

**Title 17
ZONING**

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Chapter 17.01
GENERAL PROVISIONS

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17.01.010 Title.

This title, an amendment to the Adams County zoning ordinance, shall be known as "the zoning ordinance of Adams County." (Ord. O-01-05 § 2 (part))

17.01.020 Purpose.

This title is for the purpose of:

- A. Regulating and providing standards for uses of land within the territory of Adams County, state of Washington;
- B. To promote the public health, welfare, safety, and morals;
- C. To prevent undue traffic congestion;
- D. To provide for orderly and appropriate land use patterns for all needs in accordance with the qualities of the land;
- E. To minimize the menace to public safety relating to traffic movements on existing and future thoroughfares that might result from land uses or building locations and uses adjacent to these thoroughfares;
- F. To protect the character and peculiar qualities of scenic areas and places of historic interest, all in compliance with a comprehensive plan for the desirable development of Adams County;
- G. To provide a method of administration and to prescribe penalties for the violation of provisions hereafter described, all as authorized by the 1959 Enabling Act of the State of Washington. (Ord. O-01-05 § 2 (part))

17.01.030 Content.

This title shall consist of the text thereof and in addition thereto zoning maps identified by the appropriate signature of the chairman of the board of county commissioners and marked and designated as the maps of the zoning title of the county, which maps of the county are now filed in the office of the auditor of the county. Said title and each and all of its terms are to be read and interpreted in the light of the commitments of said maps. (Ord. O-01-05 § 2 (part))

17.01.040 Classification of vacated streets.

Whenever a street is vacated and that street has not been given a zone classification, the land of the vacated street shall acquire the zone classification of the property abutting the street prior to vacation. Where one side of the street is of one classification, and the other side of the street is of another classification, the centerline of the street prior to vacation shall be considered the boundary line between the two zones. (Ord. O-01-05 § 2 (part))

Chapter 17.04 DEFINITIONS

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17.04.010 Definitions and intent.

Definitions are intended to indicate the general intent as well as specific definition of the meanings of terms. For the purpose of this title, the following words will have the meaning given to them in this chapter. (Ord. O-01-05 § 2 (part))

17.04.020 Accessory dwelling.

"Accessory dwelling" means a separate living unit (apartment) integrated within a single-family dwelling, or one located as a detached accessory dwelling located on the same lot as a single-family dwelling. (Ord. O-01-05 § 2 (part))

17.04.025 Accessory use or building.

"Accessory use" or "accessory building" means a use, structure, building, or portion of a building devoted to an activity or use subordinate to the principal use of the premises, but located on the same lot as the principal use. (Ord. O-01-05 § 2 (part))

17.04.030 Administrator.

"Administrator" means and refers to the director, his or her designee, or any other official appointed in writing by the director to be responsible for the administration and enforcement of this title. (Ord. O-01-05 § 2 (part))

17.04.035 Adult family home.

"Adult family home" means the regular family abode of a person or persons who are providing personal care, room and board for more than one but not more than four adults, who are not related by blood or marriage to the person or persons providing the services, except that a maximum of six adults may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for by law (RCW 70.128.010). Adult family homes are a permitted use in all areas zoned for residential use (RCW 70.128.175). (Ord. O-01-05 § 2 (part))

17.04.040 Agricultural market.

"Agricultural market" means a building, structure, or land area used for the sale of fresh fruit or vegetables, grown either on- or off-site, and may include as incidental and accessory to the principle use, the sale of food items and nonfood items in a setting centered on an agricultural theme. An agricultural market is distinguished from a home fruit stand by a larger scale of activity and a greater range of products offered. This definition does not include the sale of livestock, gasoline or fuels. (Ord. O-01-05 § 2 (part))

17.04.045 Agriculture.

"Agriculture" means the tilling of soil, raising of crops and horticulture; except, that vegetable gardens occupying less than five thousand square feet and up to ten fruit trees are exempt from this definition. (Ord. O-01-05 § 2 (part))

17.04.050 Airport.

"Airport" means any area of land or water designed and set aside for landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes. (Ord. O-01-05 § 2 (part))

17.04.055 Airport hazard.

"Airport hazard" means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport, or is otherwise hazardous to such landing or taking off of aircraft. (Ord. O-01-05 § 2 (part))

17.04.060 Alley.

"Alley" means a public thoroughfare or way which affords only a secondary means of access to abutting property, but not intended for general traffic circulation. (Ord. O-01-05 § 2 (part))

17.04.065 Amendment.

"Amendment" means a change in the wording, context, or substance of this title, or change in the zone boundaries upon the zoning map, which map is a part of this title when adopted by resolution passed by the board of county commissioners, in the manner prescribed by law. (Ord. O-01-05 § 2 (part))

17.04.070 Animal hospital, clinic or veterinary, large.

"Animal hospital, clinic or veterinary, large" means an establishment in which veterinary services, clipping, bathing, boarding and other services are rendered primarily to livestock and other farm animals, although domestic pets may also be serviced. (Ord. O-01-05 § 2 (part))

17.04.075 Animal hospital, clinic or veterinary, small.

"Animal hospital, clinic or veterinary, small" means an establishment in which veterinary services, clipping, bathing, boarding and other services are rendered to dogs, cats, and other domestic pets. (Ord. O-01-05 § 2 (part))

17.04.080 Animal shelter.

"Animal shelter" means a building or structure (including outdoor fenced cages or yards) for the care of lost, abandoned, homeless or injured animals, whether domestic or wild. (Ord. O-01-05 § 2 (part))

17.04.085 Applicant.

"Applicant" means any person, entity or government agency that applies for a development proposal, permit or approval subject to review under county codes and ordinances. (Ord. O-01-05 § 2 (part))

17.04.090 Application.

"Application" means a request for any permit or approval required from the county for proposed development or action, including, without limitation, building permits, conditional uses, binding

site plans, short subdivisions, major subdivisions, variances, site plan development permits, site plan reviews and site-specific zoning district reclassifications. (Ord. O-01-05 § 2 (part))

17.04.095 Assisted living facility.

"Assisted living facility" means a boarding home as defined in RCW 18.20.020 and licensed by the state where residents are housed in private apartment-like units and where assisted living services, including personal care and limited nursing services, are provided for residents by employees of the facility or on contract. (Ord. O-01-05 § 2 (part))

17.04.100 Auto towing, secured.

"Auto towing, secured" means a temporary storage area associated with a licensed towing company for impounded vehicles that complies with all applicable federal, state and local regulations. (Ord. O-01-05 § 2 (part))

17.04.105 Auto wrecking yard.

"Auto wrecking yard" or "junk yard" means an open area where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes an auto wrecking yard, but does not include uses established entirely within an enclosed building. (Ord. O-01-05 § 2 (part))

17.04.110 Bed and breakfast.

"Bed and breakfast" means an owner-occupied single-family dwelling, in which not more than five bedrooms are rented for money or other consideration to the traveling public. (Ord. O-01-05 § 2 (part))

17.04.115 Board of adjustment.

"Board of adjustment" means the board of adjustment of the county. (Ord. O-01-05 § 2 (part))

17.04.120 Board of county commissioners.

"Board of county commissioners" means the board of county commissioners of the county. (Ord. O-01-05 § 2 (part))

17.04.125 Boarding or lodging house.

"Boarding house" or "lodging house" means a single-family dwelling unit in which three or more, but not more than six, roomers, lodgers or boarders are housed or fed. Boarding housing shall not include rest homes or convalescent homes. (Ord. O-01-05 § 2 (part))

17.04.130 Building.

"Building" means a structure with a single roof or connected with a single roof built for the support, shelter, or enclosure of persons, animals, chattels, mechanical devices, or property of any kind. (Ord. O-01-05 § 2 (part))

17.04.135 Building area, building site.

"Building area, building site" means the portion of a lot within which a structure may be built, bounded by the setbacks, lot coverage standards and other applicable provisions of the Adams County Code. (Ord. O-01-05 § 2 (part))

17.04.140 Building height.

Building Height. The height of a building is the vertical distance at the center of a building's principal front measuring from the average elevation of the finished grade along the front of the building to the highest point of the coping of a flat roof or to the deck line of a measured roof, or to the average height of the highest gable of a pitch or hip roof, excepting chimneys and steeples. (Ord. O-01-05 § 2 (part))

17.04.145 Building line.

"Building line" means a line established at the minimum distance a building may be located from any property line as determined by the standards of this title. (Ord. O-01-05 § 2 (part))

17.04.150 Bus stop.

"Bus stop" means a facility where bus passengers are picked up and dropped off, including waiting areas, but not including service or storage facilities for buses. (Ord. O-01-05 § 2 (part))

17.04.155 Camp or campground.

"Camp" or "campground" means a recreational-type camping use and not a camp (farm labor camp) used for seasonal, part-time, or temporary laborers, nor is it when used in this context intended to mean regular period use by organized groups such as young peoples' groups, church groups, lodge groups, etc. (Ord. O-01-05 § 2 (part))

17.04.160 Caretaker's residence.

"Caretaker's residence" means a residential dwelling unit accessory to an agricultural, commercial or industrial use for occupancy by the owner, caretaker or watchman only as consistent with Section 17.04.290, Dwelling, single-family. (Ord. O-01-07 § 1: Ord. O-01-05 § 2 (part))

17.04.165 Cemetery.

"Cemetery" means land and/or buildings used for the interment of human beings. (Ord. O-01-05 § 2 (part))

17.04.170 Clear zone.

"Clear zone" is used to designate the unobstructed area provided beyond the edge of the traveled way for the recovery of errant vehicles. (Ord. O-01-05 § 2 (part))

17.04.175 Clinic.

"Clinic" means a building or portion of a building containing offices for providing medical, dental, or psychiatric services for outpatients only. (Ord. O-01-05 § 2 (part))

17.04.177 Cluster developments.

"Cluster developments" means land divisions that concentrate residential uses into a compact area with perimeter buffering, open space, community water and sewer systems and other conditions, and which are designed to prevent conflict with resource activities and critical areas. (Ord. O-01-05 § 2 (part))

17.04.180 Commercial or livestock sales, feed lots/yards.

"Commercial livestock sales, feed lots/yards" identifies an area where animals (principally cattle,

sheep, and horses) are penned in order to feed them for purposes of eventual sale (not to include dairy herds or beef herds grazing on pastures). Feed materials such as hay, concentrates, crop residues, etc., would normally be hauled in and in part stored. It is a commercial feed yard if it is permanent (year-to-year or for only part of a year at a time), and regardless of whether it is the principal source of income of the operator or whether the operator owns the livestock or is engaged in custom feeding and/or selling. (Ord. O-01-05 § 2 (part))

17.04.182 Commercial wind energy facilities.

"Commercial wind energy facilities" means a facility comprised of wind turbine generator(s) greater than one hundred twenty feet in height, measured from the ground to the highest extent of turbine blades, and their construction and micrositing corridors; temporary and permanent meteorological towers; laydown and construction areas and trailer yards; temporary and permanent access roadways and crane pads; underground and aboveground electrical collection/interconnection and communication systems and their respective corridors and rights-of-way; electrical step-up and interconnection substations; visitor kiosks; operations and maintenance facilities; and other related and supporting facilities. Temporary meteorological towers constructed for the purpose of measuring the wind generation potential of potential wind energy project sites are not considered commercial wind energy facilities, and are allowed as a permitted use in all zoning districts where commercial wind energy facilities are allowed. (Ord. O-03-08 § 1 (part))

17.04.183 Noncommercial wind energy facilities.

"Noncommercial wind energy facilities" means wind turbine generators less than one hundred twenty feet in height, measured from the ground to the highest extent of turbine blades, and wind turbine generators that are capable of generating no more than twenty-five kilowatts of power, with a total electrical generation capacity for a facility not to exceed one hundred kilowatts, and all related and supporting facilities associated with the wind turbine generators. (Ord. O-03-08 § 1 (part))

17.04.185 Community swimming pool.

"Community swimming pool" means a pool owned jointly by three or more property owners, designed to be used by residents of a subdivision or community and not operated for a profit. A community swimming pool shall not include an individual's private pool, semi-public pool, public pool, or a pool operated for profit. (Ord. O-01-05 § 2 (part))

17.04.190 Conditional use.

"Conditional use" means a use listed among those classified in any given zone but permitted to occur only after review by the board of adjustment, or zoning adjustor, 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 and zone, and ensure against imposing excessive demands upon public utilities. (Ord. O-01-05 § 2 (part))

17.04.191 Conditional use, administrative approval.

"Conditional use, administrative approval" means a use listed among those classified in Section 17.08.040, District use chart, as "ACUP" in any given zone. Such uses shall be approved subject to a review and finding by the planning department that the granting of an administrative conditional use permit imposing such performance standards and regulations as noted in the Section 17.68.016. (Ord. O-03-08 § 1 (part))

17.04.195 Condominium.

"Condominium" means a single or a multi-unit dwelling, each of whose resident (unit) owner enjoys exclusive ownership of his/her individual apartment or unit, holding title thereto, while retaining an undivided interest, as tenants in common, in the common facilities and areas of the building and grounds which are used by all the residents of the condominium. (Ord. O-01-05 § 2 (part))

17.04.200 Contractors' yards.

"Contractors' yards" are essentially open spaces used for storing machinery, equipment, materials, and supplies used by the contractor in the pursuit of his business. This is not intended to be a supply yard, but a yard owned or leased by a contractor engaged in some kind of construction work. (Ord. O-01-05 § 2 (part))

17.04.205 County auditor.

"County auditor" means the county auditor of the county. (Ord. O-01-05 § 2 (part))

17.04.210 County engineer.

"County engineer" means the Adams County engineer, having authorities specified in RCW 36.75.050 and RCW Chapter 36.80, or an authorized representative. (Ord. O-01-05 § 2 (part))

17.04.215 County sanitarian.

"County sanitarian" means the county sanitarian (or other health officer) of the county. (Ord. O-01-05 § 2 (part))

17.04.220 Cul-de-sac.

"Cul-de-sac" means a short street having one end opened to traffic and ending with a vehicle turnaround, either permanent or temporary. (Ord. O-01-05 § 2 (part))

17.04.225 Day care center.

"Day care center" means a state-licensed facility that regularly provides care for thirteen or more children during part of the twenty-four-hour day as defined in RCW 35.63.170 as it now exists or as may be hereafter amended, and conducted in a place of business other than a residence. For purposes of this code, a day care center may include preschool activity. (Ord. O-01-05 § 2 (part))

17.04.230 Day care center, mini.

"Mini day care center" means a person or agency, licensed by the state of Washington, providing care during part of the twenty-four-hour day to twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care the children are placed. (Ord. O-01-05 § 2 (part))

17.04.235 Day care provider, family.

"Family day care provider" means a person, licensed by the state of Washington, regularly providing care during part of the twenty-four-hour day to twelve or fewer children in the family abode of the person or persons under whose direct care the children are placed. For purposes of this code, a family day care provider may include preschool activities. (Ord. O-01-05 § 2 (part))

17.04.240 Density.

"Density" means the maximum number of permitted dwelling units allowed on each gross acre of land or fraction thereof. (Ord. O-01-05 § 2 (part))

17.04.245 Detached building.

"Detached building" means a building surrounded on all sides by open space. (Ord. O-01-05 § 2 (part))

17.04.250 Developer.

"Developer" means any person, corporation, government agency, partnership or other entity that makes application for a proposal, permit, approval or action governed by the codes and ordinances of the county. (Ord. O-01-05 § 2 (part))

17.04.255 Development.

"Development" means any manmade use or change to improved or unimproved real estate, including without limitation: the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings or any other structures; mining, filling, stockpiling; excavation and grading; and divisions of land. (Ord. O-01-05 § 2 (part))

17.04.260 Drive-up food service.

"Drive-up food service" means an establishment which by design, physical facilities, service or packaging procedures encourages or permits customers to receive food service while remaining in a motorized vehicle. (Ord. O-01-05 § 2 (part))

17.04.265 Driveway.

"Driveway" shall mean private driveways that provide primary vehicular access from a public or private road for up to three lots. (Ord. O-01-05 § 2 (part))

17.04.270 Driveway approach.

"Driveway approach" shall mean any area, construction or facility between the public or private roadway and private property to provide access for vehicles from the roadway to serve up to two lots, tracts, or parcels, except as provided herein. (Ord. O-01-05 § 2 (part))

17.04.275 Duplex.

"Duplex" means a single structure containing two dwelling units designed for occupancy by two families and connected by a common vertical wall or, in the case of a multistory building, by a common ceiling and floor. (Ord. O-01-05 § 2 (part))

17.04.280 Dwelling or dwelling unit.

"Dwelling" or "dwelling unit" means a building or portion thereof designed exclusively for residential purposes, including one-family, two-family, multiple-family or apartment dwellings and manufactured homes, as defined herein, but shall not include hotels, boarding and lodging houses. (Ord. O-01-05 § 2 (part))

17.04.285 Dwelling, multifamily.

"Dwelling, multifamily" means a building containing more than two individual dwelling units. (Ord. O-01-05 § 2 (part))

17.04.290 Dwelling, single-family.

"Single-family dwelling" means a detached building containing one dwelling unit. This includes:

- A. "Mobile home" as defined in Section 17.04.605 (only as permitted in an approved "Manufactured/mobile home park" as defined in Section 17.04.585);
- B. "Manufactured home" as defined in Section 17.04.575;
- C. "Manufactured home, designated" as defined in Section 17.04.580;
- D. "Modular home (factory-built home)" as defined in Section 17.04.610;
- E. Site-built or stick-framed homes as reviewed and approved by the Adams County building department. (Ord. O-01-07 § 2: Ord. O-01-05 § 2 (part))

17.04.295 Easement, access.

"Access easement" means a private right-of-way not less than twenty feet wide, which provides vehicular access to a road. (Ord. O-01-05 § 2 (part))

17.04.300 Education services.

"Education services" means public schools and private schools offering curricula similar to public schools, excluding all studios for group instruction and business, trade and technical schools. (Ord. O-01-05 § 2 (part))

17.04.305 Engineer.

"Engineer" shall mean a professional engineer licensed by the state of Washington. (Ord. O-01-05 § 2 (part))

17.04.310 Essential public facilities.

"Essential public facilities" means those facilities typically difficult to site such as: airports, state education facilities, state or regional transportation facilities, correctional facilities, solid waste handling facilities, substance abuse facilities, etc. (Ord. O-01-05 § 2 (part))

17.04.315 Established county road.

"Established county road" shall mean a road that has been accepted by Adams County for maintenance with public funds. (Ord. O-01-05 § 2 (part))

17.04.320 Established grade.

"Established grade" shall mean the profile and cross-sections approved by the county engineer. (Ord. O-01-05 § 2 (part))

17.04.322 Family farm support divisions.

"Family farm support divisions" means land divisions that divide land to accommodate the operation, management and/or sale of agricultural property, allowing the owner to retain the family residence on a separate parcel. These divisions are intended to permit owners to have family members or nonrelated managers to move onto the property in order to assist or take over the owner's operations, or to facilitate the sale of the property and retention of the family home. (Ord. O-01-05 § 2 (part))

17.04.325 Farm labor housing.

"Farm labor housing" means an area and structures or tents, temporary or permanent, used for housing temporary or seasonal farm labor. It is not primarily intended to include family groups,

but does not exclude them. It is not intended to be an area in which farm laborers would acquire title to the property. (Ord. O-01-05 § 2 (part))

17.04.330 Farmer's market.

"Farmer's market" means a site used for the retail sale of fresh agricultural products, grown either on- or off-site, but may include as incidental and accessory to the principle use, the sale of factory-sealed or prepackaged food products, arts, crafts, plants, flowers and other nonfood items. This definition does not include the sale of animals or used products similar to a flea market. (Ord. O-01-05 § 2 (part))

17.04.335 Fence.

"Fence" means a masonry wall, or a barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space or separate parcels of land, but not including retaining walls, fences or boundaries formed by a dense row of shrubs, plants, or low trees. (Ord. O-01-05 § 2 (part))

17.04.340 Filling station.

"Filling station" means a service station or business enterprise to supply motor fuel and oil to motor vehicles, including grease racks or elevators, and providing minor tire, battery, and other service and sales of motor vehicle accessories. A "filling station" is the same as a "service station." (Ord. O-01-05 § 2 (part))

17.04.345 Floor area.

"Floor area" means the total area of all floors of a building as measured to the outside surfaces of exterior walls including halls, stairways, elevator shafts and basements. Minimum floor area calculations shall not include attached or detached garages, porches, decks or balconies. (Ord. O-01-05 § 2 (part))

17.04.350 Foster family home.

"Foster family home" means an agency which regularly provides care on a twenty-four-hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed. (Ord. O-01-05 § 2 (part))

17.04.355 Garage, parking or commercial.

"Parking or commercial garage" means a building used for storage, repair or servicing of motor vehicles as a commercial use. (Ord. O-01-05 § 2 (part))

17.04.360 Garage, private.

"Private garage" means an accessory building or space within the principal building intended for storage of vehicles. (Ord. O-01-05 § 2 (part))

17.04.365 Government uses and structures.

"Government uses and structures" means buildings, structures and uses, owned, operated and managed by public agencies for municipal purposes not otherwise specifically identified by this code. (Ord. O-01-05 § 2 (part))

17.04.370 Grade.

"Grade" is defined as follows: the average of the finished ground level at the center of all exterior walls of a building. In case walls are parallel to and within five feet of a sidewalk, the sidewalk shall be considered the finished ground level. (Ord. O-01-05 § 2 (part))

17.04.375 Greenhouse, commercial.

"Commercial greenhouse" means an establishment where flowers, shrubbery, vegetables, trees and other horticultural and floricultural products are grown both in the open and in an enclosed building, for sale on a retail or wholesale basis. (Ord. O-01-05 § 2 (part))

17.04.380 Group care facility.

"Group care facility" means an agency, other than a foster family home, which is maintained and operated for the care of a group of children on a twenty-four-hour basis. (Ord. O-01-05 § 2 (part))

17.04.385 Gun.

"Gun" means guns such as pistols, rifles, and shotguns normally used by private individuals, not including machine guns and other larger caliber weapons. (Ord. O-01-05 § 2 (part))

17.04.387 Gun range.

"Gun range" means a meeting place established for the purposes of discharging legal firearms. (Ord. O-01-05 § 2 (part))

17.04.390 Hazardous waste.

"Hazardous waste" means all dangerous and extremely hazardous waste as defined in RCW 70.105.010(15), or its successor, except for moderate risk waste as set forth in RCW 70.105.010(17), or its successor. (Ord. O-01-05 § 2 (part))

17.04.395 Hazardous waste treatment and storage facility, off-site.

"Off-site hazardous waste treatment and storage facility" means a treatment and storage facility which treats and stores hazardous waste generated on a property other than those on which the facilities are located. (Ord. O-01-05 § 2 (part))

17.04.400 Hazardous waste treatment and storage facility, on-site.

"On-site hazardous waste treatment and storage facility" means a treatment and storage facility which treats and stores hazardous waste generated on the same property. (Ord. O-01-05 § 2 (part))

17.04.405 Hazardous waste storage.

"Hazardous waste storage" means the holding of hazardous waste for a temporary period, as regulated by the state dangerous waste regulations, WAC Chapter 173-303 or its successor. (Ord. O-01-05 § 2 (part))

17.04.410 Hazardous waste treatment.

"Hazardous waste treatment" means the physical, chemical, or biological processing of hazardous waste for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, as regulated by the state dangerous waste regulations, WAC Chapter 173-303 or its successor. (Ord. O-01-05 § 2 (part))

17.04.415 Hazardous substances.

"Hazardous substances" means any gas, liquid, solid, sludge, including any material, substance, product or commodity or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous wastes. (Ord. O-01-05 § 2 (part))

17.04.420 Hobby farm.

"Hobby farm" means farming activities generating a gross annual income of one thousand dollars or less. (Ord. O-01-05 § 2 (part))

17.04.423 Hog raising.

"Hog raising," for the purpose of this title, consists of two or less sows and their young. (Ord. O-01-05 § 2 (part))

17.04.425 Hog ranch.

"Hog ranch," for the purpose of this title, consists of more than two sows and their young, whether the hogs are all or only part of the farming operation. Sale of hogs is not essential for the operation to be classified as a hog ranch. (Ord. O-01-05 § 2 (part))

17.04.430 Home fruit stand.

"Home fruit stand" means a building, structure or land area used for the seasonal sale of fresh fruit or vegetables. (Ord. O-01-05 § 2 (part))

17.04.435 Home industry.

"Home industry" means limited-scale sales, service or fabrication activity undertaken for financial gain, conducted outside of an urban growth area by a resident within his/her dwelling, residential accessory building, barn or other agriculturally related accessory building, and is subordinate to the primary use of the premises for residential or agricultural purposes. (Ord. O-01-05 § 2 (part))

17.04.440 Home occupation.

"Home occupation" means a lawful occupation conducted by a resident within his/her dwelling as a use secondary to the primary use of the dwelling for residential purposes. (Ord. O-01-05 § 2 (part))

17.04.445 Home occupation, Group A.

"Home occupation, Group A" means a home occupation, as defined in Section 17.04.440, that does not involve customers coming and going from the residence, and within which only family members are employed. (Trucking businesses may be considered under this definition only when all equipment, trucks, semi-trucks, truck tractors, trailers, etc., are contained within an enclosed building and only involves one truck or truck tractor or semi-truck and trailer and all are licensed and operable.) (Ord. O-03-08 § 1 (part): Ord. O-01-05 § 2 (part))

17.04.450 Home occupation, Group B.

"Home occupation, Group B" means a home occupation, as defined in Section 17.04.440, that may involve customers coming and going from the residence, and within which not more than one person other than family members may be employed. (Trucking businesses may be considered under this definition only when all equipment, trucks, semi-trucks, truck tractors,

trailers, etc., are contained within an enclosed building and only involves one truck or truck tractor or semi-truck and trailer and all are licensed and operable.) (Ord. O-03-08 § 1 (part); Ord. O-01-05 § 2 (part))

