

(1) Dimensional Standards. All development within the Peshastin urban growth area shall comply with the following minimum dimensional standards:

Standard	R-1	R-2	R-3	C-D	C-H	I	I-C	P-U
Minimum Lot Size (square feet)	7,500 <sup>3</sup>	7,000 <sup>4</sup>	6,000 <sup>4</sup>	0	0	0	0	0
Minimum Lot Width (feet)	75	60	60	0	0	0	0	0
Maximum Building Height (feet) <sup>5</sup>	25	25	35	35	45	45	45	35
Maximum Lot Coverage (percent)	50	65	65	<a href="#">0100</a>	75	75	80	30
Maximum Setbacks <sup>6</sup>								
Front Yard (feet) <sup>1</sup>	25	20	20	0	40	25	20	0
Rear Yard (feet) <sup>2</sup>	20	15	15	0	20	25	20	0

Side Yards (feet) <sup>2</sup>	5	5	5	0	20	25	20	0
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<sup>1</sup> Structures on corner lots shall observe a front yard setback from both front property lines.

<sup>2</sup> Eaves, cornices, gutters, sunshades and other similar architectural features that are at least eight feet above finished grade may project up to two feet into required side and/or rear yard areas.

<sup>3</sup> Nine thousand square feet for duplex units.

<sup>4</sup> Nine thousand square feet for duplex units, plus an additional one thousand square feet for each additional unit.

<sup>5</sup> As measured to the ridgeline of the roof.

<sup>6</sup> Structures located adjacent to existing commercial agricultural ~~activities-zoning~~ will be required to have a one-hundred-foot setback, except when a waiver is recorded in accordance to CCC11.30.

### 11.22.040 Standards.

(12) Multifamily Development. The following regulations shall apply to all multifamily housing developments that may be authorized by this chapter:

(A) Parking.

(i) All parking shall be screened from public streets and adjacent residential uses by landscaping and/or architectural screening. No solid board fencing shall be allowed as architectural screening.

(ii) Parking may not be located in the front yard.

(iii) Each multifamily dwelling unit shall have an enclosed or covered parking area and a storage area. The storage area shall be accessible from the outside of the dwelling unit and may be provided in conjunction with the required covered parking, or as part of the building complex. Storage areas shall be a minimum of 150 square feet and at least six feet in height, which shall include storage that is no less than one hundred fifty square feet and no greater than two hundred fifty square feet.

(iv) Parking between structures is only allowed when it is located toward the rear of the principal structure and is served by an alley or private driveway.

(v) Surface parking lots shall be broken into sub lots of no more than six parking spaces.

(B) ~~Common~~ Open Space.

(i) A minimum of three hundred square feet of common open space shall be provided per dwelling unit.

(ii) The total cCommon open space within a development shall be a minimum of two thousand square feet in size, regardless of the number of dwelling units.

(iii) No dimension of an open space area used to satisfy the minimum square footage requirement shall be less than nine feet wide, unless part of a pathway or trail.

(iv) Common open space shall be improved for passive or active recreational use. Examples may include, but are not limited to, courtyards, orchards, landscaped picnic areas or gardens.

(v) Common open space shall include amenities such as seating, landscaping, trails, gazebos, barbeque facilities, covered shelters or water features.

(vi) Private Open Space: Each dwelling unit shall provide a minimum of four hundred square feet of private ~~front~~-yard space. Examples include lawn area, courtyards and patios.

(C) A multifamily housing development may contain community building(s) that are clearly incidental in use or size and are supportive to the dwelling units. Such community buildings shall be designed similar to the multifamily housing development, and shall be located on the same parcel as the multifamily housing development.

#### **11.22.040 Standards.**

(15) Sewer Connections. All new construction within the Sewer Service area shall connect to the Peshastin Sewer System. Any land division that creates any lot or lots that are one acre in size or smaller shall connect to the Peshastin Sewer System.

(16) Notice to Title. All building permits, development permits and land divisions within 500 feet of existing agricultural activities shall have the following notice placed on the title of all affected parcels:

"This land is within 500' feet of agricultural activities on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration."

### **11.30.010 Permitted, accessory and conditional uses.**

Permitted, accessory and conditional uses in this district shall be as identified in Chapter 11.04, District Use Chart, of this title. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable provisions of the Chelan County Code are met.

### **11.30.020 Standards.**

All development in this zone shall meet the applicable provisions of the Chelan County Code, including without limitation the following:

(1) Minimum lot size: ten acres, which measures to the centerline of adjoining public rights-of-way. Cluster subdivisions approved pursuant to Title 12 of the Chelan County Code may have reduced minimum lot sizes. Where a land division process would result in a fractional lot that is less than the required minimum but greater than fifty percent of the minimum area of the district, said lot may be allowed. Only one fractional lot per land use application may be created through this process.

(2) Minimum lot width: ~~one~~ 300 hundred ~~fifty~~ feet at the front building line.

(3) Maximum building height: thirty-five feet, except as provided for in Section 11.88.170.

(4) Maximum Lot Coverage. Buildings and structures shall not occupy more than thirty-five percent of the lot area.

