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BOOK 199 PAGE 299

FILED
CLERK OF COURT
SKAMANIA COUNTY
MAY 17 8 51 AM '00
O'Leary
GARY H. OLSON

ORDINANCE NO. 2000 - 02

(AN ORDINANCE ADDING TO SKAMANIA COUNTY CODE, TITLE 21, SECTION 21.88, ESTABLISHMENT OF ZONING FOR THE NORTHWESTERN LAKE AREA.)

WHEREAS, the Skamania County Planning Commission did hold a public hearing on March 21, 2000 on the proposal to adopt zoning for the Northwestern Lake area; and

WHEREAS, the Planning Commission did find this proposal to be consistent with the Skamania County Comprehensive Land Use Plan; and

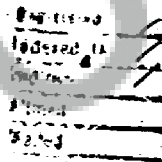
WHEREAS, the Planning Commission did adopt and recommend approval to the Board of County Commissioners the following zoning for the Northwestern Lake area at their March 21, 2000 public hearing; now therefore

BE IT HEREBY ORDAINED AND ESTABLISHED that the following be adopted as the zoning for the Northwestern Lake area:

CHAPTER 21.88 - NORTHWESTERN LAKE ZONING

Sections

21.88.010	Applicability
21.88.020	Effective Date
21.88.030	Zoning Map
21.88.040	Relationship to Balance of Title 21
21.88.050	Supplementary Definitions
21.88.060	Effect on Previously Developed Parcels
21.88.070	Residential 2 Zone Classification (R-2)
21.88.080	Residential 5 Zone Classification (R-5)



21.88.010 APPLICABILITY

This chapter applies to all lands in that portion of Skamania County lying within the portion of Sections 2 and 3 of T3N, R10E W.M., and designated Rural 2, as depicted on the map entitled "Land Use Areas", adopted as part of the Skamania County Comprehensive Plan July, 11, 1977.

21.88.020 EFFECTIVE DATE

This chapter becomes effective upon adoption hereof by the Board of County Commissioners.

21.88.030 ZONING MAP

A zoning map will be made a part of this chapter and shall be known as the "Northwestern Lake Area Zoning Map". The zoning map shall show the zone classifications assigned to specific parcels of property.

21.88.040 RELATIONSHIP TO BALANCE OF TITLE 21

Except to the extent that the provisions of this chapter are in conflict with or contradict the provisions of the balance of Title 21, the provisions set out in Title 21 shall remain in full force and effect in the Northwestern Lake Area. When conflict arises, the provisions of this Chapter shall be controlling.

21.88.050 SUPPLEMENTARY DEFINITIONS

In addition to those set out in Chapter 21.08 of this title, the following definitions shall apply within the Northwestern Lake Planning Area.

- A. **MANUFACTURED HOME AND/OR MOBILE HOME.**
Means any pre-built home, constructed in its entirety off-site.

B. PLANNED RESIDENTIAL DEVELOPMENT.

1. Development which is preplanned in its entirety with the subdivision and zoning controls applied to the project as a whole rather than to individual lots. Densities are calculated for the entire development, usually permitting flexibility in certain dimensional and density requirements where the applicant proposes clustering of dwellings and provides for commonly held open space. Undeveloped land used to meet density requirements in cluster developments shall be designated open space (with exceptions for accessory buildings for pre-existing dwellings).
2. To the extent that average density requirements cannot be achieved, using all contiguous properties owned as of January 1, 2000 by the developer of a Planned Residential Development, in order to create lot divisions for all dwellings legally placed or constructed on the developer's properties prior to January 1, 2000, then the average density requirements can be decreased only so far as to necessary to create lots for such pre-existing dwellings.

- C. SUBSTANTIAL CHANGE IN CIRCUMSTANCES. A significant change in conditions affecting the Northwestern Lake Planning Area as a whole or a substantial portion thereof. Sufficient to justify an amendment of the Northwestern Lake Area Comprehensive Plan. Examples include, but are not limited to, 60% in-fill of the Northwestern Lake R-5 zone, or a change in legal circumstances sufficient to defeat the purposes of a policy established in said comprehensive plan or of a regulation set out in this title; however, due to the existing residences in the Northwestern Lake R-2 zone, the complete in-fill of this R-2 zone would not be a substantial change in circumstance.