17.04.451 Home occupation, Group C parking lots—Trucks.

"Home occupation, Group C" means a home occupation, as defined in Section 17.04.440, that involves the operation, maintenance and/or storage of a limited number of trucks, truck tractors or semi-trucks as defined in Sections 17.04.772, 17.04.881 and 17.04.882 with or without trailers as defined in Section 17.04.876 all of which are owned by or registered to the resident. Such approval shall be limited to areas having access to all-weather public roads and shall require a commercial road access permit. (Ord. O-03-08 § 1 (part))

17.04.455 Hospital.

"Hospital" means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and injured persons and licensed by the state of Washington to provide facilities and services in surgery, obstetrics, and general medical practice. (Ord. O-01-05 § 2 (part))

17.04.460 Hospital, mental.

"Mental hospital" means an institution licensed by state agencies under provision of law to offer facilities, care and treatment for cases of mental or nervous disorders. Establishments limiting services to juveniles below the age of five years are not considered mental hospitals for the purpose of this title. Establishments housing and caring for cases of cerebral palsy are not considered mental hospitals and are specifically excluded from this definition. (Ord. O-01-05 § 2 (part))

17.04.465 Hotel.

"Hotel" means a building in which six or more guest rooms where lodging with or without meals are provided for compensation, and where no provision is made for cooking in any individual room or suite, but shall not include motels, jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes, and similar buildings where human beings are housed and detained under restraint. (Ord. O-01-05 § 2 (part))

17.04.467 Hunt club/lodge.

"Hunt club/lodge" means an established dwelling or dwellings used for the purposes of the club. (Ord. O-01-05 § 2 (part))

17.04.470 Impervious surface.

"Impervious surface" means any material or structure that prevents the natural absorption of water into the earth. (Ord. O-01-05 § 2 (part))

17.04.475 Institution of higher learning.

"Institution of higher learning" means a college or university giving general academic instruction recognized as such by accrediting agencies and whether operated for profit or not, in which no pupil is physically restrained. (Ord. O-01-05 § 2 (part))

17.04.480 Junk.

"Junk" means old or scrap copper, brass, rope, rags, batteries, paper, boxes, cardboard, glass, tires, mattresses, hay, grass, straw, weeds, litter or trash, rubber debris, waste, old appliances and furniture, any combustible or flammable waste or rubbish, building materials or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material as defined in RCW 47.21.020. (Ord. O-01-05 § 2 (part))

17.04.485 Kennel, commercial.

"Commercial kennel" means a place where six or more dogs, cats, or small animals, excluding livestock and poultry over four months of age, are kept by their owner for hunting, training, exhibition, field work, working and/or obedience trials, or for enjoyment of the species. (Ord. O-01-05 § 2 (part))

17.04.490 Kennel, hobby.

"Hobby kennel" means a place where between three and up to five dogs, cats, or small animals, excluding livestock and poultry over four months of age, are kept for hunting, training, exhibition, field work, working and/or obedience trials, or for enjoyment of the species. (Ord. O-01-05 § 2 (part))

17.04.495 Kindergarten.

"Kindergarten" means a school, public or private, whether operated for profit or not for profit, giving preschool instruction to children under the age of seven years. (Ord. O-01-05 § 2 (part))

17.04.500 Landing field.

"Landing field" shall have the same meaning as "airport," defined in this title, and may be used synonymously with the term "airport." (Ord. O-01-05 § 2 (part))

17.04.505 Level of service (LOS).

"Level of service (LOS)" is a qualitative measure of traffic flow. Six levels are defined as "A" through "F," with "A" being the best operating conditions, and "F" being the worst. (Ord. O-01-05 § 2 (part))

17.04.510 Library.

"Library" means any establishment for the sole purpose of loaning and circulating books or providing a reading room and reference service to the public, whether conducted by a public or private agency, or whether the service is with or without direct cost to the user. (Ord. O-01-05 § 2 (part))

17.04.515 Livestock.

"Livestock" means animals kept for use, propagation, or sale. Dogs, fish, house cats, and house pets, other than those with cloven hooves, are not considered livestock for the purpose of this title. (Ord. O-01-05 § 2 (part))

17.04.520 Lot.

"Lot" means a platted or unplatted parcel of land unoccupied, occupied or intended to be occupied by a principal use or building and accessory buildings, together with all yards, open spaces and setbacks required by this code. It is the basic development unit; an area with fixed boundaries shown on a final plat or short plat officially recorded in the Adams County auditor's

office. (Ord. O-01-05 § 2 (part))

17.04.525 Lot area.

"Lot area" means the total land space or area contained within the boundary lines of any lot, tract or parcel of land, exclusive of public and private rights-of-way, and may be expressed in square feet or acres. (Ord. O-01-05 § 2 (part))

17.04.530 Lot, corner.

"Corner lot" means a lot that abuts two or more intersecting streets. (Ord. O-01-05 § 2 (part))

17.04.535 Lot coverage.

"Lot coverage" means the amount of land covered, occupied or permitted to be covered/occupied by a building or buildings, usually expressed in square feet or percentage of land on the lot, and measured horizontally at the foundation. (Ord. O-01-05 § 2 (part))

17.04.540 Lot depth.

"Lot depth" means the horizontal distance between the front lot line and the rear lot line measured within the lot boundaries. (Ord. O-01-05 § 2 (part))

17.04.545 Lot, interior.

"Interior lot" means a lot that has frontage on one street only. (Ord. O-01-05 § 2 (part))

17.04.550 Lot line, front.

"Front lot line" means that boundary of a lot that is located along an existing or dedicated public street. (Ord. O-01-05 § 2 (part))

17.04.555 Lot line, rear.

"Rear lot line" means a property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line ten feet in length that is either parallel to the front lot line, or intersects the two other lot lines at points most distant from the front lot line. (Ord. O-01-05 § 2 (part))

17.04.560 Lot line, side.

"Side lot line" means any property line not a front or rear lot line. (Ord. O-01-05 § 2 (part))

17.04.565 Lot, through.

"Through lot" means a lot that fronts on two parallel or nearly parallel streets. (Ord. O-01-05 § 2 (part))

17.04.570 Lot width.

"Lot width" means the distance between the side lot lines measured at right angles to the line establishing the lot depth, at a point midway between the front lot line and the rear lot line. Any area used as an access easement shall be excluded from the computation of the lot width. (Ord. O-01-05 § 2 (part))

17.04.575 Manufactured home.

"Manufactured home" means a structure constructed after June 15, 1976, in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing, and bearing the appropriate insignia indicating such compliance, and shall contain a minimum of eight hundred forty square feet of living areas as originally constructed/manufactured. (Ord. O-01-07 § 3: Ord. O-01-05 § 2 (part))

17.04.580 Manufactured home, designated.

"Designated manufactured home" means a manufactured home that meets the following:

- A. Is comprised of at least two fully enclosed parallel sections, each not less than twelve feet wide by thirty-six feet long;
- B. Was originally constructed with and now has a composition or wood shake or shingle, coated metal or similar roof of not less than 3:12 pitch; and
- C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single-family residences. (Ord. O-01-05 § 2 (part))

17.04.585 Manufactured/mobile home park.

"Manufactured/mobile home park" means an area of land occupied or designed to be occupied by two or more manufactured/mobile homes, used for dwelling or sleeping purposes, on a lease basis and operated as a single development. (Ord. O-01-05 § 2 (part))

17.04.590 Microbrewery/winery.

"Microbrewery/winery" means a plant where beer and/or wine are annually produced on a scale of two hundred fifty thousand gallons or less. (Ord. O-01-05 § 2 (part))

17.04.595 Mini storage.

"Mini storage" means a building(s) or site used for temporary indoor or outdoor storage on a commercial basis (excluding the storage of hazardous materials and waste). (Ord. O-01-05 § 2 (part))

17.04.600 Mixed use.

"Mixed use" means a development involving a combination of uses such as residential and commercial. (Ord. O-01-05 § 2 (part))

17.04.605 Mobile home.

"Mobile home" means a structure transportable in one or more sections that are eight feet or more in width and thirty-two feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976. (Ord. O-01-05 § 2 (part))

17.04.610 Modular home (factory-built home).

"Modular home (factory-built home)" means a residential structure constructed in a factory in accordance with the Uniform Building Code, bearing the appropriate insignia indicating such compliance, transported to the building site in modules and assembled on-site on a permanent foundation. (Ord. O-01-05 § 2 (part))

17.04.615 Motel and tourist court.

"Motel and tourist court" means a group of buildings containing individual sleeping or living

units where a majority of such units open individually and directly to the outside, where a garage is attached or a parking space is conveniently located to each unit, all for temporary use by automobile tourists or transients, including auto courts, motor lodges, motor inns, and similar terms. (Ord. O-01-05 § 2 (part))

17.04.620 Multiple-use building.

"Multiple-use building" means a building containing uses for more than one land use classification. (Ord. O-01-05 § 2 (part))

17.04.625 Municipal building.

"Municipal building" means a structure used to house the general operation of a municipal government, including town/city halls, county courthouses, etc. (Ord. O-01-05 § 2 (part))

17.04.630 Nonconforming building or structure.

"Nonconforming building or structure" means a building, structure, or portion thereof legally in existence, either constructed or altered prior to the effective date of the ordinance codified in this title, which does not conform with the requirements of this code. (Ord. O-01-05 § 2 (part))

17.04.635 Nonconforming lot.

"Nonconforming lot" means a parcel of land in separate ownership of record prior to the effective date of the ordinance codified in this title, which does not conform to the dimensional or area requirements of this code. (Ord. O-01-05 § 2 (part))

17.04.640 Nonconforming use.

"Nonconforming use" means an activity in a structure or tract of land legally in existence prior to the effective date of the ordinance codified in this title, which does not conform to the regulations of the use district in which it is located. (Ord. O-01-05 § 2 (part))

17.04.645 Nursery school.

"Nursery school" means a school or organized program for the care and instruction of preschool-age children under the age of six years, whether public or private, and whether operated for profit or not operated for profit. (Ord. O-01-05 § 2 (part))

17.04.650 Nursing home or convalescent home.

"Nursing home" or "convalescent home" means an establishment licensed by the state of Washington that provides full-time care for three or more chronically ill, aged or infirm persons. Such care shall not include surgical, obstetrical or acute illness services, which are customarily provided in hospitals. (Ord. O-01-05 § 2 (part))

17.04.655 Open space.

"Open space" means that portion of a lot or parcel not developed or built upon or occupied by buildings, parking areas, driveways and the like, other than minimal appurtenances such as walkways and recreational facilities designed and intended to make such open space usable and accessible, and for the persons for whom the space is intended. (Ord. O-01-05 § 2 (part))

17.04.660 Outdoor advertising display.

A. "Outdoor advertising display" shall mean any card, paper, cloth, metal, wooden or other display or device of any kind or character, including but not limiting the same to any

poster, bill, printing, painting or other advertisement of any kind whatsoever, including statuary, placed for outdoor advertising purposes or onto the ground or any tree, rock, fence, building, structure, or thing.

- B. "Outdoor advertising display" does not include:
1. Official notices issued by any court or public body or office.
 2. Notices posted by any public officer in performance of a public duty or by any person in giving a legal notice.
 3. Directional, warning, or information structures required by or authorized by law or by federal, state, county, or city authority.
- C. "Outdoor advertising structure" means a structure of any kind or character erected or maintained for outdoor advertising purposes upon which any outdoor advertising display may be placed. (Ord. O-01-05 § 2 (part))

17.04.665 Parking lot.

"Parking lot" means a land area or building used for the storage of multiple vehicles, excluding parking areas for single-family residences. (Ord. O-01-05 § 2 (part))

17.04.670 Parking, off-street.

"Off-street parking" means an area devoted to the parking of vehicles and located within the boundaries of a lot. (Ord. O-01-05 § 2 (part))

17.04.675 Parking space.

"Parking space" means an off-street parking area for motor vehicles not less than ten by twenty feet in area, having access to a public street or alley, or private driveway. In determining the gross area required for an off-street parking lot requiring a specified number of parking places including driveways and aisles, two hundred fifty square feet per parking space shall be used. (Ord. O-01-05 § 2 (part))

17.04.680 Person with functional disabilities.

"Person with functional disabilities" means:

- A. A person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of:
1. Needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living; or
 2. Needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible; or
 3. Having a physical or mental impairment which substantially limits one or more of such person's major life activities; or
 4. Having a record of having such an impairment; and
- B. A person regarded as having such impairment, but such term does not include current, illegal use of or active addiction to a controlled substance. (Ord. O-01-05 § 2 (part))

17.04.685 Pit rehabilitation.

"Pit rehabilitation" applies to all kinds of sand, gravel and rock excavation to obtain fill or construction materials. It is intended to apply to all "pits" from which no further removal of materials is intended. Generally the intent is to provide gentle nonerodible slopes that will be covered with a layer of soil and revegetated where practical. Rehabilitation is intended to minimize the hazardous and unsightly nature of abandoned pits and, if practical, to return the area to some productive use. (Ord. O-01-05 § 2 (part))

17.04.690 Planned residential development.

"Planned residential development" means a more flexible method of residential land development involving the careful application of design components to achieve the creation of innovative developments, and a more efficient utilization of public facilities in exchange for public benefits to achieve comprehensive plan goals, described and conditioned by a binding site plan. (Ord. O-01-05 § 2 (part))

17.04.695 Planning commission.

"Planning commission" means the county planning commission. (Ord. O-01-05 § 2 (part))

17.04.700 Preschool.

"Preschool" means a place where prekindergarten children receive instruction meeting all state and local requirements to conduct such activity. (Ord. O-01-05 § 2 (part))

17.04.705 Primary or principal use.

"Primary or principal use" means the predominant use of land or building to which all other uses are secondary. (Ord. O-01-05 § 2 (part))

17.04.710 Professional office.

"Professional office" means an office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers and surveyors, and persons engaged in other similar occupations. (Ord. O-01-05 § 2 (part))

17.04.715 Property line.

"Property line" means a line bounding and indicating the ownership, or intended ownership, of a parcel of land. (Ord. O-01-05 § 2 (part))

17.04.720 Public facility.

"Public facility" means land or structures owned by or operated for the public use and necessity. (Ord. O-01-05 § 2 (part))

17.04.725 Public office building.

"Public office building" shall mean a structure used as an office or for the purpose of conducting official business by an agency of the federal government, state government, or a political subdivision of the state of Washington. (Ord. O-01-05 § 2 (part))

17.04.730 Recreational facilities.

"Recreational facilities" means a structure or use designed to provide indoor or outdoor recreation opportunities for the public. (Ord. O-01-05 § 2 (part))

17.04.735 Recreational vehicle.

"Recreational vehicle" means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, with or without motor power, of such size and weight as not to require a special highway movement permit, and certified by the Washington State Department of Labor and Industries as evidenced by the attachment of a "green" seal. (Ord. O-01-05 § 2 (part))

17.04.740 Recreational vehicle parks.

"Recreational vehicle parks" means an area established for overnight parking on a temporary basis of recreational vehicles. Any or all of the following amenities could be provided: electricity, water, and waste disposal connections, public restrooms and baths, snack bar, commercial facilities for convenience items, and picnic area. (Ord. O-01-05 § 2 (part))

17.04.745 Recycling center.

"Recycling center" means a facility where discarded recyclable products such as aluminum and tin cans, glass, paper and other similar individual consumer products are deposited and stored for future reprocessing (excluding drop stations). (Ord. O-01-05 § 2 (part))

17.04.750 Rezone.

"Rezone" means a change in classification from one zoning district to another. (Ord. O-01-05 § 2 (part))

17.04.755 Rifle range.

"Rifle range" means an area in which "guns," as defined in Section 17.04.385, are intended to be used. The "range" is especially planned to be used principally for this purpose. (Ord. O-01-05 § 2 (part))

17.04.760 Right-of-way.

"Right-of-way" means the platted, dedicated, or reserved portion of a development for purposes of a street or alley for vehicular and/or pedestrian access. (Ord. O-01-05 § 2 (part))

17.04.765 Sanitarium.

"Sanitarium" means a health station or retreat or any place where resident patients are kept, specializing in giving clinical, temporary and emergency services of a medical or surgical nature to patients of mental and nervous disorders, but not excluding surgical and postsurgical treatment of mental cases. (Ord. O-01-05 § 2 (part))

17.04.770 Schools, public or parochial.

"Schools, public or parochial" means any institution of learning, public or private, that offers instruction in the several branches of learning and study required to be taught by the state of Washington. Trade schools are specifically excluded from this definition. (Ord. O-01-05 § 2 (part))

17.04.772 Semi-truck.

"Semi-truck" means a truck and trailer combination designed and used primarily for carrying material and property. (Ord. O-03-08 § 1 (part))

17.04.775 Service station.

"Service station" means a place used for the repair, servicing and/or supplying of fuel and oil for motor vehicles. (Ord. O-01-05 § 2 (part))

17.04.780 Setback.

"Setback" means the minimum distance required by this title for buildings to be set back from the

street, side or rear lines, rights-of-way or access easements. (Ord. O-01-05 § 2 (part))

17.04.785 Setback area.

"Setback area" means the lot area between the lot lines and the setback lines. (Ord. O-01-05 § 2 (part))

17.04.790 Setback line.

"Setback line" means a line that is parallel to a lot line or access easement located at a distance required by the setback. (Ord. O-01-05 § 2 (part))

17.04.795 Sign.

"Sign" means an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a structure or land, and that directs attention to a product, place, activity, person, institution, business, or profession. (Ord. O-01-05 § 2 (part))

17.04.800 Sign, off-premises or billboard.

"Off-premises sign" or "billboard" means a sign that advertises or promotes merchandise, service, goods or entertainment, which are sold, produced, manufactured or furnished at a place other than on the property on which the sign is located. (Ord. O-01-05 § 2 (part))

17.04.805 Site plan.

"Site plan" means a scale drawing that identifies and shows areas and locations of all streets, roads, improvements, utilities, open spaces, and other information specified herein. (Ord. O-01-05 § 2 (part))

17.04.810 Story.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor above it. If there is no floor above, then the space between such floor and the ceiling next above it shall be considered a story. (Ord. O-01-05 § 2 (part))

17.04.815 Street.

"Street" means a public or recorded private thoroughfare that affords primary means of access to abutting property. A recorded private thoroughfare may be a recorded easement for ingress or egress, or a platted street designated as a private thoroughfare for access of abutting property, but for which the county assumes no responsibility of ownership, and is available for use to abutting property owners only. A private thoroughfare not recorded with the county auditor shall not be considered a street. (Ord. O-01-05 § 2 (part))

17.04.820 Street, flanking.

"Flanking street" means a street, public or private, which abuts a property in addition to another street, and which intersects the other street at a property corner. In determining the front yard and building line, either street abutting the corner property may be considered the flanking street. (Ord. O-01-05 § 2 (part))

17.04.825 Street, primary arterial.

"Primary arterial street" is a public thoroughfare designated as a primary street, road, or highway by the State Highway Department or by the county road department. A county or state road or

highway are the same as a street. (Ord. O-01-05 § 2 (part))

17.04.830 Street, private.

"Private street, road or lane" shall mean a privately owned vehicular access route serving more than one lot, parcel, or tract, which does not have frontage on a public road right-of-way. Adams County does not maintain private lanes. (Ord. O-01-05 § 2 (part))

17.04.835 Street, public.

"Public street" means a public thoroughfare which has been dedicated or deeded to the public to be used for street purposes. A public street may or may not be in a part of the county road system accepted for maintenance by the county road department. "Public road," where used in these standards, shall mean an established county road. (Ord. O-01-05 § 2 (part))

17.04.840 Street, secondary.

"Secondary street" means a public or private thoroughfare designated as a secondary street, road, or highway by the State Highway Department or by the county road department. A county or state road or highway is the same as a "street." (Ord. O-01-05 § 2 (part))

17.04.845 Structural alteration.

"Structural alteration" means any change in the supporting members of a building such as foundations, bearing walls, columns, beams, or girders, or structural change in the roof. (Ord. O-01-05 § 2 (part))

17.04.850 Structure.

"Structure" means any object constructed or erected which requires location on the ground or is attached to something having a location on the ground (including towers, smokestacks, overhead transmission lines, captive balloons, etc.), but not including fences or walls used as fences less than eight feet in height. (Ord. O-01-05 § 2 (part))

17.04.855 Surveyor.

"Surveyor" shall mean a professional land surveyor licensed by the state of Washington. (Ord. O-01-05 § 2 (part))

17.04.860 Temporary building or structure.

"Temporary building or structure" means a building or structure not having or requiring permanent attachment to the ground, or to other structures that have no required permanent attachment to the ground. (Ord. O-01-05 § 2 (part))

17.04.865 Temporary use.

"Temporary use" means a use located on a lot, for a period not to exceed six months, with the intent to discontinue such use after the time period expires. (Ord. O-01-05 § 2 (part))

17.04.867 Townhouse.

"Townhouse" means a form of ground-related housing in which individual dwelling units are attached along at least one common wall to at least one other dwelling unit. Each dwelling unit occupies space from the ground to the roof and has direct access to private open space in both the front and back. No portion of a unit may occupy space above or below another unit, except that

townhouse units may be constructed over a common shared parking garage. Townhouse properties containing more than two residential dwelling units may be individually owned and billed separately for property taxes. (Ord. O-03-08 § 1 (part))

17.04.870 Traffic barrier.

"Traffic barrier" shall mean a barrier oriented parallel or nearly parallel to the roadway. The purpose of these devices is to contain or redirect errant vehicles from hazards within the clear zone. (Ord. O-01-05 § 2 (part))

17.04.875 Traffic impact study.

"Traffic impact study" shall mean a report documenting a study of traffic conditions before and after construction of a proposed development. It addresses any deficiencies in the transportation system, either current or after development, and proposes recommended mitigation to correct those deficiencies. (Ord. O-01-05 § 2 (part))

17.04.876 Trailer.^{1*}

"Trailer" means a nonmotorized vehicle designed to be towed by a motor vehicle. (Ord. O-03-08 § 1 (part))

17.04.877 Trailer stall width.

Trailer Stall Width. The width of a stall shall be the perpendicular distance between parallel sides. In the event the side lot (stall) lines are not parallel, the width shall be the average distance between the two sides measured on lines parallel to the line forming the stall's frontage on its access street. (Ord. O-01-05 § 2 (part))

17.04.880 Traveled way.

"Traveled way" is comprised of the through traffic lanes. It is the portion of street designed or ordinarily used for vehicular travel excluding shoulders, medians, bicycle lanes, or exclusive turn lanes. (Ord. O-01-05 § 2 (part))

17.04.881 Truck.

"Truck" means any motor vehicle designed, used, or maintained primarily for the transportation of property. (Ord. O-03-08 § 1 (part))

17.04.882 Truck tractor.

"Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles but so constructed as to permit carrying a load in addition to part of the weight of the vehicle and load so drawn. (Ord. O-03-08 § 1 (part))

17.04.885 Use.

"Use" means the purpose for which land or building is arranged, designed or intended, or which is or may be occupied or maintained. (Ord. O-01-05 § 2 (part))

17.04.890 Uses prohibited.

1Code reviser's note: Ordinance O-03-08 adds this definition as Section 17.04.877. The section has been editorially renumbered to prevent duplication of numbering.