(5) Minimum Setback Distances. Minimum setback requirements shall be as provided in this section except when abutting commercial agricultural lands (AC), commercial forest lands (FC), riparian and shoreline areas, or as modified by the provisions of this title:

(A) Front yard: twenty-five feet from the front property line or fifty-five feet from the street centerline, whichever is greater.

(B) Rear yard: twenty feet from the rear property line.

(C) Side yard: ten feet from the side property line. On corner lots the street side yard shall be a minimum of twenty-five feet from the property line or fifty-five feet from the street centerline, whichever is greater.

(6) Setbacks from Agriculture.

(A) No dwelling unit within or adjacent to the commercial agricultural zoning district shall be placed within one hundred feet of a property line, including those across a right-of-way.\* The entire width of any public right-of-way may be used as part of the setback area. However, in no case shall the setback from a public right-of-way be less than eighty feet from centerline or fifty feet from the front property line, whichever is greater.

(B) Administrative Modifications. For lots/parcels legally created prior to the effective date of these provisions (September 9, 1997), the administrator may modify the required setback from land in agricultural use up to twenty percent. The granting of a modification request must be necessary for the reasonable use of the land or building and the modification as granted by the administrator shall be the minimum necessary to accomplish this purpose. The decision of the administrator shall be appealable to the Chelan County hearing examiner.

(C) These additional setbacks for dwelling units may be waived on an existing parcel within or adjacent to the commercial agricultural zoning ~~this~~ district when a written waiver, signed by both the subject property owner and the adjacent property owner, is notarized, reviewed and approved by the department and recorded with the Chelan County auditor's office (resulting in a notice to title). Where such a waiver is

implemented, the setbacks identified within this chapter shall be utilized as the minimum standards.

~~\*The entire width of any public right-of-way may be used as part of the setback area. However, in no case shall the setback from a public right-of-way be less than eighty feet from centerline or fifty feet from the front property line, whichever is greater.~~

(7) Off-street parking requirements in this district shall be as follows:

(A) Two spaces per single-family dwelling unit;

(B) Other off-street parking and loading shall be provided as prescribed in Chapter 11.90 of this title.

(8) Landscape standards shall be provided as prescribed in Chapter 15.50 of Title 15, Development Standards, as amended.

(9) All plats, short plats, development permits and building permits issued for development activities on, or within five hundred feet of, land designated as agricultural lands shall contain a notice that the subject property is within or near designated long-term commercial agricultural lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

(10) Lot Size Reduction for Existing Dwellings. The owner of land with agricultural uses that is five acres or greater in size within areas designated in the commercial agricultural district may short subdivide the land to create lots to accompany an existing dwelling and accessory uses normally incidental to single-family dwellings. The lot size shall be the minimum necessary for segregating out the existing home, and accessory uses, and meet the provisions of the Chelan-Douglas health district and this chapter. This provision applies only to legally constructed dwellings and accessory uses on legal lots of record existing prior to September 9, 1997. This provision does not apply to accessory dwelling units, dependent care housing or farm worker housing.

(11) Additional Public Notice Provisions. Upon receipt of an application for all plats, short plats, conditional use permits, variances and similar land use applications, the county shall provide notice of the application to adjacent property owners and all owners of property located within one thousand feet of the proposed subdivision or development per the provisions of Section 14.08.050.

(12) All applications related to the following types of land uses shall meet with the agricultural review committee (ARC) to review proposed projects, identify possible impacts, outline possible mitigation measures, and make a formal recommendation to Chelan County staff prior to rendering a decision on the application or setting a public hearing. ARC review and recommendation shall be based on the agricultural good neighbor practices adopted by the Chelan County board of county commissioners, Chapter 10.30. All recommendations are for the consideration and final determination of the decision-making body.

(A) Food service associated with a use or activity allowed pursuant to this chapter are those services which are incidental or accessory to a permitted use or value-added food items produced from agricultural products grown on the applicant's farm and may include sales of ancillary prepackaged foods or beverages that are not prepared on the premises for on-site consumption.

(B) Education services located on a farm shall be a subordinate element of the operation of an ongoing agricultural activity as defined by RCW 84.34.020(2).

(C) Ancillary entertainment/special events, including weddings/receptions, catered functions and musical events shall be consistent with the character of permitted activities and uses.

(D) Accessory uses which support, promote, or sustain agricultural operations and production as a secondary, subordinate, and/or supplemental element of the operation

of an ongoing agricultural activity as defined by RCW 84.34.020(2). Accessory commercial or retail uses shall predominantly sell regionally produced agricultural products from one or more producers, products derived from regional agricultural production, agriculturally related experiences, or products produced on-site. Accessory commercial retail uses shall offer for sale products or services produced on-site.

## STANDARDS

### 11.88.040 Setback provisions.

(1) A zero-foot setback from property lines is allowed for bus shelters and related transit amenities.