21.88.060 EFFECT ON PREVIOUSLY DEVELOPED PARCELS

- A. The applicable minimum lot size shall not be used to prohibit a use which is otherwise allowable on any legally created parcel of land.
- B. Notwithstanding Section 21.84.130, any legally created parcel of land which contains more than one legally placed or constructed dwelling may be divided at less than minimum lot size only as provided by Section 21.88.015B2.

21.88.070 RESIDENTIAL 2 ZONE CLASSIFICATION (R-2)

A. PERMITTED USES

1. Single-family dwellings
2. Commercial and domestic agriculture
3. Forestry
4. Public facilities and utilities
5. Professional services
6. Cottage/home occupations
7. Light home industry
8. Residential care facilities (in accordance with Chapter 21.85)
9. Child care facilities (in accordance with Chapter 21.86)
10. Safe home
11. Open Space and Public Parks

B. CONDITIONAL USES

1. Recreation facilities consistent with the rural residential character of the area, except that for all properties adjacent to Northwestern Lake and/or the White Salmon River, only recreation facilities owned and operated by public entities.
2. Public displays which do not use fluorescent colors, bright lights, or exceed 15 square feet.
3. Planned residential developments
4. Duplexes
5. Fill, grading and excavation of more than 250 cubic yards of material not associated with residential activities; however, solid waste disposal is not an allowed use.
6. Expansion of pre-existing non-conforming uses and associated infrastructure.

C. TEMPORARY USES PERMITTED

1. A mobile home may be temporarily located on a building site or lot pursuant to a mobile home placement permit issued by the County Building Department in accordance with the Skamania County Building Code under the following circumstances:
 - a. Where there exists a personal but not financial, hardship on the part of the applicant whereby it is necessary to have an elderly or disabled member of the family living on the same premises as the applicant's dwelling, provided that the mobile home is removed when the hardship no longer exists; or,

- b. Where it is necessary to live on the same premises during the period when a dwelling is being constructed, provided said dwelling is to be for the applicant's personal use, provided further that the mobile home is removed within 30 days of occupancy of the new dwelling.

D. MINIMUM DEVELOPMENT STANDARDS

1. LOT SIZE

Minimum lot size shall be 2 acres. The lot depth should not exceed the lot width by more than a ratio of four to one (four being the depth). Minimum lot width shall be 200 feet. Access panhandles shall not be taken into account as part of the area calculations relative to minimum lot size indicated above.

2. DENSITY REQUIREMENTS

- a. Single-family
Each single-family housing unit (including mobile homes) shall require the minimum lot area listed under Section 21.88.070(D)(1).
- b. Duplex
Each duplex shall require 150 percent of the minimum lot area listed under Section 21.88.070(D)(1).

3. SETBACKS

The standard setback requirements shall be as follows:

- a. Front yard
No building or accessory building shall be constructed closer than 50 feet from the centerline of the street or road or 20 feet from the front property line, whichever is greater.
- b. Side yard
On each side of the building or accessory building, a side yard shall be provided of not less than 20 feet.
- c. Rear yard
A rear yard shall be provided of not less than 20 feet, including accessory buildings.

- d. Non-conforming lots
Lots of less than 2 acres in size shall conform to standard Building Code setback requirements.
- e. A yard that fronts on more than one road
A setback requirement for the front yard of a lot that fronts on more than one road shall be the required setback for that zone classification. All other frontages shall have a yard of one-half the depth required for the front yard.

4. OTHER STANDARDS

- a. Building height limit for permitted residential uses shall not exceed 35 feet above average site at the highest point at existing grade, with the exception of Section 21.84.040. (The following structures are not subject to the height limitations of this title: church spires, fixed utility equipment, transmission towers, masts, aerials, geothermal rigs, wind machines, temporary logging equipment and flag poles.)
- b. Any application for a rezone shall first show a substantial change in circumstances before it is received by the County.