"Prohibited uses" in specific zones are those uses not specifically enumerated as permitted uses. "Prohibited uses" are listed in this title for purposes of clarity and emphasis only. "Prohibited uses" mentioned include, but are not limited to, the enumerated prohibited uses. (Ord. O-01-05 § 2 (part))

17.04.895 Utility uses/structures.

"Utility uses/structures" means any water, gas, sanitary or storm sewer, electrical, telephone, irrigation, drainage way, wire or television communication facility and/or service, and all persons, companies or governmental agencies furnishing the same. (Ord. O-01-05 § 2 (part))

17.04.900 Variance.

"Variance" means a modification of the specific standards of this title granted in accordance with the terms of this title for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone. A variance is also the means by which an adjustment is made in the application of the specific regulations of the zoning title to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the vicinity and zone, and which adjustment remedies disparity in privileges. (Ord. O-01-05 § 2 (part))

17.04.902 Vocational school.

"Vocational school" means a school for educating, training or retraining persons in a trade, vocation or other technical field. (Ord. O-01-05 § 2 (part))

17.04.905 Warehouse.

"Warehouse" means a structure used for the storage of goods and materials. (Ord. O-01-05 § 2 (part))

17.04.910 Wrecking/junk yard.

"Wrecking/junk yard" means an area in which is conducted the dismantling and/or wrecking of used motor vehicles, machinery or trailers, or the storage or sale of dismantled, obsolete or wrecked vehicles or parts, or the storage of motor vehicles unable to be moved under the power of the vehicle. (Ord. O-01-05 § 2 (part))

17.04.915 Yard.

"Yard" means an open space within a lot that is unobstructed from the ground upward, except as otherwise provided elsewhere in this title. (Ord. O-01-05 § 2 (part))

17.04.920 Yard, front.

"Front yard" means a yard that extends across the full width of a lot lying between the front lot line and the nearest point of a building measured horizontally and perpendicular from the front lot line. (Ord. O-01-05 § 2 (part))

17.04.925 Yard, side.

"Side yard" means a yard that extends from the front yard to the rear yard between the side lot line and the nearest point of a building measured horizontally and perpendicular from the side lot line. (Ord. O-01-05 § 2 (part))

17.04.930 Yard, rear.

"Rear yard" means a yard that extends across the full width of a lot lying between the rear lot line and the nearest point of a building measured horizontally and perpendicular from the rear lot line. (Ord. O-01-05 § 2 (part))

17.04.935 Zone, zone district.

"Zone" or "zone district" means a defined area of the county within which the use of land is regulated, and certain uses are permitted and other uses excluded as set forth in this title. (Ord. O-01-05 § 2 (part))

17.04.940 Zoning envelope.

"Zoning envelope" means the three-dimensional space within which a structure is permitted to be built on a lot, and which is defined by maximum height regulations, yard setbacks and other bulk regulations. (Ord. O-01-05 § 2 (part))

17.04.945 Zoning map.

"Zoning map" means the map delineating the boundaries of districts that, along with the zoning text of this code, comprise the zoning ordinance of the county. (Ord. O-01-05 § 2 (part))

17.04.950 Wireless communication definitions.

The following definitions shall apply to regulation and consideration of wireless communication facilities, as regulated by this title:

- A. "Antenna array" means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals. The antennas may include omnidirectional, directional, or parabolic types of antennas. The antenna array does not include the support structure (defined in subsection K of this section).
- B. Attached Wireless Communication Facility—Attached WCF. An "attached WCF" is an antenna array attached to an existing building or structure (attachment structure) which structures shall include, but not be limited to, utility poles, signs, or water towers, with any accompanying pole or device (attachment device) which attaches the antenna array to the existing building or structure and associated connection cables, and an equipment facility which may be located either inside or outside of the attachment structure.
- C. "Co-location/site sharing" shall mean use of a common WCF or common site by two or more wireless license holders, or by one wireless license holder for more than one type of communications technology and/or placement of a WCF on a structure owned and operated by a utility or other public entity.
- D. "Conditional use," as defined in Section 17.04.190, shall be the land use classification for WCFs within Adams County, with certain exceptions as noted throughout other portions of this chapter (Section 17.74.070(B) through (F)).
- E. "Development standards," as used herein, shall mean those standards set forth in Section 17.74.060 of this chapter.
- F. "Equipment facility" means any structure used to contain ancillary equipment for a WCF that includes cabinets, shelters, a build-out of an existing structure, pedestals and other similar structures.
- G. "General aviation facility" means an airport facility that contains a utility runway where pilots rely on the visual approach method for landing and take-off practices. For the year 2001, all airports within Adams County shall conform to this definition.
- H. Height. When referring to a WCF, "height" shall mean the distance measured from

- ground level to the highest point on the WCF, including antenna array.
- I. "Review process," as used herein, shall mean those processes set forth in Section 17.74.070 of this chapter.
 - J. "Setback" shall mean the required distance from other structures and the property line of the parcel on which the WCF is located to the support structure.
 - K. "Support structure" means a structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting (lattice) tower, guy-wire support tower and other similar structures. Any device (attachment device) that is used to attach an attached WCF to any existing building or structure (attachment structure) shall be excluded from the definition of, and regulations applicable to, support structures.
 - L. "Temporary wireless communication facility" shall mean a WCF to be placed in use for ninety or fewer days.
 - M. "Wireless communication facility" means facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio or any other services licensed by the Federal Communications Commission; and unlicensed wireless services including, but not limited to, associated equipment shelter, support tower and antenna array. (Ord. O-01-05 § 2 (part))

17.04.955 Adult entertainment definitions.

The following definitions shall apply to regulation and consideration of adult entertainment facilities, as regulated by this title:

- A. "Adult arcade" means a retail establishment in which coin-operated, slug-operated, or still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons within.
- B. "Adult bookstore," "adult novelty store," "adult retail store" or "adult video store" means:
 - 1. A commercial establishment that, as one of its principal purposes, offers for sale or rental for any form of consideration, one or more of the following:
 - a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 - b. Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
 - 2. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material, depicting or describing specified sexual activities or specified anatomical areas and still be categorized as:
 - a. "Adult bookstore," "adult novelty store," or "adult video store" if the other business purposes do not serve to exempt the commercial establishment from being categorized as an outdoor theater with a capacity of less than fifty persons where films, motion pictures, cable television, video cassettes, slides, or similar photographic reproductions are regularly shown that are distinguished or characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined herein, for observation by patrons herein.

- b. "Adult motion picture theater" means an enclosed building with a capacity of fifty or more persons, or a portion of an enclosed building with a capacity of fifty or more persons, where films, motion pictures, cable television, video cassettes, slides, or similar photographic reproductions are regularly shown that are distinguished or characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein. "Adult mini theater" is one that has capacity of less than fifty persons as described above.
- c. "Adult panorama establishment" means any building or portion of a building containing devices which for payment of a fee, membership fee, or other charge, is used to exhibit or display a picture, view, or other graphic display distinguished or characterized by an emphasis on matters depicting or relating to "specified sexual activities" or "specified anatomical areas," as defined herein.
- d. "Adult use" means any adult arcade, adult bookstore, adult mini theater, adult motion picture theater, adult panorama establishment, adult retail store or live adult entertainment establishment as defined herein.
- e. "Adult use business" means any adult arcade, adult bookstore, adult mini theater, adult motion picture theater, adult panorama establishment, adult retail store or live adult entertainment establishment as defined herein, or any establishment which provides one or more of the activities listed herein.
- f. "Employee" means any and all persons, including managers, entertainers, and independent contractors who work in or at or render any services directly related to the operation of an adult use business.
- g. "Entertainer" means any person who provides live adult entertainment within an adult use business as herein defined whether or not a fee is charged or accepted for entertainment.
- h. "Entertainment" means any exhibition or dance of any type, pantomime, modeling, or any other performance which provides for live adult use business as herein defined.
- i. "Live adult entertainment establishment" means any building or portion of a building which contains any exhibition or dance which is for the benefit of a member or members of the adult public, or advertised for the use or benefit of a member of the adult public, held, conducted, operated, or maintained for profit, direct or indirect.
- j. "Manager" means any person who manages, directs, administers, or is in charge of the affairs and/or conduct of any portion of any activity involving adult entertainment occurring at any adult entertainment premises. This term includes persons acting as assistant managers.
- k. "Nude model studio" means a place where a person appears seminude, nude or who displays "specified anatomical areas" described herein, and the person is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. "Nude model studio" does not include:
 - i. "State universities," "regional universities," "state colleges," and "institutions of higher education," as defined by RCW 28B.10.016;
 - ii. A "degree-granting institution" as defined by RCW

- 28B.85.010(3); and
- iii. A studio located in a building that:
 - (A) Has no sign visible from the exterior of the building and no other advertising that indicates a nude or seminude person is available for viewing; and
 - (B) Where, in order to participate in a class, a student must enroll at least three days in advance of the class.
 - l. "Own or operate" means a person owns, operates, and/or has a significant operational interest in a sexually oriented business.
 - m. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.
 - n. "Public place" means any area generally visible to the public view and includes streets, sidewalks, bridges, alleys, plazas, driveways, and parking lots. "Public place" shall also mean any automobiles, whether moving or not, that are in the public view.
 - o. "Sensitive land uses" means those land uses which are particularly sensitive to the secondary effects of adult use businesses. Sensitive land uses include the following:
 - i. Churches, or other religious facilities or institutions;
 - ii. Multiple-family and single-family residential zones;
 - iii. Three or more residential dwelling units within one thousand feet of the proposed adult use business;
 - iv. Playgrounds and public parks;
 - v. Public and private schools, technical schools and training facilities which have twenty-five percent or more of their students under the age of eighteen;
 - vi. Manufactured home parks;
 - vii. Nursery school facilities as defined in Section 17.04.645; and
 - viii. Nursing home residential care facilities as defined in Section 17.04.650.
 - p. "Sexual activity" means any conduct described in RCW 9A.44.010(1) and (2), and any act of masturbation.
 - q. "Specified anatomical areas" means:
 - i. Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; and
 - ii. Human male genitals in a discernibly turgid state even if completely or opaquely covered.
 - r. "Specified criminal activity" means an offense for prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; promotion of sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar offenses to those described in this subsection under which the criminal code of other states or countries for which:
 - i. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor

- offense;
 - ii. Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense;
 - iii. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four-month period;
 - iv. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.
- s. "Specified sexual activities" means:
 - i. Human genitals in a state of sexual stimulation or arousal; and/or
 - ii. Acts of human masturbation, sexual intercourse or sodomy, whether between persons of the same or opposite sex; and/or
 - iii. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
- t. "Stock in trade," for the purposes of this chapter, means all books, equipment, magazines, periodicals, pictures, posters, printed material, products (including prerecorded video tapes, discs, or similar material), or other items readily available for purchase, rental, viewing, or use by patrons of the establishment excluding material located in any storeroom or other portion of the premises not open to patrons. (Ord. O-01-05 § 2 (part))

17.04.960 Airport overlay definitions.

The following definitions shall apply to regulation and consideration of airport overlay zones, as regulated by this title:

- A. "Airport" means the Othello Municipal Airport.
- B. "Airport elevation" means the highest point of an airport's useable landing area measured in feet from sea level. The Othello Municipal Airport is one thousand one hundred forty-five feet above mean sea level.
- C. "Approach surface" means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 17.40.040. The perimeter of the approach surface coincides with the perimeter of the approach zone.
- D. Approach, Transitional, Horizontal, and Conical Zones. These zones are defined in Section 17.40.030.
- E. "Conical surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of ten to one for a horizontal distance of four thousand feet.
- F. "Hazard to air navigation" means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- G. Height. In determining the height limits in all zones and as shown on the approach and clear zone map, this datum shall be mean sea level elevation unless otherwise specified.
- H. "Horizontal surface" means a horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which plane coincides with the perimeter of the horizontal zone. This is one thousand two hundred ninety-five feet above mean sea

- level for the Othello Municipal Airport.
- I. "Obstruction" means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 17.40.040.
 - J. "Person" means an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, including a trustee, receiver, assignee, or similar representative of any of them.
 - K. "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet beyond each end of the runway. The width of the primary surface is set forth in Section 17.40.030. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
 - L. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.
 - M. "Structure" means an object (including a mobile object) constructed or installed by persons, including, but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.
 - N. "Transitional surfaces" means those surfaces extending outward at ninety-degree angles to the runway slope of seven feet horizontally for each foot vertically, from the sides of the primary and approach surfaces to where they intersect with the horizontal surface.
 - O. "Tree" means any object of natural growth.
 - P. "Utility runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft of twelve thousand five hundred pounds maximum gross weight or less.
 - Q. "Visual runway" means a runway extended solely for the operation of aircraft using visual approach procedures. (Ord. O-01-05 § 2 (part))

Chapter 17.08
USE DISTRICTS AND CHART

Sections:

17.08.010 Official zoning map.

17.08.020 Use districts designated.

17.08.030 Interpretation of zoning regulations.

17.08.040 District use chart.

17.08.010 Official zoning map.

The location and boundaries of the districts designated in this chapter are established as shown on the series of maps entitled "Zoning Map of Adams County." The zoning map shall be dated with the effective date of the enacting ordinance, codified in this chapter, or any amendment thereto, and signed by the chairman of the board of commissioners, and the chair and executive secretary of the planning commission. The signed copy of the zoning map shall be maintained on file with the county auditor and is made a part of this title. (Ord. O-01-05 § 2 (part))

17.08.020 Use districts designated.

To further the identified purposes of this title, the following zoning district categories and zoning map symbols are established:

- A. Prime agriculture district (AP).
- B. General agriculture district (AG).
- C. Residential district (R-1).
- D. Rural residential district (RR).
- E. Commercial district (C).
- F. Light industrial district (LI).
- G. Heavy industrial district (HI).
- H. Rural settlement district (RS). (Ord. O-01-05 § 2 (part))

17.08.030 Interpretation of zoning regulations.

Where uncertainty exists as to any of the zoning boundaries as shown on the official zoning map, the following rules shall apply:

- A. Where such boundaries are indicated as substantially following the centerline of the roads, streets, highways, alleys, railroads, or rivers, the centerline shall be construed to be such boundaries;
- B. Where such boundaries are indicated as substantially following lot lines, the lot lines shall be construed to be such boundaries;
- C. In subdivided land where a zoning boundary divides an ownership, the location of the boundary shall be determined by the scale measurement;
- D. Boundaries indicated as parallel to or extensions of features indicated in subsections A through C of this section shall be so construed. (Ord. O-01-05 § 2 (part))

17.08.040 District use chart.

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 a permitted, accessory or conditional use, unless the administrator determines 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 of the Adams County Code.

The use chart located on the following pages is made a part of this section. The following acronyms apply to the following use chart. If there is nothing located in the district for a listed use, that use is not allowed.

PRM	—	Permitted Use
ACC	—	Accessory Use
CUP	—	Conditional Use Permit
ACUP	—	Administrative Conditional Use Permit
PRD	—	Planned Residential Development
*	—	Within existing residence only, as of the date of adoption of the ordinance codified in this title

	R-1	RR	RS	C	LI	HI	PA	GA
RESIDENTIAL USES								
Accessory Dwelling	ACC	ACC	ACC				ACC	ACC
Caretaker's Residence			ACC	ACC	ACC	ACC	ACC	ACC
Single-Family Dwelling	PRM	PRM	PRM				PRM	PRM
Duplex Dwelling	PRM	PRM	PRM					
Multifamily Dwelling	PRM	PRD	PRM					
Townhouses		PRD						
Manufactured Home ⁷	CUP	PRM	CUP				PRM	PRM
Designated Manufactured Home	PRM	PRM	PRM				PRM	PRM
Mobile Home (Allowed Only in MHP)								
Modular Home	PRM	PRM	PRM				PRM	PRM
Accessory Structure, Residential	ACC	ACC	ACC					
Home Day Care Provider	ACC	ACC	ACC				ACC	ACC
Mini Day Care Center	CUP	CUP	CUP	PRM				
Day Care Center	CUP	CUP	CUP	PRM				
Home Occupation, Group A	ACC	ACC	ACC				ACC	ACC
Home Occupation, Group B	CUP	CUP	CUP				CUP	CUP
Home Occupation, Group C		ACUP						
Bed and Breakfast	CUP	CUP	CUP	PRM*				
Boarding/Lodging House	CUP	CUP	CUP	PRM*				
Planned Residential Development	PRD	PRD	PRD					
Manufactured/Mobile Home Park	PRD	PRD	PRD					
Condominiums	PRD	PRD	PRD					
Adult Family Home	PRM	PRM	PRM					
Assisted Living Facility	CUP	CUP	CUP					
Convalescent Home/Nursing Homes	CUP	CUP	CUP					
Foster Family Home	PRM	PRM	PRM					
Group Care Facility	CUP	CUP	CUP					
PUBLIC/SEMI-PUBLIC USES								
Animal Shelter					PRM	PRM	CUP	CUP
Cemeteries, Mausoleums	PRM	PRM					PRM	PRM
Churches (Parsonages)	CUP	CUP	CUP	CUP			CUP	CUP
Clinic, Medical, Dental, Etc.			CUP	PRM				
Community Club, Grange, Lodge	CUP	CUP	PRM	PRM			PRM	PRM
Convention, Info and/or Community Centers	CUP		CUP	PRM				

Courts of Law									PRM
Detention Facility/Jail									CUP CUP
Educational Services	CUP	CUP	CUP						PRM
Fire/Police Station	PRM	PRM	PRM						PRM PRM PRM PRM
Government Uses and Structures									PRM PRM PRM PRM
Hospital	CUP	CUP							PRM
Libraries, Public	CUP								PRM
Municipal Buildings									PRM
Municipal Shop/Maintenance Buildings									CUP PRM PRM PRM PRM
Preschool, Nursery School	CUP	CUP	CUP						PRM
Recycling Center									PRM PRM PRM
Solid Waste Transfer Station									PRM PRM PRM CUP
Solid Waste Landfills									CUP CUP CUP
Transfer Station/Park and Ride									PRM PRM PRM PRM PRM PRM
Utility Uses and Structures	CUP	CUP	CUP						PRM PRM PRM CUP CUP
Vocational/Trade Schools									CUP CUP PRM PRM PRM
Wastewater Treatment Facilities									PRM PRM PRM CUP CUP
Wind Energy Facilities, Commercial									PRM PRM PRM CUP 8 CUP 8
Wind Energy Facilities, Noncommercial									PRM 9 PRM 9
AGRICULTURAL USES									
Irrigated Farming	PRM	PRM	PRM						PRM PRM PRM PRM PRM PRM
Dry Land Farming	PRM	PRM	PRM						PRM PRM PRM PRM PRM
Rangeland Farming	PRM	PRM	PRM						PRM PRM PRM PRM PRM
Hobby Farming, Livestock for Personal Use	ACC	PRM	PRM						PRM PRM PRM PRM
Livestock Production									PRM PRM PRM PRM
Dairy Farming									CUP PRM PRM PRM PRM
Cluster Developments									PRM PRM PRM PRM
Family Farm Support Division									PRM PRM PRM PRM
Hog Ranch									CUP CUP PRM PRM
Hog Raising (Two Sows or Less + Litters)									CUP PRM PRM PRM PRM
Home Industry									CUP CUP PRM1 PRM
Home Fruit Stand									ACC ACC ACC ACC
Farm Labor Housing	CUP								CUP CUP PRM1 PRM1
Ag-Accessory Buildings, Structures									ACC ACC PRM PRM PRM PRM
Ag-Related Industry									CUP PRM PRM PRM PRM PRM PRM
Ag-Tourism Activities									PRM PRM PRM PRM PRM PRM
Agricultural Market									CUP2 CUP2 PRM PRM PRM PRM PRM
Feed Store									PRM PRM PRM PRM PRM PRM
Kennels, Commercial									CUP PRM PRM PRM PRM PRM
Kennels, Hobby									ACC ACC ACC ACC
Commercial Composting									CUP CUP CUP CUP
Equipment Auction Yard									PRM PRM CUP CUP
Farm Equipment Sales/Service									CUP PRM PRM CUP CUP
Commercial Livestock Sales									CUP CUP CUP CUP
Feed Lot/Yard									CUP CUP CUP CUP
Horse Boarding/Training, Riding Stable									CUP3 CUP PRM PRM PRM PRM
Nursery, Commercial/Retail/Wholesale									CUP2 CUP PRM PRM PRM PRM
Poultry, Commercial									CUP CUP CUP CUP
Slaughterhouse									CUP CUP CUP CUP
Agricultural Chemical Storage and Distribution									PRM PRM CUP CUP
COMMERCIAL USES									

Accessory Buildings/Structures, Commercial			ACC	ACC				
Animal Clinic/Hospital, Large Animals	CUP		CUP	PRM	PRM		PRM	PRM
Animal Clinic/Hospital, Small Animals	CUP		CUP	PRM	PRM		PRM	PRM
Arts and Crafts, Antique Sales			PRM	PRM				
Auto/Truck Sales and Service				PRM	PRM			
Auto Towing, Secured				PRM	PRM	PRM		CUP
Bakery, Retail			PRM	PRM				
Boat Sales and Service				PRM	PRM			
Car Rental				PRM	PRM			
Car Wash				PRM	PRM			
Commercial Copiers/Printers			PRM	PRM	PRM			
Commercial Kitchen			PRM	PRM	CUP			
Condominiums—Time-Share and Similar Resort Operations		PRD		PRM				PRD
Convenience Store, Excluding Fuel Sales	CUP	CUP	PRM	PRM				CUP
Convenience Store, Including Fuel Sales		CUP	CUP	PRM	PRM			CUP
Cultural and/or Historical Facilities		CUP	PRM	PRM				CUP
Drive-Up Food Service				PRM				
Dry Cleaners, Laundromats			CUP	PRM	PRM			
Farmer's Market	CUP		PRM	PRM			PRM	PRM
Financial/Lending Institution (Bank, Etc.)			PRM	PRM				
Fishing Supplies, Sales	CUP		PRM	PRM			CUP	CUP
Funeral Home/Crematorium	CUP		CUP	PRM				
Gas/Service Station			CUP	PRM	PRM			
Guest Ranches, Lodging Facilities	CUP		CUP					CUP
Hardware/Garden Store—Lumber Yard			CUP	PRM	PRM			
Heating and Plumbing Sales and Services			CUP	PRM	PRM			
Hotels/Motels			PRM	PRM				
Manufactured Home, Sales				PRM	PRM			
Merchandise, Furniture, Home Furnishings, Department Retail Sales and Service			CUP	PRM				
Microbrewery/Winery			PRM	PRM	PRM		CUP	CUP
Mini Storage	CUP4		CUP	PRM	PRM			CUP4
Mobile Food Service Delivery, No Preparation				PRM	PRM		PRM	PRM
Mobile Food Service Delivery, With Preparation				PRM	CUP			
Museums, Art Galleries	CUP		PRM	PRM				CUP
Newspaper Publishing			CUP	PRM	PRM			
Parking Lots—Commercial or Public				PRM	PRM			
Parking Lots—Trucks				PRM	PRM	PRM		CUP
Pet Services			PRM	PRM				
Personal Services (Barber, Salon, Etc.)	CUP		PRM	PRM				
Pharmacies				PRM				
Professional Services (Lawyer, Psychiatrist, Etc.)	CUP		PRM	PRM				
Repair Services, Electronics/Appliances	CUP3		CUP	PRM	PRM			CUP
Restaurant			PRM	PRM	CUP			
Retail Stores (Grocery, Food, Etc.)			PRM	PRM				
Retail – Textiles, Sporting Goods			PRM	PRM				
Signs, Off-Premises (Billboards)				PRM	CUP		CUP	CUP
Taverns, Bars, Cocktail Lounges			CUP	PRM				

Tractor, Trailer Sales			PRM	PRM			
Truck Stops		CUP	PRM	PRM			
Variety Stores, Secondhand and Pawn Shops		PRM	PRM				
Vehicle Repair and Service Shops		CUP	PRM	PRM			CUP
Video Rental		PRM	PRM				
RV Sales and Service		CUP	PRM	PRM			
INDUSTRIAL USES							
Accessory Buildings/Structures, Industrial		ACC		ACC	ACC		
Above-/Below-Ground Storage of Critical Material			ACC	ACC	ACC		
Airports and Supporting Aviation Activities				CUP	CUP	CUP	CUP
Asphalt Plant	CUP5			CUP	PRM	CUP5	CUP
Apparel Manufacture		CUP	PRM	PRM			
Bakery, Wholesale		CUP	PRM	PRM	CUP		
Beverage Industry		CUP	CUP	PRM	PRM		
Building/Construction Materials, Manufacture/Assembly/Fabrication, Lumber Yard				PRM	PRM		
Bulk Fuel Distributor		CUP		CUP	CUP		
Canning/Packing Foods		CUP		PRM	PRM		CUP
Chemicals, Pharmaceuticals, Cosmetics Manufacture/Processing/Packaging				PRM	PRM		
Concrete Plant	CUP5			PRM	PRM	CUP5	CUP5
Construction Contractor's Offices/Yards		CUP	CUP	PRM	PRM		CUP
Electronic Product Manufacture/Assembly		CUP		PRM	PRM		
Fabricated Metal Products, Sheet Metal, Welding		CUP		PRM	PRM	CUP	CUP
Food/Beverage Storage and Distribution			PRM	PRM			
Food Processing				PRM	PRM	CUP	CUP
Furniture Products Manufacture/Assembly, Cabinet Makers		CUP	CUP	PRM	PRM		
Glass Products Manufacture/Assembly				PRM	PRM		
Hardware Products Manufacture/Assembly				PRM	PRM		
Hazardous Waste Storage and Treatment, On-Site					CUP		
Hazardous Waste Treatment, Off-Site					CUP		
Heliports				CUP	CUP	CUP	CUP
Leather Products Manufacture/Assembly				CUP	PRM		
Machinery/Heavy Equipment				PRM	PRM		
Manufacture/Assembly/Disassembly							
Manufactured Homes, Travel Trailers, Campers, Manufacture/Assembly/Fabrication				PRM	PRM		
Medical/Scientific Research, Product Manufacture/Assembly				CUP	CUP		
Mineral Extraction, Crushing, Screening, Etc.	CUP	CUP		CUP	PRM	CUP	CUP
Mineral Stockpiling, On-Site and Off-Site		CUP		CUP	PRM	CUP	CUP
Paper Mill					CUP		
Paper Products Manufacture/Assembly				PRM	PRM		
Paperboard Containers Manufacture				PRM	PRM		
Parcel Delivery Service, Packaging, Crating		CUP	CUP	PRM	PRM		
Plastic Products Manufacture/Assembly				CUP	PRM		

Prefabricated Wood Products				CUP	PRM				
Printing, Publishing, Binding		CUP	PRM	PRM	PRM				
Rendering Plants								CUP	
Rubber Products								CUP	
Storage, Sales, Distribution of Hazardous Materials								CUP	
Truck, Freight Terminals		CUP			PRM	PRM			
Vehicle Recycling Facilities					CUP	CUP			
Vehicle, Boat Building and Repair		CUP			PRM	PRM			
Warehousing, Storage		CUP	CUP		PRM	PRM			
Wholesale Trade/Storage of Durable and Nondurable Goods (Auto Parts, Tires, Furniture, Lumber)				CUP	PRM	PRM			
Wrecking/Junk Yard						CUP	CUP		
RECREATIONAL USES									
Arboretums and Gardens		CUP	PRM					PRM	PRM
Arcade Room			PRM	PRM					
Boat Launches, Water-Related Activities		CUP	PRM	PRM				PRM	PRM
Bowling Alleys			PRM	PRM					
Commercial Recreational Facilities		CUP	CUP	PRM					CUP
Drive-In Theater		CUP		PRM				CUP	CUP
Exercise Facility				PRM					
Fishing Access		CUP		PRM				PRM	PRM
Fish/Wildlife Habitat Areas								PRM	PRM
Golf Course, Driving Range		CUP	CUP					CUP	CUP
Gun Range					CUP ⁶			CUP	CUP
Hunting Club/Lodge		CUP						CUP	CUP
Mini Casinos, Game, Card Rooms					CUP				
Miniature Golf			CUP	CUP	PRM				CUP
Play Fields, Parks, Public or Private, Community Swimming Pools		CUP	CUP	CUP				CUP	CUP
Recreational Vehicle Park or Tent Campground		CUP	CUP	PRM				CUP	CUP
Theaters				CUP	PRM				
Trail Systems		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Racetrack/Speedway (Horse, Mini Sprint, Etc.)				CUP	CUP			CUP	CUP
Rodeo Grounds				CUP	CUP	CUP			CUP
Roller Skating/Ice Skating Rink				PRM	PRM				

- 1 Consistent with standards in Section 17.68.110.
- 2 Provided property/development is at least two and one-half acres in size.
- 3 Provided property/development is at least five acres in size.
- 4 Provided property/development is at least two and one-half acres in size.
- 5 Temporary plants only.
- 6 Indoor use only.
- 7 Consistent with standards in Section 17.04.575.
- 8 Commercial wind energy facilities include all activities described in Chapter 17.70. Where

allowed as a conditional use ("CUP"), commercial wind energy facilities shall comply with performance and use standards in Chapter 17.70. Temporary meteorological towers constructed for the purpose of measuring the wind generation potential of potential wind energy project sites are not considered commercial wind energy facilities, and are allowed as a permitted use in all zoning districts where commercial wind energy facilities are allowed.