(2) Reduction of Front Yard Setback Requirements Due to Slope. Front yard setback requirements, at the footprint of the proposed structure construction site, may be reduced under the following conditions:

(A) The front yard requirement may be reduced to twenty feet from the street right-of-way or fifty feet from the street centerline, whichever distance is greater, when the natural slope of the front ~~fifty~~ twenty-five feet of the lot equals or exceeds one foot of fall in seven feet of distance (14%) from the property line;

(B) The front yard requirement may be reduced to fifteen feet from the street right-of-way or forty-five feet from the street centerline, whichever distance is greater, when the natural slope of the front ~~twenty-five~~ fifty feet of the lot equals or exceeds one foot of fall in four feet of distance (25%) from the front property line;

(C) The front yard requirement may be reduced to twelve feet from the street right-of-way or forty-two feet from the street centerline, whichever distance is greater, when the natural slope of the front ~~twenty-five~~ fifty feet of the lot equals or exceeds one foot of fall in two feet of distance (50%) from the front property line; and

(D) If the front yard requirement is to be reduced under the conditions specified in this section, all driveways and entrances to garages and carports shall be parallel or nearly parallel to the street. The purpose of this regulation is to avoid backing of vehicles directly onto the street and to allow vehicles to be completely outside the structure before entering the street.

(3) Regardless of side and rear yard requirements of the district, a side or rear yard may be reduced to five feet for an accessory structure erected more than sixty feet from streets, other than alleys, provided the structure is located ten feet or greater from any other building.

(4) Accessory structures may be built within a required rear yard; provided, that structures do not occupy more than fifty percent of the rear yard area; and provided, that the rear yard does not abut upon any street other than an alley.

(5) If dwellings are present on both adjoining lots, each with a required front yard less than the required size for the district, the front yard for the lot may be reduced to the average distance of the two adjoining lots.

(6) Lots with street frontage on two opposite sides shall maintain front yard setbacks on both street frontages.

(7) ~~Front yard setbacks shall be maintained~~ from easements, excluding right-of-way, providing primary vehicular access to other lots shall be maintained as follows:

(A) Front yard setbacks, providing primary vehicular access to other lots, shall be maintained as required by this title, and any other local, state or federal rules or regulations, for lots created after January 15, 2002. Front yard setbacks from easements may be reduced consistent with 11.88.040 under the following conditions:

~~(i) The front yard requirement may be reduced to twenty feet from the edge of the easement when the natural slope of the front fifty feet of the lot equals or exceeds one foot of fall in seven feet of distance from the property line;~~

~~(ii) The front yard requirement may be reduced to fifteen feet from the edge of the easement when the natural slope of the front fifty feet of the lot equals or exceeds one foot of fall in four feet of distance from the front property line;~~

~~(iii) The front yard requirement may be reduced to twelve feet from the edge of the easement when the natural slope of the front fifty feet of the lot equals or exceeds one foot of fall in two feet of distance from the front property line; and~~

~~(iv) If the front yard requirement is to be reduced under the conditions specified in this section, all driveways and entrances to garages and carports shall be parallel or nearly parallel to the street to avoid backing of vehicles directly onto the street and to allow vehicles to be completely outside the structure before entering the street.~~

~~(B) Setbacks shall be measured from the interior easement line.~~

~~(CB)~~ Existing legal lots of record established prior to January 15, 2002, with primary vehicular access ~~from easements to other lots~~, shall observe a minimum five-foot setback from the interior edge of the easement.

~~(C) All setbacks shall be measured from the adjacent interior easement line.~~

~~(D)~~ The administrator shall have the authority to grant administrative ~~exception modification~~ from the minimum five-foot setback requirement as follows:

(i) The setback requirement may be adjusted pursuant to a reasonable use determination.

(ii) The setback requirement may vary subject to conditions of a prior subdivision approval.

(iii) The setback requirement may vary subject to the nonconformity provisions of this title.

~~(DE)~~ No encroachments are allowed into established easements, including eaves or other protrusions, ~~except when all affected provider(s) has granted a written waiver~~.

~~(8) No dwelling unit within or adjacent to the commercial agricultural zoning district shall be placed within one hundred feet of a property line, including those across a right-of-way. The entire width of any public right-of-way may be used as part of the setback area. However, in no case shall the setback from a public right-of-way be less than eighty feet from centerline or fifty feet from the front property line, whichever is greater. [to match 11.30.020 (6) AG code] No dwelling unit on adjacent lots to the commercial agricultural zoning district shall be placed within one hundred feet of the property line if the adjacent lands including those across a right-of-way are in agricultural use. For the purposes of this provision, the entire width of any public right-of-way may be used as part of the setback area. However, in no case shall the setback from a public right-of-way be less than eighty feet from centerline or fifty feet from the front property line, whichever is greater.~~

~~(9) Where a project proposal is within ten percent of meeting the established minimum requirements for setbacks/yard areas and lot coverage within the applicable zoning district, said proposal may be authorized by the administrator through a limited administrative review process identified in Title 14 of the Chelan County Code, even though it does not fully meet the established minimum requirements, provided it is determined that no reasonable alternative exists, as determined by the administrator, because of topographic, unique physical characteristics and/or existing permitted structure(s) on the project site.~~

#### **11.88.050 Public transit development.**

Property owners and/or developers of proposed developments requiring a development permit required under this title and located within the LINK transit service area which generate two hundred average daily trips or twenty peak hour vehicle trips or greater, as determined by the county engineer, shall negotiate with the public transit authority for the provision of facilities to address the impacts associated with the development as it relates to providing public transit in compliance with Chelan County Code Section 15.30.830. Improvements may include, but are not limited to, bus shelters, pull-outs, transit stops and/or other necessary facilities to offset transportation system impacts of the development.