21.88.080 **RESIDENTIAL 5 ZONE CLASSIFICATION (R-5)**

A. PERMITTED USES

- 1. Single-family dwellings
- 2. Commercial and domestic agriculture
- 3. Forestry
- 4. Public facilities and utilities
- 5. Professional services
- 6. Cottage/home occupations
- 7. Light home industry
- 8. Residential care facilities (in accordance with Chapter 21.85)
- 9. Child care facilities (in accordance with Chapter 21.86)
- 10. Safe home
- 11. Open Space and Public Parks

B. CONDITIONAL USES

1. Recreation facilities consistent with the rural residential character of the area, except that for all properties adjacent to Northwestern Lake and/or the White Salmon River, only recreation facilities owned and operated by public entities.
2. Public displays which do not use fluorescent colors, bright lights, or exceed 15 square feet.
3. Planned residential developments
4. Duplexes
5. Fill, grading and excavation of more than 250 cubic yards of material not associated with residential activities; however, solid waste disposal is not an allowed use.
6. Expansion of pre-existing non-conforming uses and associated infrastructure.

C. TEMPORARY USES PERMITTED

1. A mobile home may be temporarily located on a building site or lot pursuant to a mobile home placement permit issued by the County Building Department in accordance with the Skamania County Building Code under the following circumstances:
 - a. Where there exists a personal but not financial, hardship on the part of the applicant whereby it is necessary to have an elderly or disabled member of the family living on the same premises as the applicant's dwelling, provided that the mobile home is removed when the hardship no longer exists; or,
 - b. Where it is necessary to live on the same premises during the period when a dwelling is being constructed, provided said dwelling is to be for the applicant's personal use, provided further that the mobile home is removed within 30 days of occupancy of the new dwelling.

D. MINIMUM DEVELOPMENT STANDARDS

1. LOT SIZE

Minimum lot size shall be 5 acres. The lot depth should not exceed the lot width by more than a ratio of four to one (four being the depth). Minimum lot width shall be 200 feet. Access panhandles shall not be taken into account as part of the area calculations relative to minimum lot size indicated above.

2. DENSITY REQUIREMENTS

- a. Single-family
Each single-family housing unit (including mobile homes) shall require the minimum lot area listed under Section 21.88.080(D)(1).
- b. Duplex
Each duplex shall require 150 percent of the minimum lot area listed under Section 21.88.080(D)(1).

3. SETBACKS

The standard setback requirements shall be as follows:

- a. Front yard
No building or accessory building shall be constructed closer than 50 feet from the centerline of the street or road or 20 feet from the front property line, whichever is greater.
- b. Side yard
On each side of the building or accessory building, a side yard shall be provided of not less than 20 feet.
- c. Rear yard
A rear yard shall be provided of not less than 20 feet, including accessory buildings.
- d. Non-conforming lots
Lots of less than 2 acres in size shall conform to standard Building Code setback requirements.

- e. A yard that fronts on more than one road
A setback requirement for the front yard of a lot that fronts on more than one road shall be the required setback for that zone classification. All other frontages shall have a yard of one-half the depth required for the front yard.

4. OTHER STANDARDS

- a. Building height limit for permitted residential uses shall not exceed 35 feet above average site at the highest point at existing grade, with the exception of Section 21.84.040. (The following structures are not subject to the height limitations of this title: church spires, fixed utility equipment, transmission towers, masts, aerials, geothermal rigs, wind machines, temporary logging equipment and flag poles.)
- b. Any application for a rezone shall first show a substantial change in circumstances before it is received by the County.

BE IT FINALLY ORDAINED that this ordinance shall become effective upon adoption by the County Commissioners of Skamania County.

REVIEWED IN REGULAR SESSION this 10th day of April, 2000 and set for public hearing on the 9th day of May, 2000 at 10:00 o'clock a.m.



**BOARD OF COUNTY COMMISSIONERS
SKAMANIA COUNTY, WASHINGTON**

Edward A. Guiley
Chairman

Judy A. Carter
Commissioner

Albert E. McKee
Commissioner

ATTEST

Gary M. Olson
County Auditor and
Ex-Officio Clerk of the Board

ORDINANCE NO. 2000-02 IS HEREBY PASSED INTO LAW this 9th day of May, 2000.

BOARD OF COUNTY COMMISSIONERS
SKAMANIA COUNTY, WASHINGTON



Edward A. Sullivan
Chairman

Albert E. McKee
Commissioner

Commissioner

ATTEST:

Gary M. Olson

County Auditor and
Ex-Officio Clerk of the Board

AX
Approved as to form only
Bradley W. Andersen, Prosecutor

EXHIBIT A