9 Noncommercial wind energy facilities proposing electrical generation exceeding one hundred kilowatts shall be allowed as a conditional use ("CUP"). Such facilities shall comply with performance and use standards in Chapter 17.70.

(Ord. O-03-08 § 2; Ord. O-01-07 § 4; Ord. O-01-05 § 2 (part))

Chapter 17.12
PRIME AGRICULTURAL DISTRICT—AP

Sections:

17.12.010 Purpose.

17.12.020 Permitted, accessory, conditional and prohibited uses.

17.12.030 Standards.

17.12.010 Purpose.

The purpose of the AP district is to identify lands that have soil quality and other physical and chemical characteristics, including an adequate water supply in irrigated areas, needed to economically produce sustained high yields of crops when treated and managed according to acceptable farming methods. Included within this designation are the areas that fall into either the dry land prime or irrigated prime criteria identified in the Adams County comprehensive plan. (Ord. O-01-05 § 2 (part))

17.12.020 Permitted, accessory, conditional and prohibited uses.

Permitted, accessory, conditional and prohibited uses in this district shall be as identified in Chapter 17.08, Use Districts and Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable Adams County rules and regulations are complied with. (Ord. O-01-05 § 2 (part))

17.12.030 Standards.

In addition to the applicable requirements of this code, including without limitation Chapter 17.76, General Standards, all development authorized in this zoning district shall meet the following minimum standards:

- A. Minimum yard areas and setbacks in this district are as follows:
 - 1. The minimum required front yard for shop buildings, barns, and/or home storage facilities shall be at least one hundred feet from the property line;
 - 2. The minimum required front, side and rear yards for residential uses shall be at least three hundred feet from any property line;
 - 3. The minimum required side and rear yards for all nonresidential structures shall be at least fifty feet from any side and/or rear property lines, except when adjoining a municipal boundary or a residential zoning district, the required side and rear yards shall be at least one hundred feet;
 - 4. The minimum required setbacks for residential uses on a legal or legally nonconforming lot of record, as defined under Section 17.04.635, may be reduced by the planning official subject to the following:
 - a. Adequate proof of a hardship is provided to the planning official; and
 - b. A reduction shall be kept to the minimum amount needed and shall in no case be less than the minimum setbacks specified above for shop buildings, barns and/or home storage facilities and nonresidential structures.
- B. The maximum density of development allowed in this district shall be one unit per sixty acres.
- C. The minimum lot size allowed in this district shall be at least sixty acres, except as provided for elsewhere in this code.
- D. Allowed residential dwelling units per parcel shall be as follows: one single-family

residence per parcel. On parcels meeting the established minimum lot size of this district, up to two single-family residences may be located on a single parcel, provided the requirements of this chapter other than the density requirement are met, and the following additional requirements are implemented:

1. The purpose for the second dwelling unit is to provide a residence for persons who own, manage or work on the farming operation; and
2. A signed notarized certificate is provided by the property owner of record acknowledging that future subdivision of the parent parcel will not occur for a period of five years, and that any future subdivision will comply with all of the minimum requirements of the zone including without limitation setbacks, density and minimum lot sizes, and will include only one residence each on the newly subdivided parcels. (Ord. O-01-07 § 5; Ord. O-01-05 § 2 (part))

Chapter 17.16
GENERAL AGRICULTURAL DISTRICT—AG

Sections:

17.16.010 Purpose.

17.16.020 Permitted, accessory, conditional and prohibited uses.

17.16.030 Standards.

17.16.010 Purpose.

The AG designation will be applied to lands used primarily for irrigated row crop and orchard production, grain or feed crop production, as well as livestock grazing that does not fall within the parameters of "long-term commercially significant agricultural lands." Included within this designation are those areas enrolled in the Conservation Reserve Program (CRP) administered by the Natural Resource Conservation Service (NRCS). This designation is primarily located where prime agricultural and other residential, commercial and/or industrial areas have not been identified. (Ord. O-01-05 § 2 (part))

17.16.020 Permitted, accessory, conditional and prohibited uses.

Permitted, accessory, conditional and prohibited uses in this district shall be as identified in Chapter 17.08, Use Districts and Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable Adams County rules and regulations are complied with. (Ord. O-01-05 § 2 (part))

17.16.030 Standards.

In addition to the applicable requirements of this code, including without limitation Chapter 17.76, General Standards, all development authorized in this zoning district shall meet the following minimum standards:

- A. Minimum yard areas and setbacks in this district are as follows:
 - 1. The minimum required front yard for shop buildings, barns, and/or home storage facilities shall be at least sixty feet from the property line;
 - 2. The minimum required front, side and rear yards for residential uses shall be at least sixty feet from any property line;
 - 3. The minimum required side and rear yards for all nonresidential structures shall be at least twenty feet from any side and/or rear property lines, except when adjoining a municipal boundary or a residential zoning district, the required side and rear yards shall be at least one hundred feet;
 - 4. The minimum required setbacks for residential use on a legal or legally nonconforming lot of record, as defined under Section 17.04.635, may be reduced by the planning official subject to the following:
 - a. Adequate proof of a hardship is provided to the planning official; and
 - b. A reduction shall be kept to the minimum amount needed and shall in no case be less than the minimum setbacks specified above for shop buildings, barns and/or home storage facilities and nonresidential structures.
- B. The maximum density of development allowed in this district shall be one unit per twenty acres.
- C. The minimum lot size allowed in this district shall be at least twenty acres, except as provided for elsewhere in this code.

- D. Allowed residential dwelling units per parcel shall be as follows: one single-family residence per parcel. On parcels meeting the established minimum lot size of this district, up to two single-family residences may be located on a single parcel, provided the requirements of this chapter other than the density requirement are met, and the following additional requirements are implemented:
1. The purpose for the second dwelling unit is to provide a residence for persons who own, manage or work on the farming operation; and
 2. A signed notarized certificate is provided by the property owner of record acknowledging that future subdivision of the parent parcel will not occur for a period of five years, and that any future subdivision will comply with all of the minimum requirements of the zone including without limitation setbacks, density and minimum lot sizes, and will include only one residence each on the newly subdivided parcels. (Ord. O-01-07 § 6; Ord. O-01-05 § 2 (part))

Chapter 17.20
RESIDENTIAL DISTRICT—R-1

Sections:

17.20.010 Purpose.

17.20.020 Permitted, accessory, conditional and prohibited uses.

17.20.030 Standards.

17.20.010 Purpose.

The purpose of the R-1 zoning district is to provide an area for low density residential uses, particularly single-family homes and duplexes, consistent with the goals and policies of the Adams County comprehensive plan. This district retains and enhances established neighborhoods, as well as providing guidance to the development of new areas, making them compatible and consistent with existing development.

The R-1 designation will be applied to lands that are adjacent to the established communities within the county that have the following characteristics: (1) access to public water and sewer systems; (2) near existing established neighborhoods where the primary use is residential; (3) not in areas where the predominant uses are prime agricultural production; and (4) within reasonable response times for emergency services. The types of activities that are allowed include single-family residences, schools, parks, churches, home occupations and some agricultural activities, usually for personal use (home gardens, orchards, etc.). Commercial and industrial activities, as well as the keeping of livestock, are generally not allowed in these areas. (Ord. O-01-05 § 2 (part))

17.20.020 Permitted, accessory, conditional and prohibited uses.

Permitted, accessory, conditional and prohibited uses in this district shall be as identified in Chapter 17.08, Use Districts and Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable Adams County rules and regulations are complied with. (Ord. O-01-05 § 2 (part))

17.20.030 Standards.

In addition to the applicable requirements of this code, including without limitation Chapter 17.76, General Standards, all development authorized in this zoning district shall meet the following minimum standards:

- A. Minimum yard areas and setbacks in this district are as follows:
 - 1. Front Yard. Twenty-five feet from the front property line or fifty feet from the centerline of the street right-of-way, whichever is greater, including eaves, cornices, etc., except that front yard areas adjacent to state highways shall be forty feet from the front property line.
 - a. On corner lots there shall be two front yards and at least one rear yard.
 - b. On through lots there shall be two front yards.
 - c. Except for lots adjacent to a state highway, in areas where existing residential dwelling(s) located on an immediately abutting or adjoining lot(s) has a front yard of less than the required depth for the district, the front yard area may have a depth equal to one-third of the total lot width, but in no case less than fifteen feet, except that any garage or carport

shall be set back at least twenty feet.

2. Rear Yard. Twenty feet from the rear property line, including eaves, cornices, etc. Accessory buildings and temporary buildings/structures, other than accessory dwellings, may be built within a rear yard, provided the required maximum lot coverage is not exceeded and the building is not closer than five feet to the rear lot line nor closer than five feet to the side lot line; and provided, that accessory buildings or structures located within a rear yard area adjacent to a platted alley right-of-way shall not be closer than eight feet from the rear lot line.
 3. Side Yard. Ten feet from the side property line, including eaves, cornices, etc. For all lots, if the building is oriented in such a way as the front and/or rear door(s) is facing a side yard, that side yard area shall be a minimum of twenty feet from the side property line.
- B. The maximum density of development allowed in this district shall be four units per acre where sanitary sewer and water facilities are available.
 - C. The minimum lot size allowed in this district shall be at least ten thousand square feet where sanitary sewer and water facilities are available, or one acre, or as required by the health department where a sanitary sewer is not available, except as provided for elsewhere in this code.
 - D. The minimum lot width allowed in this district shall be at least eighty feet at the building line.
 - E. The maximum lot coverage allowed in this district shall be thirty-five percent.
 - F. The maximum building height allowed in this district shall be thirty feet. (Ord. O-01-05 § 2 (part))

Chapter 17.28
RURAL RESIDENTIAL DISTRICT—RR

Sections:

17.28.010 Purpose.

17.28.020 Permitted, accessory, conditional and prohibited uses.

17.28.030 Standards.

17.28.010 Purpose.

The purpose of the rural residential zoning district is to provide an area for low-density residential uses, along with agricultural uses, consistent with the goals and policies of the Adams County comprehensive plan. This district retains and enhances established neighborhoods, as well as providing guidance to the development of new areas, making them compatible and consistent with existing development.

The RR designation will be applied to lands that are somewhat removed from established communities within the county, but not in areas that are considered appropriate for commercial farming activities, having the following characteristics: (1) public water may be available; however, public sewer systems are not usually available; (2) near existing established neighborhoods where primary use is residential; (3) not in areas where the predominant uses are prime agricultural production; and (4) response times for emergency services are not as low as in the residential areas. The types of activities allowed may include single-family residences, home occupations, agricultural activities including some agri-tourism uses and the keeping of livestock ("hobby farms"). Commercial and industrial activities are generally not allowed in these areas. (Ord. O-01-05 § 2 (part))

17.28.020 Permitted, accessory, conditional and prohibited uses.

Permitted, accessory, conditional and prohibited uses in this district shall be as identified in Chapter 17.08, Use Districts and Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable Adams County rules and regulations are complied with. (Ord. O-01-05 § 2 (part))

17.28.030 Standards.

In addition to the applicable requirements of this code, including without limitation Chapter 17.76, General Standards, all development authorized in this zoning district shall meet the following minimum standards:

- A. Minimum yard areas and setbacks in this district are as follows:
 - 1. Front Yard. Twenty-five feet from the front property line or fifty feet from the centerline of the street right-of-way, whichever is greater, including eaves, cornices, etc., except that front yard areas adjacent to state highways shall be forty feet from the front property line.
 - a. On corner lots there shall be two front yards and at least one rear yard.
 - b. On through lots there shall be two front yards.
 - c. Except for lots adjacent to a state highway, in areas where existing residential dwelling(s) located on an immediately abutting or adjoining lot(s) has a front yard of less than the required depth for the district, the front yard area may have a depth equal to one-third of the total lot width,

but in no case less than fifteen feet, except that any garage or carport shall be set back at least twenty feet.

2. Rear Yard. Twenty feet from the rear property line, including eaves, cornices, etc. Accessory buildings and temporary buildings/structures, other than accessory dwellings, may be built within a rear yard, provided the required maximum lot coverage is not exceeded and the building is not closer than five feet to the rear lot line nor closer than five feet to the side lot line; provided, that accessory buildings or structures located within a rear yard area adjacent to a platted alley right-of-way shall not be closer than eight feet from the rear lot line.
 3. Side Yard. Ten feet from the side property line, including eaves, cornices, etc. For all lots, if the building is oriented in such a way as the front and/or rear door(s) is facing a side yard, that side yard area shall be a minimum of twenty feet from the side property line.
- B. The maximum density of development allowed in this district shall be one unit per one and one-quarter acres.
 - C. The minimum lot size allowed in this district shall be at least one and one-quarter acres, except as provided for elsewhere in this code.
 - D. The minimum lot width allowed in this district shall be at least one hundred feet at the building line.
 - E. The maximum lot coverage allowed in this district shall be thirty-five percent.
 - F. The maximum building height allowed in this district shall be thirty feet. (Ord. O-01-05 § 2 (part))

Chapter 17.30
RURAL SETTLEMENT DISTRICT—RS

Sections:

17.30.010 Purpose.

17.30.020 Permitted, accessory, conditional and prohibited uses.

17.30.030 Standards.

17.30.010 Purpose.

The purpose of the rural settlement zoning district is to provide an area for mixed residential, multifamily residential, commercial, agricultural and light manufacturing/industrial uses in existing unincorporated communities consistent with the goals and policies of the Adams County comprehensive plan. This district retains and enhances established neighborhoods, as well as providing guidance to the development of new areas, making them compatible and consistent with existing development.

This district will be applicable in small, compact, isolated, rural community centers that primarily exist to provide convenience goods and services to residents of the surrounding rural area. The rural settlement district is a "general use" district and will be utilized in those rural centers where a mixture of land uses (i.e., commercial, manufacturing/industrial, residential, and multifamily residential) is the established development pattern.

Manufacturing/industrial uses allowed shall be of a type and scale that are compatible with the overall character of the community, and do not result in excessive noise, smoke, odor or other nuisances. Commercial uses allowed shall be of a type and scale to be primarily patronized by local residents.

The RS designation will be applied to lands that are removed from established communities within the county and that have the following characteristics:

- A. Public water is available; however, public sewer systems are not usually available;
- B. Adjacent existing established neighborhoods where primary use is rural;
- C. Response times for emergency services are not as low as in the rural areas.

The types of activities allowed may include single-family residences, multifamily residences, home occupations, agricultural activities including some agri-tourism uses, the keeping of livestock, and limited commercial and limited industrial uses. (Ord. O-01-05 § 2 (part))

17.30.020 Permitted, accessory, conditional and prohibited uses.

Permitted, accessory, conditional and prohibited uses in this district shall be as identified in Chapter 17.08, Use Districts and Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable Adams County rules and regulations are complied with. (Ord. O-01-05 § 2 (part))

17.30.030 Standards.

In addition to the applicable requirements of this code, including without limitation Chapter 17.76, General Standards, all development authorized in this zoning district shall meet the following minimum standards:

- A. Residential.

1. Lot size: same as permitted within the R-1 district.
 2. Setbacks: same as permitted within the R-1 district.
 3. Height: same as permitted within the R-1 district.
- B. Prime Agriculture.
1. Lot size: same as permitted within the AP district.
 2. Setbacks: same as permitted within the AP district.
 3. Height: same as permitted within the AP district.
- C. General Agriculture.
1. Lot size: same as permitted within the AG district.
 2. Setbacks: same as permitted within the AG district.
 3. Height: same as permitted within the AG district.
- D. Commercial.
1. Lot size: same as permitted within the C district.
 2. Setbacks: same as permitted within the C district.
 3. Height: same as permitted within the C district.
- E. Light Industrial.
1. Lot size: same as permitted within the LI district.
 2. Setbacks: same as permitted within the LI district.
 3. Height: same as permitted within the LI district. (Ord. O-01-05 § 2 (part))

Chapter 17.32
COMMERCIAL DISTRICT—C

Sections:

17.32.010 Purpose.

17.32.020 Permitted, accessory, conditional and prohibited uses.

17.32.030 Standards.

17.32.010 Purpose.

The purpose of the commercial zoning district is to promote retail business areas and to provide shopping and business services to the entire county, consistent with the goals and policies of the Adams County comprehensive plan. This district retains and enhances established businesses, as well as providing guidance to the development of new areas, making them compatible and consistent with existing development.

The C designation will be applied to lands that have the following characteristics: (1) public water and sewer systems may not be required, depending on the type of use; (2) located near existing population centers and/or near major intersecting transportation corridors (highways); and (3) are coordinated with adjacent jurisdictions to ensure status of existing and future public facilities and services if known. The types of activities that are allowed may include retail and service commercial uses, commercial recreational uses, and some light industrial activities that do not involve manufacturing and/or processing activities. Development standards include fire flow, access to public streets with sufficient rights-of-way, adequate off-street parking and loading, landscaping/buffers next to residential areas, adequate setbacks, clear view triangles (adequate sight and turning distance); lighting should not project onto other properties; signs, near urban areas sidewalks, should be provided and/or at least an area set aside for future sidewalks. (Ord. O-01-05 § 2 (part))

17.32.020 Permitted, accessory, conditional and prohibited uses.

Permitted, accessory, conditional and prohibited uses in this district shall be as identified in Chapter 17.08, Use Districts and Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable Adams County rules and regulations are complied with. (Ord. O-01-05 § 2 (part))

17.32.030 Standards.

In addition to the applicable requirements of this code, including without limitation Chapter 17.76, General Standards, all development authorized in this zoning district shall meet the following minimum standards:

- A. Minimum lot area, lot depth, lot width: that area necessary to comply with all applicable provisions, including, without limitation, requirements for off-street parking, ingress/egress, lot coverage, landscaping, etc.
- B. The maximum building height for commercial or business uses, etc.: three stories, or in any event not greater than forty feet, including all signs or decorations for occupied portions of structures. Where development occurs adjacent to a residential or rural residential, the maximum building height for all structures and storage of materials shall be thirty feet for a distance of three hundred feet from a common boundary line.
- C. The maximum lot coverage including all accessory buildings: eighty percent of the total

- lot area.
- D. Minimum Yard Areas.
1. Front yard: sixty-five feet from the centerline or thirty-five feet from the front property line, whichever is greater.
 2. Rear and side yards: ten feet from the rear or side property line; provided, that where development occurs adjacent to a residential, rural residential or any agricultural district, the rear and side yard areas shall be thirty feet from the rear and side property lines. Where buildings on separate parcels (both within the commercial district) are of common-wall construction, built according to acceptable building codes and with appropriate maintenance easements, a zero setback is acceptable.
- E. A caretaker's residence may be incorporated into the principal structure.
- F. Ingress and egress openings shall not exceed fifty percent of the developed lot frontage and in no case shall exceed a total width of one hundred feet.
- G. Buffering/Landscaping. When development is occurring adjacent to a residential or rural residential district, a sight-obscuring fence shall be installed to screen activities from those areas.
- H. Exterior lighting must be so controlled as to prevent glare on public streets and adjoining property. (Ord. O-01-05 § 2 (part))

Chapter 17.36
LIGHT INDUSTRIAL DISTRICT—LI

Sections:

17.36.010 Purpose.

17.36.020 Permitted, accessory, conditional and prohibited uses.

17.36.030 Standards.

17.36.010 Purpose.

The LI designation will be applied to lands that have the following characteristics: (1) public water and sewer systems may not be available, but are a plus; (2) located near existing population centers and/or near major intersecting transportation corridors (highways and major county roads); (3) not in areas of existing, established residential; and (4) located near existing industrial areas. The types of activities that are allowed may include some more land-intensive commercial uses, as well as less intensive industrial, manufacturing and processing uses. Development standards to be addressed in development regulations include fire flow, access to public streets with sufficient rights-of-way, adequate off-street parking and loading, landscaping/buffers next to residential areas, adequate setbacks, clear view triangles (adequate sight and turning distance); lighting should not project onto other properties; signs, near urban areas sidewalks, should be provided and/or at least an area set aside for future sidewalks.

The purpose of light industrial is to provide an area that protects existing industrial uses, as well as establishing opportunities for further minor industrial development. This district supplies sufficient area, organized in a concentrated, positive working environment, to accommodate the light industrial-type activities. (Ord. O-01-05 § 2 (part))

17.36.020 Permitted, accessory, conditional and prohibited uses.

Permitted, accessory, conditional and prohibited uses in this district shall be as identified in Chapter 17.08, Use Districts and Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable Adams County rules and regulations are complied with. (Ord. O-01-05 § 2 (part))

17.36.030 Standards.

In addition to the applicable requirements of this code, including without limitation Chapter 17.76, General Standards, all development authorized in this zoning district shall meet the following minimum standards:

- A. Minimum lot area, lot depth, lot width: that area necessary to comply with all applicable provisions, including, without limitation, requirements for off-street parking, ingress/egress, lot coverage, landscaping, etc.
- B. The maximum building height for commercial or business uses, etc.: three stories, or in any event not greater than forty feet, including all signs or decorations for occupied portions of structures. Where development occurs adjacent to a residential or rural residential district, the maximum building height for all structures and storage of materials shall be thirty feet for a distance of three hundred feet from a common boundary line.
- C. The maximum lot coverage including all accessory buildings: eighty percent of the total lot area.

- D. Minimum Yard Areas.
1. Front Yard. Sixty-five feet from the centerline or thirty-five feet from the front property line, whichever is greater.
 2. Rear and Side Yards. Ten feet from the rear or side property line; provided, that where development occurs adjacent to a residential, rural residential or any agricultural district, the rear and side yard areas shall be thirty feet from the rear and side property lines. Where buildings on separate parcels (both within the commercial district) are of common-wall construction, built according to acceptable building codes and with appropriate maintenance easements, a zero setback is acceptable.
- E. A caretaker's residence may be incorporated into the principal structure.
- F. Ingress and egress openings shall not exceed fifty percent of the developed lot frontage and in no case shall exceed a total width of one hundred feet.
- G. Buffering/Landscaping. When development is occurring adjacent to a residential or rural residential district, a sight-obscuring fence shall be installed to screen activities from those areas.
- H. All raw materials, partly finished or finished products, trucks and equipment, and any other materials associated with the industries shall not be stored in an unsightly manner. Screening by a sight-obscuring fence or shrubbery may be required for all materials stored within fifty feet of the front property lines or along other property lines adjoining or across the street from residential or commercial districts.
- I. Inflammable or explosive liquids or gases shall be stored in accordance with uniform standards prescribed by the State Fire Marshal.
- J. All industrial activities shall be carried on in such a manner and with such precautions against fire and explosion hazards as are acceptable to the State Fire Marshal.
- K. Industrial wastes and sewage must be disposed of in accordance with the requirements of the county health officials and state pollution control commission. No untreated materials may be discharged into streams, lakes, reservoirs, or upon open ground, or upon adjoining property.
- L. Exterior lighting must be so controlled as to prevent glare on public streets and adjoining property. (Ord. O-01-05 § 2 (part))

Chapter 17.38
HEAVY INDUSTRIAL DISTRICT—HI

Sections:

17.38.010 Purpose.

17.38.020 Permitted, accessory, conditional and prohibited uses.

17.38.030 Standards.

17.38.010 Purpose.

The HI designation will be applied to lands that have the following characteristics: (1) access to public water is required, while access to public sewer systems is not required but is a plus; (2) located near existing population centers and/or near major intersecting transportation corridors (highways and major county roads); (3) not in areas of existing, established residential; and (4) located near existing industrial areas. The types of activities that are allowed may include all types of industrial and manufacturing uses. Development standards that will be addressed in development regulations include fire flow, access to public streets with sufficient rights-of-way, adequate off-street parking and loading, landscaping/buffers next to residential areas, adequate setbacks, clear view triangles (adequate sight and turning distance); lighting should not project onto other properties; signs, near urban areas sidewalks, should be provided and/or at least an area set aside for future sidewalks.

The purpose of the heavy industrial zoning district is to provide an area that protects existing industrial uses, as well as establishing opportunities for further industrial development. This district supplies sufficient area, organized in a concentrated, positive working environment, to accommodate a broad range of industrial-type activities. (Ord. O-01-05 § 2 (part))

17.38.020 Permitted, accessory, conditional and prohibited uses.

Permitted, accessory, conditional and prohibited uses in this district shall be as identified in Chapter 17.08, Use Districts and Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable Adams County rules and regulations are complied with. (Ord. O-01-05 § 2 (part))

17.38.030 Standards.

In addition to the applicable requirements of this code, including without limitation Chapter 17.76, General Standards, all development authorized in this zoning district shall meet the following minimum standards:

- A. Minimum lot area, lot depth, lot width: that area necessary to comply with all applicable provisions, including, without limitation, requirements for off-street parking, ingress/egress, lot coverage, landscaping, etc.
- B. The maximum building height for commercial or business uses, etc.: three stories, or in any event not greater than forty feet, including all signs or decorations for occupied portions of structures. Where development occurs adjacent to a residential or rural residential district, the maximum building height for all structures and storage of materials shall be thirty feet for a distance of three hundred feet from a common boundary line.
- C. The maximum lot coverage including all accessory buildings: eighty percent of the total lot area.