#### **11.88.070 Ingress, egress and driveway requirements.**

(1) In all districts, driveway and roads standards contained in ~~Chapter 15.30, Road Standards~~ Chelan County Code Title 15, shall be applied as applicable for all development permits requiring approval under this title.

(2) All driveways ~~accessing a county road~~ shall obtain a driveway approach permit from the Chelan County department of public works in conformance with the provisions of [Chelan County Code Chapter 15.30 Title 15](#).

(3) All development permits requiring approval under this title, shall dedicate, when determined necessary by the county engineer, street right-of-way in conformance with the provisions contained in [Chapter 15.30 Title 15](#).

(4) All [commercial](#) uses requiring approval of a development permit under this title shall abut on a public or private road [or access easement](#) meeting the standards outlined in [Chapter 15.30 Title 15](#). ~~Primitive and forest service roads are not considered adequate access for these purposes. Primitive and forest service roads are not considered adequate access for commercial subdivision purposes.~~

#### **11.88.100 Inoperable vehicles.**

(1) No more than three [Hulk or Abandoned vehicles, as defined by Title 9 Chelan County Code, or](#) ~~derelict, inoperable or abandoned~~ vehicles and trailers, or parts thereof, shall be stored on a parcel or lot. Said ~~derelict, inoperable or abandoned~~ vehicles and trailers, or parts thereof, shall be removed at the property owner's expense within fourteen days of official notification. This shall include vehicles and trailers parked on private property, and streets, roads or rights-of-way within public view. If fourteen days after official notification the vehicles are not removed, the inoperable vehicle(s) or equipment may be removed by the county, at the owner's expense.

(2) Property owners, or owners of derelict, inoperable or abandoned vehicles and trailers shall have the right to retain the above if contained in an enclosed structure ~~(three or more sides)~~, or if visually screened from public roads or private roads open to public use or surrounding property.

#### **~~11.88.110 Reduction of front yard setback requirements due to slope.~~**

~~Front yard setback requirements may be reduced under the following conditions:~~

~~(1) The front yard requirement may be reduced to twenty feet from the street right-of-way or fifty feet from the street centerline, whichever distance is greater, when the natural slope of the front fifty feet of the lot equals or exceeds one foot in fall in seven feet of distance from the property line;~~

~~(2) The front yard requirement may be reduced to fifteen feet from the street right-of-way or forty five feet from the street centerline, whichever distance is greater, when the natural slope of the front fifty feet of the lot equals or exceeds one foot of fall in four feet of distance from the front property line;~~

~~(3) The front yard requirement may be reduced to twelve feet from the street right-of-way or forty two feet from the street centerline, whichever distance is greater, when the natural slope of the front fifty feet of the lot equals or exceeds one foot of fall in two feet of distance from the front property line; and~~

~~(4) If the front yard requirement is to be reduced under the conditions specified in this section, all driveways and entrances to garages and carports shall be parallel or nearly parallel to the street to avoid backing of vehicles directly onto the street and to allow vehicles to be completely outside the structure before entering the street.~~

#### **11.88.130 Irregular-shaped lots.**

~~(1) Triangular-shaped lots: In the case of a triangular-shaped lot, the rear (front) lot line shall be determined with a line ten feet in length within the lot parallel to and at the maximum distance from the front (rear) lot line. [Where two sides of the triangle are equal in length and considered front lot lines the third line shall be classified as a side lot line.](#)~~

~~(2) In the case of waterfront property, the rear lot line is that which adjoins the ordinary high water line, unless otherwise designated by the administrator or a hearing body.~~

~~(3) Triangular-shaped lots: where two front lot lines are equal in length the third side shall be considered a "side" lot line.~~

#### **11.88.140 Projections from buildings.**

Cornices, eaves, gutters, and sunshades ~~and other similar architectural~~ features may not project more than two feet into a required yard setback.

#### **11.88.160 Manufactured housing.**

Manufactured and mobile housing shall be permitted as a single-family dwelling unit in all districts allowing residential uses when placed in accordance with the manufacturer's Setup Manual. (D)–Uninstalled manufactured and mobile homes, or buildings from other sites, may only be stored on a property while building and development permits are being processed and issued for that structure's installation on that property, except storage of the structure on a manufactured home sales lot.

~~Within urban growth area boundaries, except mobile home parks and dependent care housing, the minimum width of all manufactured homes shall be twenty-four feet. In addition, homes shall be set with the first floor elevation no more than twelve inches above finished grade. The pit shall be of sufficient depth to accommodate eighteen inches of clearance below the frame of the unit with crawl space access located near utility connections. The foundation shall be installed in compliance with the requirements of the Washington Administrative Code. Skirting or sidewalls shall be installed around the perimeter, and the tongue and axle shall be removed.~~

#### **11.88.170 Accessory uses and structures.**

Accessory uses are permitted upon compliance with the terms and provisions of this title. They must be clearly secondary to, supportive of, and must be compatible with the principal use(s) and consistent with the purpose and intent of the zoning district:

(1) Fences shall be erected and maintained to a height not to exceed six feet in the side or rear yard area and four feet in the front yard, except on corner lots. Fences for public facilities, utilities, industrial and commercial uses may be erected and maintained to a height not to exceed eight feet in the side or rear yard area and four feet in the front yard, except on corner lots. On corner lots, all fences located in the building setback for either street shall not exceed four feet, except where superseded by a clear view triangle ([CCC 11.88.090](#)) which limits height to three feet;

(2) Swimming pools and hot-tubs shall not be located within a required front yard setback area. Additionally, in-ground pools and hot-tubs must be in compliance with Appendix J of the IRC, current edition enclosed with a minimum five-foot fence, wall, building wall or combination thereof that completely surrounds the swimming pool and restricts access to the swimming pool;

(3) In any district that permits single-family residences, freestanding patios/decks shall have a maximum height of thirteen feet;

(4) In any district that permits single-family residences, the renting of rooms to not more than two boarders, roomers, or lodgers is permitted as an accessory use;

(5) Dwellings may be located on upper floors of commercial structures in commercial districts;

(6) Temporary occupancy of not more than two recreational vehicles per lot for a time period of not more than ten days during any sixty-day period is permitted, provided each unit is parked on an off-street parking space outside of any required front or side yard and no rental fees are charged;

(7) In all zoning districts that permit the handling and processing of hazardous wastes, on-site waste treatment facilities shall be permitted as an accessory use; provided, that such facilities meet the state siting criteria adopted pursuant to Chapter 70.105 RCW;

(8) Temporary agricultural worker housing (occupied on a seasonal basis) shall be permitted when consistent with zoning and licensed by the State, provided the following criteria are met:

~~(A) The dwelling units are to be used to house temporary or seasonal agricultural worker(s) and their families who are employed in agricultural occupations on the premises;~~

~~(B) Seasonal agricultural worker housing shall not be sold, leased or rented to the general public;~~

~~(C) The structures shall conform to Chapter 246-358 WAC;~~

~~(D) The structures must comply with the height, setback, and access requirements of the district in which they are located; and~~

~~(E) The operation must be licensed by the state;~~

(9) Permanent agricultural worker housing (occupied year-round) shall be permitted; provided, that the following conditions are met:

(A) The dwelling units are subject to all applicable building and health regulations;

(B) The structures shall be compatible with surrounding land uses and where necessary shall include increased setbacks from property lines, landscaping, buffering or design provisions as determined by the administrator;

(C) The dwelling units are to be used to house agricultural workers and their families who are employed in agricultural operations on the premises or a site adjacent to the agricultural operation. A covenant shall be recorded in a form acceptable to the county that the permanent agricultural worker housing is exclusively for the use of agricultural workers and their families;

(D) The total number of dwelling units shall not exceed the density of the district, excluding the primary residence;

(E) One parking space per residential unit, not within a required yard setback, shall be provided;

(10) Storage.

(A) Outside storage shall be maintained in an orderly manner and shall create no fire, safety, health or sanitary hazard;

(B) Required front yard areas shall not be used for storage;

(C) Commercial/Industrial Storage. Every reasonable effort shall be made by persons operating a business to store all such materials within an enclosed building with the following exceptions:

(i) Where inside storage is not practical or desired for reasons related to health, fire or safety codes;

(ii) Where outside storage of merchandise is a normal and standard practice;

~~(D) Uninstalled mobile/manufactured homes or buildings from other sites, see 11.88.160. may only be stored on a property while building and development permits are being processed and issued for that structure's installation on that property. An exception to this provision is storage of the structure on a manufactured home sales lot;~~

(E) Vehicles. No more than three cars, boats, trucks and recreational vehicles per dwelling unit may be located outside of an enclosed building on any lot inside of an unincorporated urban growth area. Lots or parcels outside of the urban growth area storage shall be limited to five cars, boats, trucks and recreational vehicles per dwelling unit, located outside of an enclosed building, with no more than three of the five being inoperable vehicles regulated under 11.88.100. An exemption exception to this provision is the storage of operable agricultural equipment used for agricultural purpose.;

(11) Governing Standards.

(A) An accessory structure shall meet the dimensional standards of the district in which it is located, except as modified by this chapter.

(B) Accessory structures shall not be used for commercial purposes, unless allowed within the zoning district. Accessory structures, excluding accessory dwelling units, shall not include

~~sleeping area(s), kitchen or cooking/stove. as structures of habitation except as provided for in this title.~~

(C) Regardless of side and rear yard requirements of the district, a side or rear yard may be reduced to five feet for an accessory structure erected more than sixty feet from streets, other than alleys, provided the structure is located ten feet or greater from any other building.

(D) Accessory structures may be built within a required rear yard; provided, that structures do not occupy more than fifty percent of the rear yard area; and provided, that the rear yard does not abut upon any street other than an alley.

(E) Accessory buildings shall not exceed the building height limitation set forth in the applicable zoning district, except for barns and similar agricultural buildings shall not exceed fifty feet in height.