- D. Minimum Yard Areas.
1. Front Yard. Sixty-five feet from the centerline or thirty-five feet from the front property line, whichever is greater.
 2. Rear and Side Yards. Ten feet from the rear or side property line; provided, that where development occurs adjacent to a residential, rural residential or any agricultural district, the rear and side yard areas shall be thirty feet from the rear and side property lines. Where buildings on separate parcels (both within the commercial district) are of common-wall construction, built according to acceptable building codes and with appropriate maintenance easements, a zero setback is acceptable.
- E. A caretaker's residence may be incorporated into the principal structure.
- F. Ingress and egress openings shall not exceed fifty percent of the developed lot frontage and in no case shall exceed a total width of one hundred feet.
- G. Buffering/Landscaping. When development is occurring adjacent to a residential or rural residential district, a sight-obscuring fence shall be installed to screen activities from those areas.
- H. All raw materials, partly finished or finished products, trucks and equipment, and any other materials associated with the industries shall not be stored in an unsightly manner. Screening by a sight-obscuring fence or shrubbery may be required for all materials stored within fifty feet of the front property lines or along other property lines adjoining or across the street from residential or commercial districts.
- I. Inflammable or explosive liquids or gases shall be stored in accordance with uniform standards prescribed by the State Fire Marshal.
- J. All industrial activities shall be carried on in such a manner and with such precautions against fire and explosion hazards as are acceptable to the State Fire Marshal.
- K. Industrial wastes and sewage must be disposed of in accordance with the requirements of the county health officials and state pollution control commission. No untreated materials may be discharged into streams, lakes, reservoirs, upon open ground, or upon adjoining property.
- L. Exterior lighting must be so controlled as to prevent glare on public streets and adjoining property. (Ord. O-01-05 § 2 (part))

Chapter 17.40
AIRPORT OVERLAY ZONE

Sections:

17.40.010 Purpose.

17.40.020 Definitions.

17.40.030 Airport zones.

17.40.040 Airport zone height limitations.

17.40.050 Use restrictions.

17.40.060 Nonconforming uses.

17.40.070 Permits.

17.40.010 Purpose.

- A. Obstructions have the potential for endangering the lives and property of users of the Othello Municipal Airport, and the property of occupants of land in its vicinity. Obstructions may affect future instrument approach minimums at the Othello Municipal Airport and may reduce the size of area available for landing, take-off and maneuvering of aircraft. Obstructions would tend to destroy or impair the utility of the Othello Municipal Airport and the public's investment, and are potential public nuisances.
- B. In the interest of the public health, safety, and general welfare, the creation or establishment of obstructions that are a hazard to air navigation should be prevented. The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
- C. It is the purpose of this chapter to prevent the creation or establishment of hazards to air navigation; to eliminate, remove, alter or mitigate hazards to air navigation; and to provide for the marking and lighting of obstructions, for which the county may raise and expend public funds and acquire land or interests in land. (Ord. O-01-05 § 2 (part))

17.40.020 Definitions.

Definitions applicable to this chapter are those found in Chapter 17.04, particularly in Section 17.04.960. (Ord. O-01-05 § 2 (part))

17.40.030 Airport zones.

In order to carry out the provisions of this chapter, zones are established which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Othello Municipal Airport. The zones are shown on the Othello Municipal Airport Approach and Clear Zone Map consisting of one sheet dated October 8, 1993. The map is on file with the building and planning department. An area located in more than one zone is considered to be only in the zone with the more restrictive height limitation. The various zones are defined as follows:

- A. Utility Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty feet wide for Runway No. 07/25. The approach zone expands uniformly to the width of one thousand two hundred fifty feet at a horizontal distance of five thousand feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- B. Transitional Zone. Transitional zones are the areas beneath the transitional surfaces.
- C. Horizontal Zone. Horizontal zones are established by swinging arcs of five thousand feet radii from the center of each end of the primary surface of each runway and connecting

the adjacent arcs by drawing lines tangent to those arcs. Horizontal zones do not include approach and transitional zones.

- D. Conical Zone. Conical zones are established as the area commencing at the periphery of the horizontal zones and extending outward and upward at 20:1 therefrom for a horizontal distance of four thousand feet. (Ord. O-01-05 § 2 (part))

17.40.040 Airport zone height limitations.

No structure shall be erected, altered, or maintained and no tree shall be allowed to grow in any zone, as defined in this chapter, to a height in excess of the applicable height limit established for that zone. The applicable height limitations for each of the zones are established as follows:

- A. Utility Runway Visual Approach Zone. Slopes twenty feet outward for each foot upward (20:1) beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet along the extended runway centerline.
- B. Transitional Zones. Slopes seven feet outward for each foot upward (7:1) beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty feet above the airport elevation.
- C. Horizontal Zone. One hundred fifty feet above the airport elevation or at a height of one thousand two hundred ninety-five feet above mean sea level.
- D. Conical Zone. Slopes twenty feet outward for each foot upward (20:1) for four thousand feet beginning at the periphery of the horizontal zone and at one hundred fifty feet above the airport elevation and extending to a height of three hundred fifty feet above the airport elevation. (Ord. O-01-05 § 2 (part))

17.40.050 Use restrictions.

No use may be made of land or water within any zone so as to:

- A. Create electrical interference with the navigational signals or radio communications between the airport and aircraft.
- B. Make it difficult for pilots to distinguish between airport lights and others.
- C. Result in glare in the eyes of pilots using the airport.
- D. Create bird strike hazards.
- E. Otherwise endanger or interfere with the landing, take-off, or maneuvering of aircraft intending to use the airport. (Ord. O-01-05 § 2 (part))

17.40.060 Nonconforming uses.

- A. Effect Not Retroactive. The provisions of the ordinance codified in this chapter shall not be construed to adversely affect any existing structure or use as of its effective date, nor require any change in the construction, alteration or intended use of any prior structure, the construction or alteration of which was begun prior to its effective date, so long as it is diligently prosecuted.
- B. Marking and Lighting. The owner of any existing nonconforming structure or tree is required to permit the installation, operation, and maintenance of markers and lights deemed necessary by the operating authority of the airport to indicate to the operators of aircraft the presence of obstructions. The markers and lights shall be installed, operated, and maintained at the expense of the operating authority of the airport. (Ord. O-01-05 § 2 (part))

17.40.070 Permits.

- A. Future Uses. Except as specifically provided in this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree

shall be planted in any zone defined in this chapter unless a permit shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to determine whether the resulting use, structure, or tree would conform to the provisions of this chapter. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with Section 17.04.900.

1. In the area lying within the limits of a horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, the tree or structure would extend above the height limits prescribed for such zones.
 2. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than forty-three thousand two hundred feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limits prescribed for the approach zone.
 3. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure, or growth of any tree in excess of any height limits established by this chapter.
- B. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction, or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance codified in this chapter.
- C. Nonconforming Uses Abandoned or Destroyed. Whenever the administrator determines that a nonconforming tree or structure has been abandoned, or more than eighty percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such a structure or tree to extend above the applicable height limit or otherwise deviate from the zoning regulations.
- D. Variances.
1. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the provisions of this chapter, may apply to the county planning director for a variance. The application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space.
 2. A variance shall be allowed where it is duly found that a literal application or enforcement of this chapter will result in an unnecessary hardship and relief granted will not be contrary to the public interest; will not create a hazard to air navigation; will do substantial justice; and will be in accordance with the spirit of this chapter.
 3. No application for variance may be considered by the board of adjustment unless a copy of the application has been furnished to the airport owner for advice as to the aeronautical effects of the variance. If the airport owner does not respond to the application within fifteen days after receipt, the board of adjustment may act on its own to grant or deny the application.
- E. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter, be conditioned to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, necessary markings and lights. If deemed proper by the planning commission, this condition may be modified to require the owner to permit the airport owner, at its own expense, to install, operate and maintain the necessary markings and lights.

- F. Conditional Use Permit. Any use allowed under any other county zoning code, which will be located in an approach zone, shall be treated as a conditional use under that code and shall be subject to all provisions and procedures required for conditional uses under that code. (Ord. O-01-05 § 2 (part))

Chapter 17.58
PLANNED RESIDENTIAL DEVELOPMENT

Sections:

- 17.58.010 Purpose.**
- 17.58.020 Where permitted—Permitted uses—Minimum project size.**
- 17.58.030 Permitted modifications.**
- 17.58.040 Permitted density.**
- 17.58.050 Open space, on-site recreation and critical areas.**
- 17.58.060 On-site recreation and/or open space design requirements.**
- 17.58.070 Dedicated lands.**
- 17.58.080 Project description and association documents.**
- 17.58.090 Binding site plan.**
- 17.58.100 Phased developments.**
- 17.58.110 Minor adjustments and amendments.**
- 17.58.120 Expiration.**

17.58.010 Purpose.

The purpose of this chapter includes but is not limited to the following:

- A. To allow for creative, flexible residential development equal to or superior to traditional lot-by-lot development;
- B. To permit diversity in the location and type of structures;
- C. To preserve open space, natural vegetation, water courses, critical areas, historic buildings and places and other community values;
- D. To provide more efficient use of land by facilitating a more economical arrangement of buildings, streets, utilities and land use;
- E. To provide for a variety of housing types in one development with architectural design compatibility;
- F. To provide integrated landscape development; and
- G. To provide for the integration of new development into the existing community while protecting and preserving the values of the surrounding neighborhood. (Ord. O-01-05 § 2 (part))

17.58.020 Where permitted—Permitted uses—Minimum project size.

- A. Planned residential developments (PRDs), when approved in accordance with all applicable codes and this chapter, are established as development permits and, as such, do not reclassify the existing zoning district designation. A PRD may be permitted as indicated in Section 17.08.040, District use chart, consistent with the comprehensive plan. A PRD may include the following uses, which uses shall be specifically identified and approved in the development permit application review and approval process:
 - 1. A combination of residential dwellings such as single-family attached, single-family detached, modular homes, duplexes, townhouses, and other similar dwellings in accordance with this chapter and the Adams County zoning code;
 - 2. Manufactured homes are also allowed to be part of a PRD; however, the placement of manufactured homes shall be specifically included and approved as part of the initial development permit application;
 - 3. Accessory uses specifically designed to meet the needs of the residents of the PRD such as garages, carports, personal and recreational vehicle storage, and

- other similar noncommercial uses;
 - 4. Developed recreational facilities, primarily for the residents of the PRD, such as clubhouses, tennis or racquetball courts, ball fields, trails, sports fields, spa facilities, golf courses, horse arenas and riding academies, parks, undeveloped recreational areas, open space areas and other similar type uses; and
 - 5. Shared boat docks, launch facilities, and marinas for the residents of the PRD, compatible with the purposes of this chapter and the Adams County Shoreline Master Program.
- B. Planned residential developments shall be located on sites at least five acres in size. (Ord. O-01-05 § 2 (part))

17.58.030 Permitted modifications.

All zoning and subdivision requirements may be modified and approved through a PRD in the interest of the expressed purposes above, except for the following, provided the specific requirements to be modified are identified and approved by the county in the PRD application, review and approval processes and materials:

- A. Permitted uses;
- B. Yard areas and setbacks on the exterior boundary of the planned development;
- C. Surveying standards; and
- D. Engineering design and construction standards of public improvements other than street standards. (Ord. O-01-05 § 2 (part))

17.58.040 Permitted density.

- A. The maximum number of dwelling units permitted per acre for a PRD may be one hundred fifty percent of the permitted density of the zone district within which it is located. The permitted density shall be calculated as described below, and only upon demonstration of compliance with all of the standards identified in subsection B of this section:
 - 1. Determine the gross development area. Subtract from the gross area all unbuildable land, publicly owned land, and commercial or industrial land area;
 - 2. Determine the net development area. Subtract from the gross development area the actual percentage of gross development area devoted to the street system up to a maximum of twenty percent of the gross development area;
 - 3. Divide the net development area by the minimum lot size of the zone district or multiply by the number of multifamily dwelling units per acre permitted in multifamily zone districts; and
 - 4. Multiply the resulting number of units by 1.20, rounding to the lowest integer.
- B. Additional density shall be achieved by incorporating the following items into the design and construction of the PRD:
 - 1. On-site stormwater drainage retention facilities shall be integrated as usable recreation areas.
 - 2. Landscaping shall be planted adjacent and along the entire frontage of public and/or private street rights-of-way on the property being developed, as well as along the exterior perimeter of the overall PRD. Planting areas shall be a minimum of five feet in width and consist of a minimum of sixty percent deciduous trees at least four feet high at the time of planting on no greater than fifty-foot centers. Suitable groundcover including grasses and/or low-growing shrubs to complement the trees shall also be provided.
 - 3. At least two covered parking spaces shall be provided for all residential dwelling units. Covered parking shall be in the form of carports, garages, or above-/below-ground parking garages.

4. Developed pedestrian and nonmotorized facilities shall be incorporated into the overall design of the PRD, and may include sidewalks, pathways and/or trails that connect features within the development as well as connecting to the overall community.
5. Natural drainage ways shall be incorporated into the overall PRD design and left undisturbed or enhanced with native ornamental landscaping when applicable.
6. Significant existing natural features shall be maintained on the site, including, without limitation, topography, significant tree stands, or particularly noteworthy trees, view points or other important natural features found on-site.
7. Significant recreational areas shall be developed and equipped with such features as swimming pools, tennis courts, commercial-grade playground equipment, community center or other significant features.
8. Accessory features such as benches, trash cans, tables and other similar attributes to enhance the character of the open space or other features shall be provided in the development.
9. Pedestrian access, open space and recreation amenities shall be provided and incorporated into the PRD when the PRD adjoins cultural/historical sites or water bodies such as ponds, creeks, rivers or lakes, when applicable.
10. The PRD shall incorporate some other unique site and/or design features not listed above that distinguish it from a typical subdivision. (Ord. O-01-05 § 2 (part))

17.58.050 Open space, on-site recreation and critical areas.

Within a PRD, a minimum of twenty-five percent of the overall area shall be established as open space and/or recreation facilities. Up to five percent of the unbuildable land (i.e., stormwater ponding areas, steep slopes, etc.) may be considered for inclusion in the required open space land upon a showing that such lands can and will be used for a specified recreational purpose. The following standards apply:

- A. The open space and/or on-site recreation areas may include a combination of natural areas, parks, landscaped areas, trails, and/or visual corridors; provided, that a majority of the areas are contiguous, useable space;
- B. Where critical areas are determined to be located within the boundaries of a PRD, they shall be protected and used in conformance with Adams County's critical areas code, and may be counted toward the overall required open space/recreation areas. (Ord. O-01-05 § 2 (part))

17.58.060 On-site recreation and/or open space design requirements.

The following are minimum design requirements for PRDs that incorporate on-site recreation and/or open space:

- A. The location, shape, size and character of the open space shall be configured appropriate to the scale and character of the planned density, expected population and topography of the area. On-site recreation areas shall be centrally located in the development and designed for active and passive recreation unless otherwise approved by the hearing examiner.
- B. A minimum of sixty percent of the on-site recreation or open space shall be concentrated and/or connected into large usable areas. The remaining forty percent may be designated as buffers, entry features, recreation facilities, streetscape, and/or used for a natural trail system or other uses approved by the hearing examiner.
- C. On-site recreation areas or open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents

of the PRD; provided, that the building coverage of such buildings or structures shall not exceed fifty percent of the minimum on-site recreation or open space required. (Ord. O-01-05 § 2 (part))

17.58.070 Dedicated lands.

All lands dedicated for the preservation of critical areas, creation of open space or establishment of recreation facilities shall be protected in perpetuity by recorded covenants, approved by the county, which restrict uses to only those specified in the approved PRD site plan and provide for the maintenance of the open space in a manner which assures its continuing use for the intended purpose. Dedicated open space may be held in common interest by all of the property owners within the planned development, a public or private entity empowered to manage and maintain the open space, or by other appropriate legal measures that ensure the continuation of open space/recreation areas. Restrictions shall be placed upon the title to all dedicated areas and on the face of the binding site plan indicating that:

- A. All land uses and development shall be limited to the stated purpose of the dedicated property.
- B. If the open space/recreation areas are held in common interest by all of the property owners within the planned development, then all property owners within the planned development shall be mutually responsible for the maintenance and preservation of the dedicated lands.
- C. That dedicated lands shall be maintained free of any liens or encumbrances that could interfere with the stated purpose of the dedication. (Ord. O-01-05 § 2 (part))

17.58.080 Project description and association documents.

A written explanation of the design concept, planned features of the development, measures taken to meet the purposes of this chapter, the proposed sequence and timing of development, the provisions of ownership and management when developed, and covenants or other controls which might influence the development, operation or maintenance of the planned residential development shall be submitted with the site plan. An outline of the documents of the owners' association, by-laws, deeds, covenants and agreement governing ownership, maintenance and operation of the planned unit development shall be submitted with the binding site plan. Planned unit development covenants shall include a provision whereby unpaid taxes on all property owned in common shall constitute a proportioned lien on all property of each owner in common. The county may require that it be a third party beneficiary of certain covenants with the right, but not the obligation, to enforce the same. (Ord. O-01-05 § 2 (part))

17.58.090 Binding site plan.

A binding site plan is required for all PRDs, and shall include all the required certificates of final plat and the following:

- A. All information required on a preliminary plat;
- B. The location of all existing and proposed structures;
- C. A detailed landscape plan indicating the location of existing vegetation to be retained, the location of vegetation landscaping structures to be installed, the type of vegetation by common name and/or taxonomic designation, and the installed and mature height of all vegetation;
- D. Schematic plans and elevations of proposed building(s) with samples of all exterior finish material and colors, the type and location of all exterior lighting, signs and accessory structures;
- E. Utility, street and stormwater drainage plans that indicate the facilities, layout and

- capacities necessary to serve the entire PRD;
- F. Inscriptions or attachments setting forth the limitations and conditions of development; and
 - G. The provisions ensuring the development will be in conformance with the site plan. (Ord. O-01-05 § 2 (part))

17.58.100 Phased developments.

If a planned development is expected to be completed in more than two years from the date of preliminary plat approval, the planned development will be divided into phases or divisions of development, numbered sequentially in the order construction is to occur. The preliminary plat for each phase shall be approved separately. Each division of development in a multiphase planned development shall meet all requirements of the approved planned development independently. (Ord. O-01-05 § 2 (part))

17.58.110 Minor adjustments and amendments.

PRDs may be modified prior to final plat approval according to the provisions below.

- A. Minor adjustments to an approved PRD may be reviewed administratively, without requiring an additional hearing, provided the "minor adjustments" are characterized by those which may affect the precise dimensions, siting of buildings or lot lines, but which do not: affect the type, character and/or architectural style of buildings; increase the total amount of building floor area; increase the number of dwelling units; decrease or substantially change the location of required buffers; decrease the amount of required parking; decrease on-site recreation or open space areas; and/or increase the number of points of ingress and egress to the site.
- B. Modifications that exceed the conditions of a PRD approval are inconsistent with the intent of the approved PRD, and/or are not "minor adjustments," as determined by the county, and shall be considered a request for a major revision to the PRD and shall be reviewed and approved in accordance with the procedures of this chapter as a new application. The new application shall be reviewed according to the applicable regulations in effect at the time of the new application. (Ord. O-01-05 § 2 (part))

17.58.120 Expiration.

A binding site plan for a PRD expires unless final approval is obtained from the county and recorded by the Adams County auditor within two years from the date of approval. For a PRD that includes phases as permitted by this chapter, the PRD shall expire unless final approval is obtained for the first phase from the county, with subsequent phases falling within the identified phasing schedule, and recorded by the Adams County auditor within two years from the date of approval. Minor revisions to the phasing schedule of a PRD that have not expired pursuant to this section may be granted by the county, provided the schedule is consistent with the overall time frame anticipated for build-out of the PRD. An applicant who files a written request with the county within thirty days before the expiration date shall be granted a one-year extension upon a showing of a good faith effort to file the binding site plan. (Ord. O-01-05 § 2 (part))

Chapter 17.62
ADULT ENTERTAINMENT

Sections:

- 17.62.010 Purpose.**
- 17.62.020 Definitions.**
- 17.62.030 Permitted location and permitted uses.**
- 17.62.040 Prohibitions.**
- 17.62.050 Nonconforming uses.**
- 17.62.060 Signs.**
- 17.62.070 Adult use business permit required.**
- 17.62.080 General requirements.**
- 17.62.090 Lighting requirements.**
- 17.62.100 Responsibilities of the manager, owner, operator.**
- 17.62.110 Live adult entertainment establishments.**
- 17.62.120 Live adult entertainment—Manager or entertainer—License required.**
- 17.62.130 Permits and licenses—Suspension or revocation.**
- 17.62.140 Theaters, mini theaters and motion picture theaters.**
- 17.62.150 Theaters—Adult panorama theaters.**
- 17.62.160 Standards of conduct.**
- 17.62.170 Standards of operation.**
- 17.62.180 Violations—Penalties related to this chapter.**
- 17.62.190 Prohibited actions.**

17.62.010 Purpose.

The purpose of this chapter is to protect the general public health, safety, and welfare of the citizens of Adams County through the regulation of adult use businesses through zoning and through certain requirements. The regulations set forth in this chapter are intended to prevent crime; protect the county's retail trade; maintain property values; generally protect and preserve the quality of the county's neighborhoods, business, and commercial districts; and preserve the quality of life. (Ord. O-01-05 § 2 (part))

17.62.020 Definitions.

Definitions applicable to this chapter are those found in Chapter 17.04, particularly in Section 17.04.955. (Ord. O-01-05 § 2 (part))

17.62.030 Permitted location and permitted uses.

- A. An adult use business, as defined in this code, shall be permitted to locate in the commercial district (C) only, provided it meets all location requirements set forth in Section 17.62.040.
- B. Nothing within the location requirements set forth herein and in Section 17.62.040 shall preclude an adult use business from conducting more than one adult use activity within a single structure; provided, the adult use business complies with the provisions of this chapter and all other county ordinances.
- C. In the event an adult use business is legally established in accordance with requirements of this chapter, and does not constitute a nonconforming use as defined in Section 17.62.050, nor a sensitive land use described in Section 17.04.955(A)(2)(o), and locates

within the separation distance required by Section 17.62.040, the zoning conformity of the legally established adult use business shall not be affected. (Ord. O-01-05 § 2 (part))

17.62.040 Prohibitions.

- A. Adult use businesses shall be prohibited within one thousand feet of any city or unincorporated area of Adams County zoned for residential purposes. Residential zones shall include:
 - 1. Residential district (R-1);
 - 2. Rural residential district (RR);
 - 3. Any residential zone hereafter adopted by the county or adjacent city.
- B. Adult use businesses shall be prohibited within one thousand feet of any areas defined as sensitive land uses.
- C. Adult use businesses shall be prohibited within five hundred feet of any other adult use business, as defined in this chapter.
- D. The distances provided herein shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the adult use business is located or is to be located, to the nearest point of the parcel of property or the zoning district boundary line from which the proposed adult use business is separated or is to be separated. (Ord. O-01-05 § 2 (part))

17.62.050 Nonconforming uses.

- A. For the purposes of this chapter, a "nonconforming use" constitutes an adult use business, which lawfully existed prior to enactment of this chapter and is maintained after the effective date of the ordinance codified in this chapter, although it does not comply with the adult use business zoning requirements set forth in this chapter.
- B. Adult use businesses which are nonconforming uses in the zone in which they are located and which are located within the unincorporated areas of Adams County as of the effective date of the ordinance codified in this chapter shall be discontinued within three years of the date the ordinance codified in this chapter becomes effective or upon the expiration of the leasehold period in existence as of the date the ordinance codified in this chapter is passed, whichever occurs first.
- C. Adult use businesses that are nonconforming cannot be expanded, enlarged, or intensified. Any building containing a nonconforming adult use business may only be maintained with ordinary repair and cannot be expanded or enlarged. Ordinary repair shall consist of maintaining the current condition of the interior and exterior of the building. Any change in a nonconforming adult use business shall be to a use that is legally permitted within the zone in which it is located.
- D. All nonconforming adult use businesses which are in existence as of the date the ordinance codified in this chapter is passed shall provide the county's planning and building department with copies of their current leasehold documents which set forth their existing leasehold time period; or in the case of a nonleasehold interest, the county's planning and building department shall be provided other documents which show record of ownership. (Ord. O-01-05 § 2 (part))

17.62.060 Signs.

All adult use businesses shall comply with the following standards for exterior advertising:

- A. Exterior advertising shall be limited to one two-square-foot, nonilluminated, double-faced sign, text only, or its equivalent;
- B. All signs shall meet all other regulations for such signs as set forth in the zoning requirements for the applicable zone. (Ord. O-01-05 § 2 (part))

17.62.070 Adult use business permit required.

No adult use business shall be permitted until an adult use business permit has been approved by the planning and building department upon compliance with this section. The following procedures shall apply:

- A. Application. No adult use business shall be permitted until an adult use business permit has been approved by the building and planning department upon compliance with this section. Any person seeking a permit for an adult use business shall submit to the building and planning department the following:
 1. A completed application supplied by the Adams County building and planning department which includes a site plan accurately drawn at a scale of one inch equals one hundred feet or larger, showing the following:
 - a. The boundaries and dimensions of the site;
 - b. Existing streets, roads, and highways bordering or crossing the site;
 - c. Interior private roads;
 - d. Location and uses of existing and proposed structures;
 - e. Location of parking facilities including access points;
 - f. Scale and north arrow;
 - g. Vicinity map showing adjacent properties;
 - h. Location of drainage facilities;
 - i. Location of utility easements; and
 - j. Size and location of all existing and proposed signs;
 2. A nonrefundable application fee as established by resolution of the board of county commissioners;
 3. Additional information as required by the building and planning director;
 4. If an application is determined to be incomplete the applicant shall submit the additional information requested. Within fourteen days of receipt of the additional information from the applicant, the county shall issue a written determination of completeness or identify what remaining information is required. If the applicant either refuses in writing to submit additional information or does not submit the required information within ninety days, the application shall lapse.
- B. Review by Building and Planning Director. The planning and building director shall refer the matter to appropriate agencies for their comments and shall determine the following:
 1. The proposed use conforms with all applicable ordinances and regulations of Adams County which also apply to other permitted uses in the applicable zoning district;
 2. The proposed use complies with the density requirements of the Adams County comprehensive plan;
 3. The building size meets the total square footage and setback requirements of Chapter 17.36 for the proposed use and all accessory structures;
 4. The proposed use complies with all applicable requirements of the Adams County health district and any municipality providing water or sewer;
 5. Exterior advertising shall be limited to one two-square-foot, nonilluminated, double-faced sign or its equivalent;
 6. The filing of an adult use business permit application with the Adams County building and planning director;
 7. Off-street parking areas shall be provided as to allow one space for every employee. The adult use business permit application shall also provide for adequate patron parking;
 8. The exterior of any building housing an adult use business shall not permit any

- public display of performances by nude or seminude entertainers of the adult use business;
9. The site for the proposed use shall be landscaped in such a manner to be compatible with surrounding uses;
 10. The applicant shall conform to applicable state and local fire standards for fire prevention;
 11. The applicant must comply with applicable building code requirements for the proposed use.
- C. Notification.
1. If the building and planning director determines all of the above are satisfied, written notification of the proposed use shall be placed in the legal section of the county's official newspaper and shall be sent by first class U.S. mail to owners of real property, as shown in the records of the Adams County assessor, located within five hundred feet of any portion of the boundary of the proposed use; provided, if the owner of the property for which the proposed use is requested owns another parcel or parcels adjacent to the property, notification shall be mailed to owners of real property located within five hundred feet of any portion of the boundaries of such adjacent parcels. The notification shall contain a statement that the proposed use shall be approved without holding a public hearing if no objection is submitted to the building and planning director within fourteen calendar days following the date of mailing of notification.
 2. Failure to send notice to a person specified in this section or failure to receive notice shall not invalidate any proceedings or decisions in connection with the proposed use.
- D. Approval by Building and Planning Director. If no objection is received by the building and planning director within fourteen days following mailing of the notification, the proposed use shall be approved or conditionally approved. If conditional approval is given, the applicant shall have six months to satisfy the conditions. The building and planning director shall endeavor to issue a decision on the proposed use within twenty-five working days from the date of submittal of a complete application.
- E. Referral to the Board of Adjustment. If, after notification by the building and planning director, any objection to the proposed use is received within fourteen days following the mailing thereof, the building and planning director shall refer the request to the board of adjustment. The board of adjustment shall act upon the request as if it were a request for a conditional use permit pursuant to Chapter 17.68.
- F. Grounds for Denial of Permit. It shall be grounds for denial of a permit if the applicant has been convicted within the past two years of a misdemeanor or gross misdemeanor involving a specified criminal activity, within the past five years of a felony offense involving a specified criminal activity, or within the past five years of two or more misdemeanor or gross misdemeanor offenses or combinations of misdemeanor and gross misdemeanor offenses involving specified criminal activities as defined herein.
- G. Denial. If, after reviewing the application, the building and planning director determines that the proposal does not meet the requirements of subsection B of this section, he/she shall deny the request and inform the applicant in writing of the reasons for the denial.
- H. Appeal.
1. Anyone aggrieved by the building and planning director's decision shall have ten days from the date of decision to appeal to the board of adjustment. The board shall hear the appeal pursuant to Chapter 17.84;
 2. An appeal of the board of adjustment's decision shall be filed with the superior court no later than fourteen days from the date of the board of adjustment's decision;

3. A prompt judicial review shall be held no more than thirty days from the date of the final administrative decision.
- I. Continuation of Business Pending Appeal of Permit Suspension or Revocation. Whenever a request for appeal of a permit suspension or revocation is timely filed pursuant to subsection H of this section, a permittee may continue to operate the adult use business for which the permit was required pending the decision from the Adams County building and planning department, the board of county commissioners, or the court. (Ord. O-01-05 § 2 (part))

17.62.080 General requirements.

All adult use businesses located within the unincorporated parts of Adams County shall comply with the following general requirements:

- A. At no time shall material or performances that display specified sexual activities or exhibit specified anatomical areas as described herein be visible from outside the establishment;
- B. All state and local licenses required by law shall be posted and maintained in a conspicuous location on-site. (Ord. O-01-05 § 2 (part))

17.62.090 Lighting requirements.

All adult use businesses located within the unincorporated parts of Adams County shall comply with the following lighting requirements:

- A. The premises of an adult use business shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than thirty by thirty footcandles as measured at the floor level;
- B. It shall be the duty of the owner(s) and manager and of any employee(s) present in the premises to ensure that the required illumination is maintained at all times while any patron is present in or on the premises;
- C. An adult mini theater and an adult motion picture theater shall be subject to the lighting requirements set forth in the section relating to such theaters. (Ord. O-01-05 § 2 (part))

17.62.100 Responsibilities of the manager, owner, operator.

- A. A manager shall have a station located within the adult use business from which all areas of the business are open to view without visual barriers at all times when the adult use business is "open for business" and shall comply with the following standards:
 1. Ensure that all entertainers, employees, and patrons abide by and comply with the standards of conduct and the standards of operation set forth in this chapter;
 2. Verify that all persons who offer or provide live adult entertainment within the premises possess a current and valid entertainer's license issued by the county for those specific premises;
 3. Ensure that no patron is admitted onto the premises or is served or entertained therein if such patron is obviously under the influence of alcohol or drugs;
 4. Upon the request of any law enforcement officers or the Adams County code enforcement officer for purposes of ensuring compliance with the law, make available for inspection:
 - a. The premises;
 - b. All materials offered for display, exhibit, rent, or sale;
 - c. All licenses required to be on the premises;
 5. Ensure that no sexual conduct is allowed on the premises of an adult use business at any time.
- B. An owner and also an operator shall be responsible for the provisions of subsections (A)

(1), (A)(3) and (A)(5) of this section. (Ord. O-01-05 § 2 (part))

17.62.110 Live adult entertainment establishments.

Any establishment or place offering live adult entertainment shall:

- A. Comply with the lighting requirements, general requirements, and the requirements set forth in the section relating to the responsibilities of the manager, owner, and operator (Section 17.62.100);
- B. Ensure that all live adult entertainment is performed on a stage and that the stage is at least eighteen inches above the immediate floor level and be at least six feet away from the nearest patron with a continuous railing on all sides located at floor level;
- C. Be physically arranged in such a manner that the stage on which live adult entertainment is provided shall be visible from the common areas of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes, or any other obstruction whatsoever;
- D. Ensure that live adult entertainment occurring on the premises is not visible at any time from any public place. (Ord. O-01-05 § 2 (part))

17.62.120 Live adult entertainment—Manager or entertainer—License required.

No person shall work as a manager or entertainer at any adult use business without having first obtained a license from the Adams County building and planning department. No person shall be employed as a manager and an entertainer in an adult use business.

- A. Application. An application for a license may be obtained from the Adams County building and planning department. The application for a license shall require the following information:
 - 1. The applicant's name, home address, home telephone number, date and place of birth, and any other name, including "stage" names or aliases, used by the applicant;
 - 2. The name and address of each business at which the applicant intends to work as a manager or entertainer.
- B. Documentation of Age. The applicant shall present documentation that the applicant has attained the age of eighteen years. Any of the following shall be accepted as documentation of age:
 - 1. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;
 - 2. A state-issued identification card bearing the applicant's photograph and date of birth;
 - 3. An official passport issued by the United States of America;
 - 4. An immigration card issued by the United States of America;
 - 5. Any other picture identification issued by a government entity.
- C. Photograph Required. The applicant shall provide two two-inch by two-inch black and white photographs of the applicant, taken within six months of the date of the application, showing only the full face of the applicant. The photographs shall be provided at the applicant's expense. When issued, the license shall have affixed to it such photograph of the applicant.
- D. Certification. The application shall be completed, signed by the applicant, and notarized or certified as true under penalty of perjury.
- E. Annual Fee. An annual fee for the license shall be established by resolution of the board of Adams County commissioners. The annual license will expire on December 31st of each year. The license must be renewed by January 1st.
- F. License Nontransferable. A manager or entertainer licensed by the Adams County building and planning department shall not transfer the license to another, nor shall a

- license holder alter the license in any way.
- G. Incomplete Application. Failure to provide any information required by this section constitutes an incomplete application. If an application is determined to be incomplete the applicant shall submit the additional necessary information requested. Within fourteen days of receipt of the additional information from the applicant, the county shall issue a written determination of the completeness or identify what remaining information is required. If the applicant refuses in writing to submit additional information within ninety days, the application shall lapse.
- H. Investigation. The Adams County building and planning department, upon presentation of an application and before acting upon the same, shall refer such application to the Adams County sheriff's office. The sheriff's office shall make a full investigation as to the truth of the statement contained therein and provide that information to the Adams County building and planning department.
- I. Change of Identity. If the identity of the manager or entertainer licensed by the Adams County building and planning department changes, notices shall be provided in writing to the department within fourteen days of said change of identity.
- J. License Inspection. A manager or entertainer licensed by the Adams County building and planning department shall make the license available for inspection upon request of law enforcement officers or the Adams County code enforcement officer for the purpose of ensuring compliance with the law.
- K. Grounds for Denial of License. It shall be grounds for denial of a license if the applicant has been convicted within the past two years of a misdemeanor or gross misdemeanor involving a specified criminal activity; within the past five years of a felony offense involving a specified criminal activity; or within the past five years of two or more misdemeanor or gross misdemeanor offenses or combination of misdemeanor and gross misdemeanor offenses involving specified criminal activities as defined in this chapter.
- L. Appeal. Denial of license under this chapter is subject to appeal as follows:
1. Anyone aggrieved by an action, order, or decision of the Adams County building and planning department as to a denial of an application for the issuance of or renewal of a manager or entertainer license, or as to a revocation, suspension or modification of such a license shall have fourteen days from the date of the written decision to appeal to the board of county commissioners.
 2. A prompt judicial review of no sooner than thirty days shall elapse from the final administrative decision to a court review before the Adams County building and planning department revokes, modifies, or suspends the license of a manager or entertainer.
- M. Continuation of Employment Pending Appeal. Whenever a request for appeal of a denial to renew a license, license suspension, or license revocation is timely filed pursuant to subsection (L)(1) of this section, a licensee may engage in the activity for which the license was required pending the decision from the Adams County building and planning department, the board of county commissioners, or the court. An applicant not licensed when the current application was made may not engage in the activity for which the license is required pending decision by the Adams County building and planning department, board of county commissioners, or the court. (Ord. O-01-05 § 2 (part))

17.62.130 Permits and licenses—Suspension or revocation.

The Adams County building and planning department has the authority to suspend or revoke an adult use business permit or an employee's license.

- A. The Adams County building and planning department shall suspend a business permit, a manager's license, or an entertainer's license for a period not to exceed thirty days if it

determines that an owner of or an employee of an adult use business:

1. Refuses to allow an inspection of the adult use business premises as authorized by this chapter;
 2. Has a currently suspended adult use business premises as authorized by this chapter;
 3. Has been found to be in violation of permit or license requirements contained herein in a manner that would be grounds for denial of a permit or license.
- B. The Adams County building and planning department shall revoke a business permit, a manager's license, or an entertainer's license if it determines that an adult use business or an employee of an adult use business:
1. Gave false or misleading information in the application or during the application process;
 2. Knowingly operated an adult use business during a time when the individual's license was suspended;
 3. Knowingly managed an adult use business or entertained in an adult use business during a time when the individual's license was suspended;
 4. Has had more than one permit or license suspension within the preceding twelve months; or
 5. Knowingly allowed any act defined herein as specified sexual activity to occur in or on the adult use business premises. (Ord. O-01-05 § 2 (part))

17.62.140 Theaters, mini theaters and motion picture theaters.

Every mini theater and motion picture theater offering adult entertainment shall meet the following standards:

- A. All adult mini theaters and motion picture theaters shall utilize seating arrangements equipped with immovable armrests between the seats. No bench-type seating allowing for more than one person in a seat will be permitted.
- B. A manager or other employee must walk through the theater portion of the building at ten-minute intervals during the time period in which the film is showing and the lighting is down. It shall be the duty of this employee, as well as the manager or owner, to ensure that no sexual activity is allowed in the theater, either by patrons or employees or both.
- C. Full house lights must meet the requirements of Section 17.62.090(A), lighting requirements, and must come on for at least ten minutes at the end of each feature. (Ord. O-01-05 § 2 (part))

17.62.150 Theaters—Adult panorama theaters.

Every adult panorama theater shall meet the following requirements:

- A. A designated manager's station shall be located in the common areas of the premises.
- B. The interior of the premises shall be configured so that there is only one common area and no winding corridors. Warning devices shall be prohibited. Holes in walls shall be repaired immediately. Restrooms may not contain video reproduction equipment.
- C. For premises having two or more designated manager's stations, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view must be in direct line of sight from the manager's station.
- D. It shall be the duty of the owners and manager, and it shall also be the duty of any employee present in the premises, to ensure:
 1. That such view remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times; and

2. That no patron is permitted access to any area of the premises, which has been designated as an area in which patrons will not be permitted.
- E. No viewing room may be occupied by more than one person at any time. (Ord. O-01-05 § 2 (part))

17.62.160 Standards of conduct.

Every adult use business shall comply with the following standards of conduct. The standards of conduct must be adhered to by employees and entertainers of any adult use business.

- A. No employee or entertainer shall:
1. Appear nude, seminude, or expose specified anatomical areas or depict specified sexual activities as defined in this chapter, unless the employee or entertainer is upon a stage at least eighteen inches above the immediate floor level and removed at least six feet from the nearest patron;
 2. Wear or use any device or covering exposed to view which simulates specified anatomical areas as defined in this chapter, unless the employee or entertainer is upon a stage at least eighteen inches above the immediate floor level and removed at least six feet from the nearest patron;
 3. Touch, fondle, or caress any patron for the purpose of arousing or exciting the patron's sexual desires, sit on a patron's lap or separate a patron's legs;
 4. Allow a patron to touch an employee or entertainer on the breast, in the pubic area, buttocks or anal area. No patron shall touch, fondle, or caress an employee or entertainer for the purpose of arousing or exciting the sexual desires of either party, or allow sexual conduct between an employee or entertainer and a patron;
 5. Use artificial devices or inanimate objects to depict any of the prohibited activities described;
 6. Solicit, demand or receive any payment or gratuity from any patron for any act prohibited by this chapter; or
 7. Demand or collect any payment or gratuity from any patron for entertainment before its completion.
- B. No entertainer of any adult use business shall be visible from any public place during the hours of employment or apparent hours of employment while on the premises and engaged in live adult entertainment. (Ord. O-01-05 § 2 (part))

17.62.170 Standards of operation.

Every adult use business shall comply with the following standards of operation. The standards of operation must be adhered to by employees and entertainers of any adult use business.

- A. A list of any and all entertainment provided on the premises and indicating the specific fee or charge in dollar amount for each entertainment listed shall be posted and conspicuously displayed in the common areas of each place offering live adult entertainment.
- B. No merchandise, films, videos, posters, books or other material that relates to specified sexual activities or specified anatomical areas as defined in this chapter shall be visible from any public place at any time.
- C. A sign, no less than twelve inches by twelve inches, with lettering no smaller than one-half inch by one-half inch, shall be conspicuously displayed in the common areas of the premises, and shall read as follows:

THIS ADULT ENTERTAINMENT ESTABLISHMENT IS REGULATED BY ADAMS COUNTY UNDER ADAMS COUNTY CODE, AND ENTERTAINERS ARE:

· Not permitted to engage in any type of sexual conduct. Not permitted to be unclothed or in such less than opaque and complete attire, costume attire, costume or clothing so as to expose to view any portion of the breasts below the top of the areola, any portion of the pubic region, buttocks, genitals or vulva and/or anus except upon a stage of at least eighteen (18) inches from the immediate floor level and removed at least six (6) feet from the nearest patron.

· Not permitted to demand or collect any payment or gratuity from any patron for entertainment before its completion.

- D. No adult use business shall employ any person under the age of eighteen years as an entertainer or employee, or allow an entertainer on its premises for the purpose of providing live adult entertainment if that person is under eighteen.
- E. No person under the age of eighteen years shall be:
 - 1. Admitted onto the premises of an adult use business for any purpose;
 - 2. Employed as a manager or entertainer for an adult use business.
- F. No alcohol shall be sold to, served to, or consumed by employees, entertainers, or managers, as defined in this chapter, on the premises of any adult use business.
- G. No patron who is obviously intoxicated by alcohol or drugs shall be allowed entry onto the premises of an adult use business.
- H. No sexual activity shall be allowed on the premises of an adult use business during hours or after hours, either by employees, entertainers, or patrons. (Ord. O-01-05 § 2 (part))

17.62.180 Violations—Penalties related to this chapter.

- A. Any person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than one year, or by both such fine and imprisonment. For any violation of a continuing nature, each day's violation shall be considered a separate offense and shall subject the offender to the above penalties for each offense.
- B. In addition to the enforcement provisions of this section, any violation of any of the provisions of this chapter is declared to be a public nuisance, per se, which shall be abated by the prosecuting attorney by way of civil abatement procedures. (Ord. O-01-05 § 2 (part))

17.62.190 Prohibited actions.

Nothing in this chapter is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building or use which violates any Adams County ordinance or any statute of the state of Washington regarding public nuisances, sexual conduct, lewdness, or obscene or harmful matter, or the exhibition or public display thereof. (Ord. O-01-05 § 2 (part))

Chapter 17.64
NONCONFORMING USES

Sections:

17.64.010 Intent and purpose.

17.64.020 Nonconforming uses.

17.64.030 Nonconforming structure.

17.64.040 Nonconforming lots.

17.64.010 Intent and purpose.

Within the districts established by this title or subsequent amendments thereto, there exist uses, structures and lots which were lawfully established or created, but which would be prohibited, regulated or restricted under the terms of this title or future amendments. The intent of this title is to allow these nonconformities to continue but not to encourage their perpetuation or survival. Nonconformities are declared by this title to be incompatible with permitted uses, structures and lots in the districts involved. It is further the intent of this title that nonconformities shall not be enlarged upon, expanded, or enjoy an increase in intensity of use. (Ord. O-01-05 § 2 (part))

17.64.020 Nonconforming uses.

- A. A legal nonconforming use in existence as of the effective date of the ordinance codified in this title may be continued but shall not be enlarged upon, expanded, increased in intensity, or be extended, without first obtaining a conditional use permit. However, the extension or enlargement of the nonconforming use of a structure that was originally arranged or designed for such nonconforming use at the time of passage of the ordinance codified in this title or amendment thereto shall not be deemed the extension of a nonconforming use.
- B. A nonconforming use shall not be changed to any other use unless changed to a conforming use. A nonconforming use, if changed to a conforming use, may not thereafter be changed to a nonconforming use.
- C. No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that part occupied by such use on the effective date of adoption or amendment of the ordinance codified in this title.
- D. If a nonconforming use is discontinued or abandoned from active use for a period of one year, further use of the property shall conform to the provisions of this title. (Ord. O-01-05 § 2 (part))

17.64.030 Nonconforming structure.

- A. A structure which is legally nonconforming as of the effective date of the ordinance codified in this title by reason of restrictions on area, lot coverage, height, required setbacks, or other requirements concerning structures may be continued so long as it remains otherwise lawful.
- B. A structure, with one or more nonconformities, may be extended when said addition or extension would be no less conforming as to setback distance than the existing structure.
- C. A nonconforming structure shall not be altered, extended, enlarged, or otherwise physically changed in any manner that would have the effect of increasing its amount or degree of nonconformity.
- D. A nonconforming structure destroyed by any cause to an extent exceeding fifty percent of its cost of replacement using new materials shall only be replaced with a structure

- conforming to the provisions of this title.
- E. Nothing in this title shall be deemed to prevent the normal maintenance and repair of a nonconforming structure or its restoration to a safe condition when declared to be unsafe by any official charged with protecting the public safety. (Ord. O-01-05 § 2 (part))

17.64.040 Nonconforming lots.

Lots which were lots of record on the date of adoption of the ordinance codified in this title, or amendment thereto, which contain less than the required width, depth, or area as required by this title, shall be considered building lots in all respects; provided, that any structures proposed to be built meet all of the dimensional requirements of the district in which the lot is located. However, a lot which is nonconforming by virtue of the lack of its adequate access to a public street as required elsewhere in this title shall not be considered a building lot. (Ord. O-01-05 § 2 (part))

Chapter 17.68
CONDITIONAL USES

Sections:

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17.68.010 General provisions.

The following uses are listed as conditional uses because of their possible adverse effect upon the general welfare of the public and upon neighborhoods and the comprehensive plan. Conditional uses are permitted only in accordance with the following standards upon approval of the county board of adjustment, pursuant to this title. (Ord. O-01-05 § 2 (part))

17.68.015 Evaluation criteria and general standards.

All conditional uses shall comply with the following evaluation criteria and general standards:

- A. The proposed use will be harmonious and in accordance with the general and specific objectives of the comprehensive plan and all subarea plans.
- B. The proposed use will be designed, constructed, operated and maintained so as to be

- harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- C. The traffic generated by the proposed use shall be mitigated so as not to burden the traffic circulation system in the vicinity.
 - D. The proposed use will be adequately served by facilities and services such as highways, streets, law enforcement, fire protection, stormwater drainage, refuse disposal, domestic water and sanitary sewers and schools; or those persons or agencies responsible for the establishment of the proposed use shall provide adequate services.
 - E. The proposed use will not create excessive additional requirements at public cost for public facilities and services.
 - F. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare by reasons of excessive production of traffic, noise, smoke, fumes, vibration, glare or odors.
 - G. Proposed ingress and egress, driveway widths, parking and street improvements shall be approved pursuant to applicable chapters of the Adams County Code and the county's design standards manual.
 - H. Adequate buffering devices such as fencing, landscaping, or topographic characteristics shall be in place in order to mitigate and protect adjacent properties from potential adverse impacts of the proposed use, including visual and/or auditory effects.
 - I. Conditional use permits shall comply with the Adams County Code and all applicable local, state and/or federal regulations.
 - J. A conditional use shall ordinarily comply with the standards of the district within which the use is located and with the other applicable provisions of the Adams County Code, except as modified by the approval of the conditional use permit and the standards of this chapter or as otherwise specified in the Adams County Code.
 - K. The board of adjustment may, in addition to the standards and regulations specified in the Adams County Code, establish other conditions found necessary to protect the health, welfare, safety and interest of surrounding properties, the neighborhood and the city as a whole. These conditions may address the following:
 - 1. Increasing the required lot size or yard dimensions;
 - 2. Limiting the coverage or height of buildings;
 - 3. Mitigating traffic impacts through on-site and off-site improvements;
 - 4. Increasing the number of off-street parking and loading requirements;
 - 5. Limiting the number, location, design and size of signs and illumination devices;
 - 6. Increasing required landscaping components to reduce noise and visual impacts, including glare;
 - 7. Specifying time limits for construction and operation;
 - 8. Requiring performance assurances acceptable to the city attorney;
 - 9. Specifying time frames for compliance review; and
 - 10. Other conditions deemed appropriate to address the requirements and intent of this chapter, this code, and the comprehensive plan. (Ord. O-01-05 § 2 (part))

17.68.016 Administrative review and approvals.

Where a use is permitted by administrative review, application shall be made by an applicant. Such application shall be in written and graphical form and contain information sufficient to adequately portray that the project meets the general criteria contained in Section 17.68.015 and any specific standards adopted for the specific use(s).