#### **11.88.180 Lot size reduction for existing dwellings in certain rural residential/resource districts for agriculture uses.**

Land located on "farm and agricultural land" or "timber land" as defined in RCW 84.34.020~~(2)~~ may be segregated one time only. This land which is in agriculture use and is a minimum of five acres or greater in size within areas designated in the RR5 through RR20 districts may be short subdivided to create lots to accompany an existing dwelling and accessory uses normally incidental to single-family dwellings. The lot size shall be the minimum necessary for segregating out the existing home, and accessory uses, and meet the provisions of the Chelan-Douglas health district and this chapter. This provision applies only to legally constructed dwellings and accessory uses existing prior to ~~July 16, 2002~~September 9, 1997 (consistent with the AC zoning chapter), on a legal lot of record. This provision does not apply to accessory dwelling units, dependent care housing or farm worker housing.

#### **11.88.200 Accessory dwelling unit.**

Accessory dwelling units shall meet the following criteria:

(1) There shall be no more than one accessory dwelling unit per lot in conjunction with a single-family dwelling unit.

(2) An accessory dwelling unit may be attached to, created within, or detached from a new or existing single-family dwelling unit.

(3) The accessory dwelling unit will require one parking space, which is in addition to any off-street spaces required for the primary residence.

(4) The floor area for the accessory dwelling unit shall not exceed twelve hundred square feet ~~of habitable space~~. The accessory dwelling unit shall not be less than three hundred square feet in area ~~and not contain more than two bedrooms~~.

(5) The property owner (which shall include title holders and contract purchasers) shall occupy either the primary unit or the accessory unit as their permanent residence.

(6) No ~~mobile home or~~ recreational vehicle shall be considered an accessory dwelling unit.

(7) A common driveway servicing both the existing or new single-family dwelling unit and the accessory dwelling unit shall be used to the greatest extent possible.

(8) Both the titleholder and the director of the Chelan County ~~community~~ Community development ~~Development~~ department shall sign a ~~notice~~ Notice to ~~title~~ Title. Said notice to title shall be notarized, and be recorded by the Chelan County ~~auditor~~ Auditor for the property prior to building permit issuance stating:

The separate sale or division of the accessory dwelling unit from the single-family dwelling unit is prohibited, unless all standards in zoning and subdivision can be met. This covenant is intended to run with the land burdening and benefiting the parties' successors and assigns.

(9) Accessory dwelling units shall not be permitted where more than one dwelling unit is already located on a lot.

#### **11.88.210 Bed and breakfast.**

Bed and breakfast operations may have three or less lodging units for rent and shall meet the following criteria:

(1) Bed and breakfast facilities shall meet all applicable health, fire safety and building codes and shall be operated so as to not give appearance of being a business, and those facilities shall not infringe upon the right of neighboring residents to peaceful occupancy of their home.

(2) The bed and breakfast facility shall be the principal residence of the operator.

~~(3) One nonilluminated sign not to exceed two hundred square inches, not located in a required yard and bearing only the name of the facility and/or the operator, shall be permitted.~~ Signage shall be in accordance with Chapter 11.92.

(4) Driveways accessing a bed and breakfast which are greater than one hundred fifty feet in length shall have an improved width of at least twelve feet with appropriately spaced cutouts to facilitate the passage of two vehicles traveling in opposite directions.

(5) One off-street patron parking space in addition to the residential parking requirements, not located within a setback, shall be provided for each lodging unit rented.

(6) The administrator may impose other conditions, such as additional parking, improved access, landscaping or screening, found necessary to protect the best interests of surrounding properties or the neighborhood due to the nature or character of the site or the facility.

#### **11.88.220 Developed open space.**

(1) Developed open space normally is considered a permitted use. However, if any of the below conditions are present, the application requirements shall be ~~elevated to an administrative use and are~~ subject to the criteria found in this section.

(A) The use is intended to include nighttime operation.

(B) The commercial component of the use (i.e., food service, retail sales) exceeds four thousand square feet in size.

(2) Criteria.

(A) Lighting shall be directed away from adjoining residential zones.

(B) Hours of operation shall be established for a proposed nighttime use. The administrator may impose hours of operation for other uses.

(C) The administrator may require fencing, screening and/or landscape buffers to screen outside storage or any other conditions to mitigate any adverse impact to surrounding property.

#### **11.88.240 In-home daycare.**

~~In-home daycare shall meet the following criteria:~~

~~(1) care, supervision and guidance is provided for a child or group of children up to twelve years of age or under for a period of greater than four hours, but less than twenty-four hours per day where the facility meets all state and local licensing requirements.~~

~~(2) The daycare shall be for the care of twelve or fewer children.~~

#### **11.88.260 Roadside stand/winery/nursery/ value-added operation less than one thousand five hundred square feet of retail space.**

(1) Wineries less than one thousand five hundred square feet of retail space are limited to the small-scale processing and sale of wine or spirits, wine tasting, incidental and/or accessory food and beverage service, and limited sale of ancillary items related to the winery and its products, subject to the following conditions:

(A) The applicant shall submit a site design plan which addresses and mitigates, if necessary, the impacts of the facility. Such issues may include, but are not limited to, parking, noise, lighting, odor, drainage, and traffic impacts.