The planning department may ask for additional information as needed to ensure that such project ordinarily complies with the standards of the district within which it is located. The department

may establish other conditions per Section 17.68.015(K). (Ord. O-03-08 § 3 (part))

17.68.020 Animal clinics, hospitals, kennels, and training schools.

Conditional standards for animal clinics, hospitals, kennels and training schools:

- A. Minimum lot area, five acres;
- B. Two hundred and fifty feet of continuous frontage on a public street;
- C. Buildings and fenced running areas must be located a minimum of fifty feet from any property line and two hundred feet from any existing dwelling unit. (Ord. O-01-05 § 2 (part))

17.68.030 Airfield for any type of aircraft, public or private.

All landing fields shall be placed and constructed with due consideration for general safety standards and for the safety and nuisance considerations relative to adjoining uses. (Ord. O-01-05 § 2 (part))

17.68.040 Boarding house.

Conditional standards for boarding houses:

- A. Minimum frontage of eighty-five feet with setbacks of forty feet, front yard; ten feet, side yard; twenty-five feet, rear yard; and thirty feet along the flanking street;
- B. Parking space off-street sufficient to accommodate all guests. Ingress and egress from parking at controlled points;
- C. Water supply and sewage and waste disposal to standards acceptable to the county sanitarian. (Ord. O-01-05 § 2 (part))

17.68.050 Cement, lime, gypsum, asphalt manufacturing, processing, or storage plant.

Conditional standards for cement, lime, gypsum, asphalt manufacturing, processing or storage plants:

- A. Minimum lot area: five acres;
- B. The owner or operator of such a use shall furnish evidence that the obnoxious characteristics of the particular process or activity in question have been or shall be eliminated or minimized sufficiently as not to constitute a nuisance or be detrimental to the health, safety, comfort, or general welfare of persons residing or working in or passing through the neighborhood of such proposed use;
- C. The owner or operator of such a use shall have a continuous obligation to prevent the creation of a nuisance;
- D. Fencing to deter unauthorized entrance, details to be specified by the board of adjustment;
- E. Off-street parking in sufficient amount to accommodate employees, customers, and vehicles used in transporting or otherwise handling the products or materials;
- F. Ingress and egress points should be so designed and controlled as to width that vehicles entering and leaving can do so without causing traffic congestion on the public streets. (Ord. O-01-05 § 2 (part))

17.68.060 Cemeteries (not to include family cemeteries).

Conditional standards for cemeteries (not to include family cemeteries):

- A. The cemetery shall be located not less than five hundred feet from any existing dwelling or school other than the dwelling of the owner of the cemetery property;
- B. No building shall be erected in the cemetery within two hundred feet from any property line of the cemetery;

- C. No graves shall be located less than thirty feet from any public rights-of-way;
- D. Minimum lot area: twenty-five acres. (Ord. O-01-05 § 2 (part))

17.68.065 Churches.

Minimum conditions or required findings:

- A. Minimum lot area: ten thousand square feet.
- B. Minimum lot frontage on a public street: eighty feet.
- C. Maximum lot coverage: same as required in the zoning district in which the church is proposed to be located.
- D. Minimum setback distances: same as required in the zoning district in which the church is proposed to be located. (Ord. O-01-05 § 2 (part))

17.68.070 Commercial feed yards.

Conditional standards for commercial feed yards:

- A. Minimum site size: ten acres;
- B. No closer than eight hundred feet from any residential zone;
- C. No closer than eight hundred feet from the nearest existing residence other than the residence of the owner;
- D. Feed lots must be set back at least fifty feet from property lines;
- E. All buildings or outside storage sites of feed materials, other materials, and equipment must be set back fifty feet from street-bordered property lines, and ten feet from side and rear property lines not street-bordered;
- F. The installation must be so designed that runoff waters, surface or subsurface, containing pollution from feed or animal excrement are not deposited upon property other than that of the owner. If pollution of surface or subsurface water entering adjoining property develops after the operation of the feed lot begins, the operator of the feed lot will be responsible for eliminating the pollution either by effective control measures or by abandoning the operation;
- G. Entrance and egress sites must be so designed by means of off-ramps, wide approaches to accommodate large turning radii, and other necessary means so that traffic hazards related to public thoroughfares are minimized and blocking of the public thoroughfares is eliminated;
- H. Off-street parking must be available sufficiently to accommodate all transport and other vehicles that are used by feed lot operations. (Ord. O-01-05 § 2 (part))

17.68.080 Contractors' yards.

Conditional standards for contractors' yards:

- A. All contractors' yards will be set back thirty-five feet from street-bordered property and fifteen feet from rear and side property lines not bordered by streets;
- B. All contractors' yards shall be enclosed by a sight-obscuring fence maintained in good condition;
- C. Setback areas from property lines to fencing will be weed-controlled by spraying, cultivation, landscaping, or some other weed-control practice normally acceptable in the county;
- D. All materials and equipment will be kept inside the sight-obscuring fence or planting;
- E. Ingress and egress facilities must be so designed by means of off-ramps or facilities permitting wide turning radii so that traffic hazards are minimized on the public thoroughfare and blocking of traffic is eliminated. The design must be acceptable to the county engineer and to the State of Washington Highway Department where state

- highways are involved;
- F. Minimum site size of five acres is required. (Ord. O-01-05 § 2 (part))

17.68.100 Explosives, storage and/or manufacturing.

Conditional standards for explosive, storage and/or manufacturing:

- A. Minimum lot area: ten acres;
- B. The owner or operator of such use shall furnish evidence that the dangerous characteristic of the particular process or activity in question has been, or shall be, eliminated or minimized sufficiently as not to constitute a nuisance, or be detrimental to the health, safety, comfort, or general welfare;
- C. The proposed use shall be located and/or designed with full consideration to its proximity to adjacent uses, its effect upon adjacent property, and to the reduction of inherent dangerous factors. (Ord. O-01-05 § 2 (part))

17.68.110 Farm labor camps.

Conditional standards for farm labor camps:

- A. Water system and sewage system to standards established by the county sanitarian;
- B. Water for fire protection to standards set by the county (or state) fire officer;
- C. Space available for occupants must be consistent with standards established for building occupancy in the county building code;
- D. Open space to be at least sixty-five percent of the total area of the site, but in any case sufficient to provide parking space for all vehicles and trailers, space for a road and traffic circulation system, and recreation area for children;
- E. Enclosed storage space (buildings) for everything except garbage cans and vehicles;
- F. No animals except family pets on dwelling units of less than three-tenths of an acre. Animals permitted on sites of more than three-tenths of an acre per individual dwelling unit at the rate of three animal units per acre, provided animal runs are two hundred feet from the nearest occupied dwelling other than that of the owner;
- G. Building setbacks are the same as those for residences in the underlying zone;
- H. On sites where the density of occupied dwellings is greater than one per eight thousand square feet of land (eight thousand five hundred square feet if the units are duplexes), playground space must be provided according to standards established by the county building inspector and the county sanitarian;
- I. Controlled ingress and egress locations and internal traffic circulation design as approved by the county engineer;
- J. No surface disposal of garbage, junk, or animal wastes;
- K. Violation of standards may result in revocation of the conditional use permit;
- L. Dwelling units may include trailers, mobile homes, manufactured homes, manufactured homes designated, modular homes, site-built or stick-built homes and single- or multiple-family housing units, but in each case must meet standards of site setback, site occupancy, and site size for the particular type of dwelling unit as indicated in general standards for that type of unit, as these appear elsewhere in this title. (Ord. O-01-07 § 7; Ord. O-01-05 § 2 (part))

17.68.120 Fertilizer, glue, starch, and sugar manufacturing plant.

Conditional standards for fertilizer, glue, starch and sugar manufacturing plants:

- A. Minimum lot area: five acres;
- B. All such facilities shall be designed and located with full consideration to their proximity to adjacent uses, their effect upon adjacent property, and to the reduction of such

- nuisance factors as noise, odor, dust, and traffic;
- C. All consideration shall be given to the effect upon adjacent uses and adjacent property. (Ord. O-01-05 § 2 (part))

17.68.130 Gun range.

Conditional standards for gun ranges:

- A. Minimum lot area: five acres;
- B. Five hundred feet from any existing occupied dwelling unit;
- C. Shall be designed and located with full consideration to their proximity to residential districts and especially to safety factors involved in the type of use. (Ord. O-01-05 § 2 (part))

17.68.140 Mineral extraction, gravel pits and other surface and subsurface mining.

Conditional standards for gravel pits and other surface and subsurface mining:

- A. Minimum site size: five acres;
- B. The mining operation shall not be conducted closer than five hundred feet to any plat boundary;
- C. All private truck roads connecting mining operations with county or state roads shall be kept wetted while being used, or shall be oiled or hard-surfaced and maintained so as to prevent the creation of dust;
- D. No materials shall be dug, or otherwise removed from its natural site, closer than fifty feet to any property line other than the owners', or to a public right-of-way;
- E. No production of sand and gravel shall be permitted from an open pit which creates a slope steeper than one foot horizontal to one foot vertical;
- F. Property to be used for production may be required to be fenced along the exterior boundaries. Such fence shall be maintained in good condition at all times;
- G. No excavation shall be carried on in dedicated streets;
- H. Whenever production on any property shall have been completed, all plants, buildings, structures (except fences) and equipment shall be entirely removed from such property and all stockpiles shall be removed or backfilled into the pit within one year after such completion; provided, however, that the provisions of this subsection shall not apply to any plants, buildings, structures, equipment or stockpiles whenever and so long as any rock and gravel shall be available from other properties for processing by or through such plants, buildings, structures, or equipment;
- I. Additional conditions may be attached to the permit for the purpose of rehabilitation of the pit area;
- J. When deemed necessary a bond shall be provided to ensure reasonable rehabilitation of open pit or surface mining; the amount of such bond shall be computed by multiplying the square root of the acres involved by the factor of 2.23 (example: eleven-acre site; square root of eleven equals 3.3, times 2.23 equals seven thousand three hundred fifty-nine, equals seven-thousand-dollar bond);
- K. The property on which a sand and gravel pit or rock quarry operation shall be located shall not be less than one thousand feet from any residential zone;
- L. Additional conditions may be attached to the permit by the board of county commissioners on recommendation of the planning commission for the purpose of protecting public health and safety and to ensure a program of rehabilitation of the pit area;
- M. Fencing sufficient to exclude livestock and people if it is necessary in the interests of public health and safety, to be determined by the planning commission and recommended to the county commissioners;

- N. Dust control may be required on access roads if deemed necessary for public health and nuisance control by the planning committee and board of county commissioners;
- O. Any part of the operation creating excessive noise, dust, danger from explosives, or other phenomena hazardous to public health and safety must be at least one thousand feet from the nearest occupied dwellings or from commercial, residential, or recreational-type zones;
- P. Road approaches to public streets must be graded to avoid steep slopes to permit entering vehicles to stop in a nearly level position, must intersect the street at a right angle, and must be sufficiently wide so that the vehicles entering or leaving the public street can turn without leaving their own traffic lane;
- Q. Development proposals for mineral extraction operations shall be consistent with the county's land use, critical areas, transportation and other elements within the comprehensive plan. Regulatory controls will become applicable concurrent with state requirements;
- R. The development of a mineral resource site will be phased with reclamation taking place as one phase is depleted and another phase is being utilized;
- S. Settling ponds, retaining basins, ditches, dikes and/or revegetation of slopes will be required for mineral extraction operations to protect water quality and to prevent erosion;
- T. Filling will not be allowed in floodways and erosion control will be considered a priority and addressed in the operational plan;
- U. Site design shall include adequate measures to control potential negative impacts to adjacent properties, including but not limited to fugitive dust, late hours of operation, light and glare. Such measures may include paving or gravelling road surfaces, watering, limited hours of operation, buffers and locating stockpiles in wind-protected locations;
- V. During the operation of the site, and any associated remote stockpiling, noxious weeds will be controlled in order to prevent spreading of the noxious weeds onto other properties, particularly agricultural lands;
- W. Assure the reclamation of land for redevelopment after the completion of gravel and mineral extraction including, but not limited to, weed control, revegetation, with the intent being to reestablish adequate ground cover or other uses as allowed within the comprehensive plan;
- X. All applicable federal and state regulations will be complied with, including but not limited to those rules administered by the Washington State Departments of Natural Resources and Ecology. (Ord. O-01-05 § 2 (part))

17.68.150 Hog raising.

Conditional standards for hog raising:

- A. Minimum lot area: five acres (site size does not apply for two sows with litters or fewer numbers of hogs);
- B. Fenced runs, housing for animals, and feed pens must be at least three hundred feet from the nearest dwelling other than that of the owner, and at least three hundred feet from the margin of any residential and commercial zones;
- C. Standards of cleanliness at feeding pens, housing, and runs must be maintained to eliminate odor, noise, and dust offensive to nearby dwellings. Violation may result in revocation of the right for the conditional use. (Ord. O-01-05 § 2 (part))

17.68.160 Offal disposal.

Conditional standards for offal disposal:

- A. Minimum lot area: twenty acres;
- B. All such facilities shall be designed and located with full consideration to their proximity

- to adjacent uses, their effect upon adjacent property, and to the reduction of such nuisance factors as noise, odor, dust and traffic;
- C. The owner or operator of such a use shall have a continuous obligation to maintain adequate housekeeping practices to prevent the creation of a nuisance. (Ord. O-01-05 § 2 (part))

17.68.170 Outdoor advertising.

Conditional standards for outdoor advertising:

- A. Not permitted on public rights-of-way;
- B. Not to exceed four hundred fifty square feet in area;
- C. Not to exceed thirty feet in height above the level of the adjoining street or road;
- D. Not to exceed a density of five per mile including signs on both sides of the road or street, nor to be spaced closer than one thousand feet;
- E. Any lighting shall be controlled to eliminate direct light to strong glare and reflection toward adjacent streets or roads, or any existing buildings;
- F. The use shall terminate within nine months after the property is reclassified into any zone other than agricultural or unclassified, and the structure shall be removed;
- G. Any conditional use granted shall carry a stipulated time period. The time period shall not exceed the length of time over which the structure can be amortized according to accepted accounting procedures. (Ord. O-01-05 § 2 (part))

17.68.180 Public or private community swimming pools.

Conditional standards for public or private community swimming pools:

- A. Minimum lot size: twelve thousand five hundred square feet;
- B. Approval of structure and water recirculation equipment by the county sanitarian and the county building inspector;
- C. All such facilities shall be designed and located with full consideration to their proximity to adjacent uses, their effect upon adjacent properties, and to the reduction of such nuisance factors as noise, floodlight control, operating hours, and off-street parking. (Ord. O-01-05 § 2 (part))

17.68.200 Retirement homes, sanitariums, nursing homes and convalescent homes.

Conditional standards for retirement homes, sanitariums, nursing homes and convalescent homes:

- A. Minimum lot area: three acres;
- B. Minimum width at building line: one hundred twenty-five feet;
- C. Minimum continuous frontage on a public street: one hundred feet;
- D. Minimum lot depth: one hundred twenty-five feet;
- E. Maximum lot coverage: thirty-five percent;
- F. Minimum setback distance: front yard, thirty-five feet; rear yard, twenty-five feet; side yard, twenty-five feet. Structures on corner lots shall observe the front yard setback on both streets;
- G. One unlighted sign not to exceed six square feet in area. (Ord. O-01-05 § 2 (part))

17.68.210 Riding stables.

Conditional standards for riding stables:

- A. Minimum site size: five acres;
- B. Barns and corrals must be at least two hundred feet from any property lines and three hundred feet from any existing dwellings. Storage buildings must be set back at least forty feet from the front property line and twenty-five feet from other property lines;

- C. Fencing of the whole site must be adequate to retain the animals (a low-, single- or multiple-wire electric fence is not sufficient). If deemed necessary by the zoning adjuster or board of adjustment, fencing adequate to restrain small children may be required, also a sight-obscuring fence or planting;
- D. Dust, flies, and odors must be controlled sufficiently to eliminate the nuisance to surrounding properties;
- E. Offal, bedding, and other wastes must be disposed of with sufficient regularity to minimize such nuisance factors as odors and flies, as they affect adjacent property;
- F. Off-street parking space must be adequate to contain all vehicles, both those connected with the operation of the riding stable and those of patrons and visitors;
- G. Controlled ingresses and egresses must be established so that approaches to public streets are at right angles, are on a nearly level slope and are of sufficient width to permit all users to turn without leaving their own traffic lanes. (Ord. O-01-05 § 2 (part))

17.68.220 Slaughterhouses and rendering plants.

Conditional standards for slaughterhouses and rendering plants:

- A. Minimum lot area: five acres;
- B. All such facilities shall be designed and located with full consideration to their proximity to adjacent residential districts and uses and especially to the reduction of such nuisance factors as odor, dust, or fumes;
- C. All such uses shall be a minimum of one thousand feet from any residential zone classification and from any existing residence;
- D. Must be set back three hundred feet from any public right-of-way;
- E. Ingress and egress must be provided at a controlled location, must approach the public street at a right angle, must have a near-level approach, and must be of sufficient width so that vehicles can turn without causing traffic congestion or hazard. If necessary, an off-ramp or turning lane may be required. (Ord. O-01-05 § 2 (part))

17.68.230 Storage of inflammables, liquids, and gases.

Conditional standards for the storage of inflammables, liquids and gases:

- A. Full consideration shall be given to the effect upon adjacent property and the provision of sight-proof fences when deemed necessary or desirable;
- B. Adequate provision shall be made for the reduction of fire and explosion hazard and for the reduction of such nuisance factors as odor, fumes, and dust and noise. (Ord. O-01-05 § 2 (part))

17.68.240 Parking lots—Trucks.

Conditional standards for parking lots—trucks as home occupation Group C:

- A. Minimum lot area, two and one-half acres;
- B. The owner or operator of such a use shall furnish evidence that the obnoxious characteristics of the particular process or activity in question have been or shall be eliminated or minimized sufficiently as not to constitute a nuisance or be detrimental to the health, safety, comfort, or general welfare of persons residing or working in or passing through the neighborhood of such proposed use;
- C. Site design shall include adequate measures to control potential negative impacts to adjacent properties, including but not limited to fugitive dust, late hours of operation, light and glare. Measures include but are not limited to:
 - 1. Paving or graveling road surfaces;
 - 2. Watering;

3. Limited hours of operation;
4. Buffers;
5. Limiting trucks and trailers to those licensed and operable and using only original equipment that is in good working order;
6. Other such measures as may be deemed necessary;
- D. All truck parking lots shall be set back a minimum of seventy-five feet from street/road-bordered property lines. All truck parking lots shall be set back a minimum of fifty feet from rear and side property lines not bordered by streets/roads. All access points to/from truck parking lots shall be set back a minimum of fifty feet from side or rear property lines not bordered by streets/roads;
- E. All truck parking lots closer than two hundred fifty feet to any existing residence shall be enclosed by a six-foot-high sight-obscuring fence maintained in good condition;
- F. Applicant(s) shall propose a plan to keep the setback areas weed-free. Control may be spraying, cultivation, landscaping or other weed control practice normally acceptable in the county;
- G. All materials and equipment used in support of the semi-truck, truck, truck tractor, etc., shall be kept inside of the sight-obscuring fence;
- H. Entrance and egress sites must be so designed by means of off-ramps or other facilities permitting wide turning radii, and other necessary means, so that traffic hazards on the public thoroughfares are minimized and blocking of the public thoroughfares is eliminated. The design shall be acceptable to the county engineer and to the Washington State Department of Transportation where state highways are involved;
- I. All private truck roads connecting with county or state roads shall be kept wet while being used, or shall be oiled or hard-surfaced and maintained so as to prevent the creation of dust. (Ord. O-03-08 § 3 (part))

17.68.260 Wrecking/junk yards.

Conditional standards for wrecking/junk yards:

- A. A sight-obscuring, solid color fence must be constructed and inspected prior to the issuance of a certificate of occupancy for use of the yard;
- B. The fence shall be a minimum of six feet in height;
- C. No automobile or parts thereof, junk or salvage materials or parts thereof shall be visible from any public right-of-way. All materials or parts shall be located within the fenced area;
- D. Minimum lot area: twenty-five thousand square feet;
- E. Storage of materials shall be such that it does not rise above the sight-obscuring fence;
- F. In any case, the site shall be chosen, considering topography, in such a manner that the fence is not visible from any public right-of-way;
- G. A performance bond shall be required to assure compliance with the provisions of the permit;
- H. The permit shall be granted for a period not to exceed two years and at the end of such period an inspection shall be made of the premises to determine the advisability of renewing such permit;
- I. Traffic control plan to minimize traffic hazards may be required to contain all or part of the following:
 1. Right-angle approach to public right-of-way with near-level slope,
 2. Controlled access and egress,
 3. Width of access and egress sufficient to accommodate turning vehicles in their own traffic lanes,
 4. Off-ramps or turning lanes if necessary to minimize traffic hazards,

- 5. Space for loading and unloading off the public right-of-way and behind the fencing;
- 6. Off-street parking space sufficient to accommodate customers, visitors and employees;
- J. Fences must be set back forty feet from front property lines (or consistent with the established building lines in the zone being occupied). Side and rear yard fencing have no setbacks except where the use borders a residential, commercial or agricultural zone, in which case the setback will be twenty-five feet. In no case will a fence be closer than one hundred feet from an occupied residence. (Ord. O-01-05 § 2 (part))

17.68.270 Campgrounds.

Conditional standards for campgrounds:

- A. Minimum area of one acre;
- B. Water supply, sewage and waste disposal to standards acceptable to the county sanitarian;
- C. Each campsite shall be marked at the corners and shall have a minimum space of six hundred square feet. A design plan may be required. Larger sites may be needed and should be sufficiently large to accommodate vehicles, boats and trailers, mounted campers, camping trailers, tent sites, and picnic tables;
- D. Internal traffic circulation must be designed to provide adequate circulation and sufficient designated parking space so vehicles do not use the street system for parking;
- E. Controlled access and egress joining the public right-of-way at a right angle with a near-level slope, and sufficient width so that turning vehicles remain in their own lanes and leave or enter the public right-of-way with a minimum of traffic hazard;
- F. The campground must be set back twenty feet from the front property line and twenty feet from other property lines where it is deemed necessary to protect the rights of adjoining property owners. Campsites must be at least twenty feet from adjoining property lines;
- G. Fencing or a planted screening may be required if the welfare of other property owners, of the general public, or of the users of the campgrounds is concerned. (Ord. O-01-05 § 2 (part))

17.68.280 Solid waste landfill.

Conditional standards for solid waste landfills:

- A. The facility is designed and intended to be operated as a final destination for solid waste that is not recycled; provided, however, recycling facilities may be permitted as part of a sanitary landfill operation;
- B. The facility is subject to the minimum functional standards for solid waste handling set forth in WAC Chapter 173-304;
- C. Sanitary landfill facilities shall have a minimum lot area of one hundred acres;
- D. Sanitary landfill facility operations must provide appropriate screening, setbacks, and other siting and design measures to mitigate potential impacts to adjacent land uses and adjacent public road or highway rights-of-way;
- E. Sanitary landfill facilities may be permitted as unclassified uses in the agriculture zone;
- F. Any sanitary landfill application shall include a recycling plan. (Ord. O-01-05 § 2 (part))

17.68.290 Hunting club/lodge.

Conditional standards for a hunting club/lodge:

- A. Minimum lot area: five acres;
- B. Any activities shall take place a minimum of five hundred feet from the nearest occupied

- structure;
- C. Any new structures shall be a minimum of five hundred feet from the nearest occupied structure;
- D. Water supply, sanitary sewage disposal and solid waste disposal shall meet standards acceptable to Adams County and the state of Washington;
- E. Off-street parking in a sufficient amount to accommodate patrons and employees. (Ord. O-01-05 § 2 (part))

17.68.300 Cement plant.

Conditional standards for cement plants:

- A. Minimum lot area: five acres;
- B. The owner or operator of such a use shall furnish evidence that the obnoxious characteristics of the particular process or activity in question have been or shall be eliminated or minimized sufficiently as not to constitute a nuisance or be detrimental to the health, safety, comfort, or general welfare of persons residing or working in or passing through the neighborhood of such proposed use;
- C. The owner or operator of such a use shall have a continuous obligation to prevent the creation of a nuisance;
- D. Fencing to deter unauthorized entrance, details to be specified by the board of adjustment;
- E. Off-street parking in a sufficient amount to accommodate employees, customers, and vehicles used in transporting or otherwise handling the products or materials;
- F. Ingress and egress points should be so designed and controlled as to width that vehicles entering and leaving can do so without causing traffic congestion on the public streets. (Ord. O-01-05 § 2 (part))

17.68.310 Asphalt plant.

Conditional standards for asphalt plants:

- A. Minimum lot area: five acres;
- B. The owner or operator of such a use shall furnish evidence that the obnoxious characteristics of the particular process or activity in question have been or shall be eliminated or minimized sufficiently as not to constitute a nuisance or be detrimental to the health, safety, comfort, or general welfare of persons residing or working in or passing through the neighborhood of such proposed use;
- C. The owner or operator of such a use shall have a continuous obligation to prevent the creation of a nuisance;
- D. Fencing to deter an unauthorized entrance, details to be specified by the board of adjustment;
- E. Off-street parking in a sufficient amount to accommodate employees, customers, and vehicles used in transporting or otherwise handling the products or materials;
- F. Ingress and egress points should be so designed and controlled as to width that vehicles entering and leaving can do so without causing traffic congestion on the public streets. (Ord. O-01-05 § 2 (part))

Chapter 17.70
COMMERCIAL WIND ENERGY FACILITY STANDARDS

Sections:

- 17.70.010 Purpose.**
- 17.70.020 Application of standards and criteria.**
- 17.70.030 Other applicable requirements.**
- 17.70.040 Review process.**
- 17.70.050 Public notice requirements.**
- 17.70.060 Application requirements.**
- 17.70.070 Development standards and criteria.**
- 17.70.080 Compliance with project conditions.**

17.70.010 Purpose.

- A. To provide areas suitable for the establishment of wind energy facilities based upon where wind energy facilities can be sited and mitigated in relation to the county's adopted agricultural zoning.
- B. To provide site criteria for the utilization of the county's wind energy resources. Each wind energy facility will be subjected to individualized review and the imposition of conditions based on site-specific information that will be tailored to address project impacts in accordance with the adopted site criteria. The ultimate goal is to achieve a predictable but sensitive site process that effectively and efficiently addresses project impacts. (Ord. O-03-08 § 4 (part))

17.70.020 Application of standards and criteria.

- A. Commercial wind energy facilities are allowed in the zoning districts as shown in Section 17.08.040, District use chart, by conditional use permit (CUP). Projects permitted through this chapter shall comply with the standards of this chapter rather than the general conditional use permit standards and criteria as set forth in Chapter 17.68. Upon satisfying the standards and criteria in this chapter, the wind energy facility shall be considered to be compatible with adjacent and surrounding land uses and other discretionary zoning requirements. Subject to imposition of clear and objective conditions in accordance with this chapter, the wind energy facility shall be deemed to comply with the county's conditional use permit requirements.
- B. Wind turbines greater than one hundred twenty feet in height are considered commercial wind energy facilities, and are subject to the requirements of this chapter. Wind energy facilities and all related and supporting equipment that can generate no more than twenty-five kilowatts, and wind turbines one hundred twenty feet in height or less, are permitted outright and are not subject to the additional requirements of this chapter, so long as the total electrical generation shall not exceed one hundred kilowatts. All other code requirements still apply. (Ord. O-03-08 § 4 (part))

17.70.030 Other applicable requirements.

- A. Project applicants will need to comply with other applicable county requirements, such as the critical areas ordinance, environmental review regulations, and building code requirements.
- B. Uses Permitted Outright. The following uses are permitted outright, without the need for a conditional use permit, subject to compliance with other applicable code requirements:
 - 1. Noncommercial-Scale Wind Turbines. Wind energy facilities and systems that can

generate no more than twenty-five kilowatts, and wind turbines one hundred twenty feet in height or less, with total electrical generation not to exceed one hundred kilowatts. A conditional use permit issued in compliance with all standards and requirements of this chapter shall be required for all noncommercial-scale wind turbines proposed in a facility or project designed for generation over one hundred kilowatts.