(B) The use shall adhere to all applicable building, fire safety and health codes, and all zoning restrictions of the district in which it is located.

(C) The administrator may impose other conditions, such as additional parking, noise, increased setbacks, improved access, landscaping or screening, found necessary to protect the best interests of surrounding properties or the neighborhood due to the nature or character of the site of the facility.

(D) Incidental and/or accessory uses shall consist of no more than 20% of the overall allowed retail space.

(2) Roadside stands, nurseries, and value-added operations with less than one thousand five hundred square feet of retail space shall be permitted, provided the following criteria are met:

(A) The use shall be located on a site with a bona fide agricultural operation.

(B) A minimum of seventy-five percent of the products sold shall be produced within the local area.

(C) Ingress and egress shall be approved by the county engineer and/or WSDOT if appropriate.

(D) The use shall adhere to all applicable building, fire safety, health codes, and all zoning regulations of the district in which it is located.

(E) Promotional items advertising the agricultural business may be sold concurrently with the sale of on-site produced agricultural products.

(F) Other related uses, such as, but not limited to, value-added operations, farm stays and U-pick/Rent-A-Tree operations may be allowed; provided, that these uses are accessory to the roadside stand/nursery and that any required criteria for these uses are met.

(G) Food service may be allowed as part of the value-added operation; provided, that the primary focus of the food service is the agricultural product grown on-site.

(H) The administrator may impose other conditions, such as additional parking, increased setbacks, improved access, landscaping or screening, found necessary to protect the best interests of surrounding properties or the neighborhood due to the nature or character of the site of the facility.

### **11.88.270 Event Permits**

Place Holder – need to address sanitation, notice to sheriff, site access, parking, noise levels other items affecting public safety and impacts to surrounding properties.

#### 11.88.270—Administrative modifications.

Where a project proposal is within ten percent of meeting the established minimum requirements for setbacks/yard areas and lot coverage within the applicable zoning district, said proposal may be authorized by the administrator through a limited administrative review process identified in Title 14 of the Chelan County Code, even though it does not fully meet the established minimum requirements, provided it is determined that no reasonable alternative exists, as determined by the administrator, because of topographic and/or unique physical characteristics of the project site.

## OFF-STREET PARKING AND LOADING

### 11.90.030 Design requirements.

(1) All off-street parking and loading areas shall be graded and, before occupancy certification is issued, shall be surfaced to the following standards:

(A) Parking areas serving residential uses shall have durable and dustless surfaces suited to all-weather use.

(B) All parking and loading areas, except for those serving residential uses addressed in subsection (1)(A) of this section, shall be surfaced to standards for asphaltic concrete pavement (ACP), or other surfacing as approved by the county engineer, [Administrator, or Stormwater Engineer](#).

(C) Any required accessible parking, including those serving residential uses, shall be linked to an accessible route of travel on-site, and both shall be paved to standards for [ACP-HMA](#) or other surfacing as approved by the county engineer.

(2) All exterior lighting provided to illuminate off-street parking or loading areas must be directed and shielded to prevent illuminating surrounding residential uses.

(3) All parking for twenty cars or more, all impervious surfaces of five thousand square feet or more, including gravel parking areas, and any drainage that will discharge into any surface water body shall meet requirements of the Chelan County storm drainage standards and guidelines.

(4) Parking areas shall include landscaping per the requirements of Chapter 15.50 of Title 15 of the Chelan County Code, Development Standards.

(5) In residential districts, required off-street parking or loading areas [may, at the Administrator's determination, be required to](#) ~~shall not~~ be located [outside of](#) in the front yard setback area.

(6) Parking and loading areas, for uses other than single- and two-family residential dwelling units, shall be designed to the following standards:

(A) Hard surfaced parking and loading areas shall use paint or similar devices to delineate parking stalls.

(B) Parking and loading areas shall be designed so that no backing movements or other maneuvering within a street other than an alley shall be required.

(C) Access lanes shall be designed to provide continuous, unrestricted vehicular movement, and shall connect to a public street or private roads that provide legal access to the site.

(D) Parking spaces shall be located no further than one thousand five hundred feet from the use they are serving.

(E) Wheel stops shall be provided where necessary to protect structures or landscaping and to prevent vehicles from encroaching onto any adjacent property, right-of-way or pedestrian routes.

(F) Area sufficient to accommodate snow storage without impacting the required amount of parking per this chapter shall be provided.

## WIRELESS COMMUNICATION FACILITIES

### **~~11.91.050 Review procedures.~~**

~~In the city of Leavenworth's urban growth area, wireless communication facilities applications shall be processed by Chelan County, using the standards contained in Ordinance 1205 (Wireless Telecommunications Facilities). All wireless communication facility applications and associated fees shall be collected and processed by Chelan County. Chelan County shall refer applications to the city of Leavenworth for review and comment in regard to compliance with the location, development and design standards of Ordinance 1205 (Wireless Telecommunications Facilities). Chelan County shall receive and disperse to the city of Leavenworth design review fees charged pursuant to the city of Leavenworth fee schedule.~~

~~All other applications for the siting, construction, or modification of a WCF shall be processed in the following manner:~~

~~(1) Permitted.~~

~~(A) Co-location on an existing antenna support structure that does not exceed the height limitation of the underlying zone.~~

~~(B) Location of an antenna on an existing structure or pole that does not exceed the height limitation of the underlying zone.~~

~~(2) Administrative Use Permit.~~

~~(A) Location of an antenna on an existing structure or pole that exceeds the height limitation of the underlying zone.~~

~~(B) Co-location on an existing antenna support structure that necessitates an increase in the existing height of the WCF.~~

~~(C) New antenna and antenna support structures utilizing a camouflaged or concealed design to mitigate aesthetic impacts.~~

~~(3) Conditional Use Permit.~~

~~(A) Location of new, noncamouflaged or concealed antennas and antenna support structures.~~

## CONDITIONAL USES

### **11.93.410 Duplex and multifamily dwelling units in RV zone districts.**

The following criteria and requirements shall be met ~~prior to issuing an administrative use permit~~ for a duplex or multifamily dwelling unit structure in the RV zone district:

- (1) All criteria and requirements for a specified use by this title can be satisfied.
- (2) The applicant must demonstrate that the proposed duplex or multifamily dwelling unit structure is in keeping with the rural character and the built environment within the area of the RV zone district for which development is proposed as of February 1, 2000.
- (3) A finding can be made that the design standards of the zoning district within which the lot is located, critical area regulations, and all other applicable development standards and regulations can be met.
- (4) Compatibility with the adjacent uses and the protection of the character of the surrounding area.
- (5) Detrimental impacts on the natural environment and productive use of surrounding rural lands and natural resource lands can be mitigated or avoided.
- (6) No duplex or multifamily permit shall be issued without a written finding that:
  - (A) After adequate opportunity for review and comment, all jurisdictional agencies and/or providers of water, sewage disposal, and fire protection serving the development have certified that adequate capacity exists or arrangements have been made to provide adequate services for the development.
  - (B) No county facilities will be reduced below adopted levels of service as a result of the development.
- (7) The proposed use shall not result in undue adverse impacts affecting the public health, safety, and welfare.
- (8) A finding shall be made that adequate provisions have been provided for roads, ingress and egress, stormwater, parking and loading, domestic and irrigation water, sanitary facilities, on-site sewage disposal, power, fire protection, and other necessary facilities, improvements or services consistent with the requirements of this title and Title 15 of the Chelan County Code.
- (9) Noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards and related impacts on adjacent properties and to the vicinity can be mitigated or avoided.
- (10) The granting of the proposed ~~administrative use~~ permit is consistent and compatible with the intent, goals, objectives and policies of the comprehensive plan, and any implementing regulation.
- (11) The administrator may impose other conditions, such as additional parking, improved access, landscaping or screening, found necessary to mitigate potential adverse impacts to surrounding properties or the neighborhood due to the nature or character of the proposal and/or of the site of the facility. All conditions necessary to mitigate the impacts of the proposed use shall be conditions that are measurable and can be monitored and enforced. (Res. 2007-98 (part), 7/2/07).

### **11.93.430 Stockpiling of sand, gravel, etc.**

The following criteria shall be met ~~prior to issuing an administrative use permit~~ for stockpiling of sand, gravel, etc.:

- (1) Operations shall be permitted only between the hours of five a.m. and five-thirty p.m., Monday through Saturday, unless the administrator determines at a public hearing that no nuisance exists, or that unusual circumstances are present, in which case the

relaxation of this regulation shall terminate when such conditions and circumstances are deemed by the administrator to no longer exist.

(2) Operators shall divert or protect all natural drainage courses to prevent pollution or reduction of natural flow, shall impound runoff as necessary to hold runoff levels existing prior to the introduction of operations, shall protect streams and grounds from excessive sedimentation, shall not allow water to collect or permit stagnant water to remain. Whenever possible, the operator shall refrain from disturbing natural drainage courses, streams, rivers and lakes.

(3) Maximum permissible noise levels shall be in accordance with the provisions of Chapter 173-60 WAC, Maximum Environmental Noise Levels, at the property line.

(4) Additional conditions may be required to address the following specific objectives:

(A) The height and location of all equipment installed on the site, above and beyond the setback restrictions, if unusual circumstances bearing on public safety or other vital concerns are deemed to exist.

(B) The number and locations of points of ingress to and egress from any stockpiling operation are subject to regulation by the administrator.

(C) Lighting may be regulated by the administrator to minimize visibility from adjacent property and preclude it from shining directly onto adjacent property.

(D) Stockpiles shall not exceed height, slope and moisture content limits determined by the administrator, nor shall such stockpiles be located as to threaten adjacent slopes or properties. In making this determination the administrator may consult with the Washington Department of Transportation, the Department of Natural Resources, the director of public works or other authoritative sources.

## NONCONFORMING LOTS, STRUCTURES AND USES

### **11.97.050 Maintenance.**

A nonconforming structure may be physically maintained and repaired as needed to ensure public safety. All maintenance shall conform to all current development standards and building codes.

### **11.97.055 Expansion.**

Any expansion shall not increase the existing non-conformity. All expansion shall conform to all current development standards and building codes.