2. Temporary uses associated with investigatory work to determine the suitability of the site for energy development, such as meteorological towers. The placement of meteorological towers and other such equipment need not obtain a permit through this chapter. However, all other applicable code requirements apply.
- C. All accessory buildings, uses, and structures related and supporting the operation of commercial wind energy facilities, including utilities and utility infrastructure needed for the principal use, shall be considered part of the facility. For purposes of this chapter, accessory uses include any temporary (construction phase) concrete or asphalt batch plant and the mining and utilization of on-site gravel for on-site use only, as necessary for the wind energy facility development, such as for the construction of internal roads. (Ord. O-03-08 § 4 (part))

17.70.040 Review process.

- A. Commercial wind energy facilities are allowed by conditional use permit. The conditional use permit will ensure compliance with mitigation measures and conditions of approval developed in accordance with the requirements of this chapter.
- B. The project applicant is encouraged to hold one or more informal community meetings within the county to inform the public about the proposed facility.
- C. All commercial wind energy facilities will be reviewed by the Adams County planning department (the "department"). The department will develop a recommendation for the board of adjustment, including proposed conditions to be imposed with any CUP. The board of adjustment shall hold a public hearing in accordance with the county's applicable procedural ordinances for the consideration of the application.
- D. In the event of an appeal of the county's SEPA determination, the appeal hearing shall be conducted by a hearings examiner who is licensed to practice law in the state of Washington and is experienced in presiding over and rendering decisions in quasi-judicial land use hearings and appeals. In such an event, the hearings examiner shall render a final decision on both the SEPA appeal as well as the conditional use permit application. Additionally, the board of county commissioners may, in its discretion, refer a permit application to the hearings examiner for a hearing in circumstances where any party seeks to challenge a county decision or recommendation on procedural grounds, such as appearance of fairness violations. A request for a referral to a hearings examiner may be made by the applicant, the planning director, or by the board of adjustment. The applicant shall be obligated to reimburse the county for the services of the hearings examiner. (Ord. O-03-08 § 4 (part))

17.70.050 Public notice requirements.

- A. When an application is deemed complete, the department will post a notice of application in the official county newspaper.
- B. Additional public notice specific to the application is required by the county's SEPA regulations, Chapter 18.04.
- C. The public shall be notified of any public hearing in accordance with county procedural ordinance. (Ord. O-03-08 § 4 (part))

17.70.060 Application requirements.

- A. The applicant shall complete an application for project review and approval on the form adopted by the department. The application shall include: (1) a location map showing the

location of the project area in relation to the surrounding vicinity; (2) a map depicting all study corridors and/or micrositing corridors as described in this chapter; (3) conceptual turbine locations that will be refined during the micrositing process as defined in this chapter, and identified for completion of environmental studies and analysis provided with the expanded SEPA checklist as set forth in subsection B of this section; and (4) all existing residences within one mile of turbine micrositing corridor.

B. Expanded SEPA Checklist.

1. An expanded SEPA checklist shall be submitted to the department. The expanded checklist shall be submitted simultaneously with any other permit applications that may be required from the county; provided, that if the county determines that an environmental impact statement will be required, an expanded checklist will not be required.
2. The expanded checklist shall (in addition to being consistent with the SEPA checklist required in this chapter) provide analysis of impacts to elements of the environment as noted in the SEPA checklist required in this chapter and WAC Chapter 197-11, and explain the measures proposed to avoid, minimize or mitigate those impacts.
3. Site-specific studies for impacts to habitat/wildlife impacts (including avian impacts), cultural resource impacts, and a grading and stormwater management plan complying with applicable local or state best management practices and stormwater quality standards shall be submitted with the expanded checklist.
4. Because additional studies may be required by the department for effective review and siting, a pre-application meeting with a representative from the department is strongly recommended. The level of detail and analysis necessary is dependent on the type of project proposed, its location, and the currently available environmental information and review relevant to the proposal. In general, smaller projects will require less analysis than larger, more complex ones.
5. The expanded checklist shall include sufficient information to adequately describe the proposal and its impacts, including, but not limited to, information regarding the total square footage of buildings to be constructed, the maximum height and number of wind turbines, expected noise generation levels, the location of residences in proximity to the proposed project, the locations and length of new roads and above-ground and below-ground electrical cables and power lines, and transportation impacts.
6. An application for review under this chapter shall not be deemed complete until the information required under subsection (B)(5) of this section is provided. Except for site-specific studies for impacts to habitat/wildlife, upon a clear showing by the applicant that the study is not applicable or is unnecessary, the department may, within its discretion, waive specific application requirements. Such a determination shall be documented in writing in the project file. Should the applicant prepare an EIS, the department may waive all requirements for the submittal of individual studies at the time of application and deem the application complete upon submitting the information required in subsection A of this section.

C. Micrositing Corridors.

1. All terrestrial habitat, critical area assessments, and cultural resource studies required shall be conducted within identified study corridors of sufficient width and dimension to enable comprehensive environmental assessment while allowing flexibility in the final layout. In order to encourage the maximum sufficiency of studies and to enable the maximum flexibility of final layout based upon site-specific attributes, the county shall review and provide written approval of micrositing corridors for all roads, wind turbine locations, and above- and below-ground electrical transmission locations.
2. Actual final locations of wind turbine generators, below-ground electrical cables, and above-ground electrical transmission towers will be established during the micrositing

process, occurring after permit review and prior to actual construction; provided, that all such facilities must be sited within the study corridors reviewed and approved by the county. During the micrositing process (when the final, exact locations of the turbines and other project elements and equipment are determined), the applicant will typically balance a number of technical and engineering factors, including limitations posed by the terrain, wind data (speed, wind shear, etc.), wake effects of turbines on others, feasibility of access, setbacks (internally established or based on permit requirements), geotechnical considerations (subsurface conditions), environmental restrictions (avoidance of sensitive habitat), cultural/archaeological restrictions (avoidance of cultural resource sites), telecommunications constraints (line of sight microwave paths), FAA requirements, and other site-specific criteria that are not fully resolved until final engineering is completed. (Ord. O-03-08 § 4 (part))

17.70.070 Development standards and criteria.

- A. Setbacks. All setback distances established in this section shall be measured from the closest point of the tower to the closest point of a residence (home).
 - 1. Minimum, Nonwaivable Residential Setbacks. Wind energy turbine towers shall be sited a minimum of 1.1 times the height of the wind turbine generator away from existing residential structures, measured from the ground to the maximum extent of the turbine blade, regardless of whether the residential structure owner consents to the location.
 - 2. Residential Visual and Aesthetic Setbacks. Visual and aesthetic setbacks are imposed to address wholly local concerns regarding the visual and aesthetic impacts of wind turbine generators. For all nonconsenting, nonparticipating landowners, commercial wind energy turbine towers shall be set back a minimum distance of four times the maximum height of the turbine, measured to the blade tip at its maximum elevation, from the nonparticipating landowner's residence. In view of the low density, rural/agricultural nature of the zoning districts deemed to be suitable for commercial wind energy facilities, the minimum residential structure visual and aesthetic standard shall be considered sufficient to address any visual and aesthetic impacts.
 - 3. State Noise Standard Compliance. During operations, the project shall comply with applicable state noise standards.
 - 4. Setbacks from Nonparticipating Property Lines. There shall be a minimum distance of 1.1 times the height of the wind turbine generator away from the property line of any nonparticipating landowner, measured from the ground to the maximum extent of the turbine blade.
 - 5. Public roads to be utilized by the applicant shall be identified in the application. A qualified third party engineer shall document road conditions prior to construction and again within thirty days after construction is complete or as weather permits. The applicant shall enter into a county road use agreement for the repair of damage to public roads resulting from project activities after construction.
 - 6. For the purpose of this section, any consents to visual setback distances of less than four times turbine height from nonparticipating residences and less than the minimum setbacks from nonparticipating property lines shall be documented by a fully executed, notarized agreement by the fee title owner, in a format that can be recorded on the affected real property title.
- B. Height Limits.
 - 1. Subject to standards imposed by the FAA, height limits are not established for wind turbines, transmission towers, and wind data collecting devices such as anemometers.
 - 2. Building structure height limitations shall be in accordance with the standards established for the applicable zoning district.
- C. Site Access and Traffic Management. Prior to commencement of construction, the

applicant shall provide the department with a construction-phase traffic management plan.

1. Ingress and egress points shall be located and improved (if needed) in order to assure adequate capacity for existing and projected traffic volumes and to provide efficient movement of traffic, including existing and anticipated agricultural traffic.
2. All applicable governmental permits or approvals shall have been obtained, including access or driveway permits to state or county roads (if needed), construction within state or county highways, and overweight or oversize loads.
3. All-weather access roads (including graveled roads), suitable to handle emergency equipment, shall be provided to within one hundred fifty feet of any built structure or surface activity area.
- D. Noise. The facility shall maintain sound levels at project boundaries that are under the maximum levels for the adjacent receiving properties based on the receiving properties' environmental designation for noise abatement in accordance with state regulations. The facility shall at all times comply with applicable noise control regulations adopted by the Washington Department of Ecology or such other state agency with jurisdiction.
- E. Air Quality. All applicable air emission permits shall be obtained and all conditions complied with. The applicant shall revegetate any disturbed areas that are not permanently occupied by the project features. The applicant shall comply with county road standards for dust control and erosion. The applicant shall maintain a water truck on site during construction for dust suppression.
- F. Vegetation and Wildlife Construction Limitations. Based upon the information provided in the expanded SEPA checklist, the applicant shall limit construction disturbance by flagging sensitive areas and conduct ongoing environmental monitoring during construction to assure that flagged areas are avoided. The applicant shall develop a reseeded/restoration and weed management plan in consultation with the Adams County weed control board.
- G. Overhead Electrical Transmission and Collector Lines. Overhead electrical transmission and collector lines should be constructed consistently with the existing Avian Power Line Interaction Committee (APLIC) recommendations for raptor protection on power lines or such other commonly accepted industry or regulatory standards.
- H. Avian and Bat Studies and Requirements. The county shall consider recommended conditions listed in the current, and as amended, Washington State Department of Fish and Wildlife Wind Power Guidelines. However, any recommended conditions taken from the guidelines or recommended by the Department of Fish and Wildlife must be reasonable and objective and address project impacts. The following conditions and requirements shall be mandatory:
 1. The applicant shall conduct project pre-assessment studies consistent with the Washington Department of Fish and Wildlife Wind Power Guidelines effective on the date of submitting a complete permit application. Project applicants are further advised to consult with WDFW and local habitat/wildlife experts regarding turbine siting before making final site decisions.
 2. The facility shall use bird flight deflectors on guy-supported permanent meteorological towers or use unguyed permanent meteorological towers.
 3. The applicant shall assess and monitor raptor nests on site for activity prior to construction and modify construction timing and activities to avoid impacts to nesting raptors. At a minimum, one raptor nest survey during breeding season within one mile of the project site should be conducted to determine the location and species of active nests potentially disturbed by construction activities, and to identify active and potentially active nest sites with the highest likelihood of impacts from the operation of the wind plant. A larger survey area (e.g., a two-mile buffer) is recommended if there is some

- likelihood of the occurrence of nesting state and/or federally threatened and endangered raptor species (e.g., ferruginous hawk, bald eagle, golden eagle), or if empirical data on displacement impacts may be monitored after construction.
4. A minimum of one full season of avian use surveys is recommended following current state-of-the-art protocols to estimate the use of the project area by avian species/groups of interest during the season of most concern (usually spring/early summer). Additional seasonal data (e.g., fall or winter) is recommended in the following cases: (a) use of the site for the avian groups of concern is estimated to be high relative to other projects, (b) there is very little existing data regarding seasonal use of the project site, and/or (c) the project is especially large. This additional avian use data should be collected to refine impact predictions and make decisions on project layout.
 5. The county shall require the applicant to identify and remove all carcasses of livestock, big game, etc., from within the project that may attract foraging bald eagles or other raptors.
 6. The CUP shall require the applicant to monitor the project for a minimum of one year following project start-up to estimate bird and bat fatality rates using standard protocol. The applicant shall report bird fatalities observed for the life of the project to WDFW and USFWS on a quarterly basis.
 7. The applicant shall form a technical advisory committee (TAC) typically comprised of no more than seven members before project construction and after all permit appeal periods have closed. Representatives of Adams County planning department, Washington State Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, landowners, the applicant, local Indian tribes, and local citizen group(s) with local knowledge of avian use and species shall be invited to participate. The TAC will consider problems and impact mitigation issues and will serve for the life of the project or until TAC members determine that ongoing involvement of the TAC is not meaningful for project operation. The TAC will examine information relevant to assessing project impacts to avian and bat species. The TAC will consider whether further mitigation measures would be appropriate, considering factors such as the species involved, the nature of the impact, monitoring trends, and new scientific findings regionally or at a nearby wind power facility. If appropriate in the TAC's judgment with respect to the significance of the impact identified, the TAC may recommend mitigation measures. The ultimate authority to implement additional mitigation measures, including any recommended by the project TAC, will reside with the project owner. The TAC's participation is intended to ensure that monitoring data is considered in a forum in which independent and informed parties can collaborate with the owner to develop appropriate responses.
 - I. Stormwater. Design and implement stormwater drainage systems in consultation with a professional engineer to ensure that minimal erosion will occur. After construction, monitor the site for erosion on a regular schedule as approved by the Department of Ecology or Adams County, and after large rainfall or snowmelt events, and take corrective action as necessary.
 - J. Geologic and Flood Hazards. The applicant shall design structural foundations and buildings in accordance with applicable Uniform or International Building Code requirements for the relevant seismic zone. Compliance with all applicable local requirements is required.
 - K. Water Resources. Water required for on-site use (construction-phase work, restroom facilities and general maintenance) shall be obtained in accordance with state and local requirements.
 - L. Cultural Resources. The applicant shall complete a cultural resource survey of areas of the project site that will be disturbed temporarily or permanently. During construction, the applicant shall flag and avoid cultural resources, and monitor construction activities

to ensure that flagged cultural properties are avoided. The applicant shall train construction workers on the need to avoid cultural properties and procedures to follow if previously unidentified cultural properties, including Indian graves, are encountered during construction. If any previously unidentified cultural resource properties are encountered during construction, the applicant shall cease construction activities in the immediate vicinity of the site pending evaluation by a qualified archaeologist and consultation with the Department of Archaeology and Historic Preservation to identify appropriate mitigation measures such as avoidance or scientific data recovery.

- M. Visual Resources.
1. The applicant shall prepare visual simulations of wind turbines from key viewpoints, chosen in consultation with the department.
 2. Lighting for security shall be minimized and lighting fixtures shall be directed away from adjacent properties, to the maximum extent practicable. FAA lights shall be minimized to the extent practicable in consultation with the FAA.
 3. The applicant shall provide a clean-looking facility free of debris and unused or broken down equipment by storing equipment and supplies off site (post-construction) and promptly removing damaged or unusable equipment from the site.
 4. To the extent practicable, and subject to industry standards and requirements to meet the FAA's daytime lighting and marking standards, the applicant shall chose paint colors and use nonreflective paints to reduce glare.
- N. Decommissioning. Prior to commencing operations, the applicant shall prepare a decommissioning plan in a form acceptable to the county. A bond, letter of credit, or other security acceptable to the county is required to ensure proper decommissioning of each turbine and other equipment. The amount of the security shall be determined on the basis of the site-specific conditions affecting the costs of decommissioning, access, depth of foundation, terrain, etc., to include credit for salvage value of the equipment. The timing for supplying the security shall be determined in consultation with the department.
- O. Public Safety.
1. The applicant shall develop and maintain an on-site health and safety plan that informs employees and others on site what to do in case of emergencies, including the locations of fire extinguishers and nearby hospitals, telephone numbers for emergency responders, and first aid techniques. Employees shall be trained to address health and safety emergencies, and to safely operate and maintain the turbines and other mechanical equipment.
 2. For projects in which hazardous substances are stored or used, a spill prevention and emergency cleanup plan will be designed to assist on-site workers with accidental releases. Any large spill will require emergency response through the local fire department or designated contractor.
 3. During project construction and all project welding operations, the applicant shall have a readily accessible water truck and chemical fire suppression materials available on site to allow immediate fire response.
 4. The applicant shall provide project staff with cellular or on-site phones to enable timely communication with the fire department and other emergency services.
 5. The applicant shall fence site entrances as appropriate and post signs warning of electrical dangers with emergency contact numbers, e.g., phone numbers of emergency responders.
 6. The applicant shall monitor the site for evidence of unauthorized use and provide additional security as appropriate. (Ord. O-03-08 § 4 (part))

17.70.080 Compliance with project conditions.

- A. Upon providing reasonable notice to the project owner or operator, county officials shall

- have the right to enter the project site to verify compliance with project conditions.
- B. Compliance with project conditions and code requirements is required. In addition to such other remedies available under law, any county department or other decision maker issuing any decision, environmental determination (such as a mitigated determination of nonsignificance), approval, authorization, or other determination, including a determination on the conditions to apply to a particular project under this chapter ("authorization"), shall conduct enforcement activities in accordance with county codes and Washington law. (Ord. O-03-08 § 4 (part))

Chapter 17.74
WIRELESS COMMUNICATION FACILITIES

Sections:

- 17.74.010 Permit required.**
- 17.74.030 General provisions.**
- 17.74.040 Applicability.**
- 17.74.050 Application contents.**
- 17.74.060 Development standards.**
- 17.74.070 Review process.**
- 17.74.080 Approval procedures.**
- 17.74.090 Co-location and shared facilities.**
- 17.74.100 Removal of abandoned WCFs.**
- 17.74.110 Nonconforming uses.**
- 17.74.120 Modifications to existing facilities or preexisting facilities that meet the requirements of this chapter.**
- 17.74.130 Penalty.**

17.74.010 Permit required.

It is unlawful for a person or individual, company, corporation or association or any other entity to engage in or construct a wireless communication facility (WCF) without first having obtained a permit in compliance with the provisions of this chapter subsequent to lawful adoption of the ordinance codified in this chapter. A WCF permit shall not be valid at any address or property other than the one appearing on the permit. The permit shall expire at the end of two years for WCF applications where lack of construction and lack of operation for said facility indicate no measurable progress on the permitted project. (Ord. O-01-05 § 2 (part))

17.74.030 General provisions.

- A. The purpose of this chapter is to establish general guidelines for the siting of WCFs and to assure that the siting of WCFs is accomplished in a manner that will protect the public health, safety, and welfare of the citizens of Adams County by promoting the goals of this chapter.
- B. The goals of this chapter are to:
 - 1. Provide a range of locations in a variety of zones;
 - 2. Provide clear performance standards for addressing the siting of WCFs;
 - 3. Encourage the location of WCFs on existing structures, including utility poles, signs, water towers, buildings and other WCFs where feasible;
 - 4. Encourage co-location and site sharing of new and existing WCFs;
 - 5. Facilitate the use of public property and structures for WCFs;
 - 6. Streamline and expedite existing structure procedures in accordance with the intent of state and federal law;
 - 7. Enhance the ability of providers of telecommunications services to provide such service quickly, effectively and efficiently;
 - 8. Require adherence to state and federal environmental laws;
 - 9. Ensure the air traffic safety of local aerial applicators, other aviation users, and the general public. (Ord. O-01-05 § 2 (part))

17.74.040 Applicability.

- A. Preexisting WCFs. WCFs for which a permit has been issued prior to the effective date of

the ordinance codified in this chapter shall not be required to meet the requirements of this chapter as specified in Section 17.74.090, except as further specified in Section 17.74.110.

- B. Exclusion for Amateur Radio Facilities. This chapter shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
- C. Relationship to General Aviation Facilities. WCFs proposed to be located within one mile of a general aviation facility shall require a conditional use permit to be obtained subsequent to a hearing body review.
- D. Outdoor Advertising. No WCF shall be used in such a manner to support or display any outdoor signage or banners for any commercial or advertisement purposes.
- E. Relationship to Other Ordinances. Where allowed by law, this chapter shall supersede all conflicting requirements of other codes and ordinances regarding the location and permitting of WCFs, except shorelines and environmental regulations.
- F. Compliance to All Federal and State Aviation Laws. When applicable, proponents must provide documentation that all pertinent requirements of the Federal Communications Commission, Federal Aviation Administration, the State of Washington Department of Transportation Aviation Division, and any required aviation easements have been satisfied prior to application for a local permit. (Ord. O-01-05 § 2 (part))

17.74.050 Application contents.

WCFs subject to this chapter shall meet the following provisions regarding application. Antenna arrays, as defined above, or small satellite dishes are exempt from these provisions when co-located on existing, permitted WCFs.

- A. Site Plan Representation.
 - 1. A line map to scale showing the subject property and all properties within one and one-half times the height of the proposed tower, and the location of all buildings, including accessory structures, on all properties;
 - 2. Lines representing the sight line from surrounding viewpoints, i.e., point from which view is taken, and visible point, i.e., point being viewed, from "sight lines";
 - 3. Sight line representation and photographs.
- B. A sight line representation shall be drawn from the closest facade of each surrounding building (viewpoint) included on the vicinity plan to the highest point (visible point) of the telecommunication facility. Each sight line shall be depicted in profile, drawn to one inch equals twenty feet. The profiles shall show in detail and scale all intervening trees and buildings.
- C. Existing (Before) Conditions Photographs. Each sight line shall be illustrated by one four-inch-by-six-inch color photograph of what can currently be seen from the surrounding building(s).
- D. Proposed (After) Conditions Photographs. Each of the existing conditions photographs shall have the proposed personal wireless facility superimposed on it to show what will be seen from surrounding buildings if the proposed facility is built.
- E. Siting elevation or views at grade from the north, south, east and west for a fifty-foot radius around the facility plus from all existing public and private roads that serve the subject property.
- F. A map identifying any existing telecommunication towers or facilities within a ten-mile radius of the proposed site.
- G. Written documentation under a licensed engineer's stamp verifying the need for a guy-wire support tower when no other means of support structure is available due to technical

or engineering constraints. (Ord. O-01-05 § 2 (part))

17.74.060 Development standards.

- A. Height Standards.
 - 1. Attached WCFs. Attached WCFs shall not add more than twenty feet in height to the existing building or structure to which they are attached (attachment structure).
 - 2. WCFs with Support Structure.
 - a. Industrial Zones. In the industrial zones the maximum height for a WCF shall be two hundred feet.
 - b. Agricultural Zones. In the agricultural zones the maximum height for a WCF shall be two hundred feet.
 - c. Commercial Zones. In the commercial zones the maximum height for a WCF shall be one hundred twenty feet.
 - d. Residential Zones. In the residential zones the maximum height for a WCF shall be sixty feet.
- B. Setback Standards.
 - 1. Attached WCFs. Antenna arrays for attached WCFs are exempt from the setback standards of this section and from the setbacks in any zone in which they are located. An attached array may exceed up to five feet horizontally beyond the edge of the attachment structure so long as the antenna array does not encroach upon an adjoining parcel.
 - 2. Equipment Facilities. All equipment shall meet the setback development standards for the underlying zone in which they are located.
 - 3. WCFs with Support Structures. Where permitted, WCFs with support structures shall be constructed and installed as far away from existing off-site buildings as is possible, and in no event nearer to any public road, alley, off-site primary or accessory structure, railroad track, or public park than a minimum distance of one hundred fifteen percent of the height of the tower.
- C. Landscaping and Screening.
 - 1. WCFs shall be landscaped in such a way that the existing natural features and land forms are preserved to the extent possible; provided, however, that vegetation that causes interference with antennas or inhibits access to the equipment facility may be trimmed.
 - 2. In residential zones a WCF shall be landscaped with an additional buffer to a maximum of ten feet in width unless the equipment facility can otherwise be obscured from view from the primary arterial serving the WCF, or the equipment facility can be adequately screened with existing vegetation.
- D. Aesthetics/Placement, Materials, and Colors.
 - 1. Attached WCFs.
 - a. Attached WCFs that are visible to adjacent residences shall be designed so as to blend with the existing structures to the extent feasible, including placement in a location that is consistent with proper functioning of the WCF, and the use of compatible or neutral colors.
 - b. Attached WCFs that are visible to adjacent residences, which have aesthetic impacts that cannot be reasonably mitigated by placement and color solutions, may be required to be screened in an alternative manner.
 - 2. WCFs with support structures shall be designed so as to blend with the existing surroundings to the extent feasible, including the use of compatible colors. Exceptions to this section may be granted to those WCFs with support structures that pose a danger or a threat to general aviation facilities, aviation practices

- and/or flight patterns.
3. Equipment facilities shall use materials, colors and textures that will blend with the natural setting and built environment.
- E. Lighting. WCFs shall not be artificially lighted, except for:
1. Security and safety lighting of equipment buildings if such lighting is appropriately down-shielded to keep light within the boundaries of the site; and
 2. Such lighting of the WCF as may be required by the Federal Aviation Administration or other applicable authority installed in such a manner to minimize impacts on adjacent residences.
- F. Noise. No equipment shall be operated at a WCF so as to produce noise in excess of the applicable noise standards under WAC Chapter 173-60, except in applicable situations exempt from noise standards as per WAC 173-60-050.
- G. Security Fencing. WCFs with support structures shall be enclosed by a security fence not less than six feet in height and the support structure shall be equipped with an appropriate anti-climbing device; provided, however, that the governing authority may waive such requirements as it deems appropriate. However, nothing herein shall prevent security fencing which is necessary to meet other requirements of state and federal agencies.
- H. Structural Integrity.
1. WCFs with support structures must be constructed to the Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" (or equivalent) as it may be updated or amended.
 2. Applicants seeking permitted use of any WCFs shall provide proof of adequate financial insurance typical to the industry to cover potential losses, as well as additional, specific protection for the permitting jurisdiction by means of a legal instrument crafted to indemnify and hold harmless said jurisdiction in the event of tower failure or other catastrophic events associated with a WCF.
- I. Aviation Review Standards. Proposed telecommunication devices, structures or objects shall be reviewed to ensure they do not penetrate any of the airspace surfaces on or near a public or private general aviation facility. Any telecommunication device, structure or object that is determined to penetrate or otherwise obstruct airspace surfaces shall be denied by the review authority. Special attention shall be given to the following:
1. Approach Surface. Land lying beneath the approach surface that extends outward uniformly to a width of one thousand two hundred fifty feet at a horizontal distance of five thousand feet from the runway end.
 2. Transitional Surface. The transitional surface begins at the runway end and on either side of the runway surface and slopes upward and outward at a 7:1 slope meeting the horizontal surface at one hundred fifty feet above the elevation of the airport.
 3. Horizontal Surface. The horizontal surface begins by swinging arcs of five thousand feet from the center end of the runway surface creating an elongated oval above the runway. The height of the horizontal surface is one hundred fifty feet above the elevation of the airport.
 4. Conical Surface. The conical surface begins at the edge of the horizontal surface and extends upward and outward for a distance of four thousand feet at a slope of 20:1 with an initial elevation of one hundred fifty feet above the airport elevation.
- J. Legal Access. All WCFs proposed to locate and operate within Adams County must possess and provide proof of legal access onto a publicly owned roadway as a condition of building permit approval. (Ord. O-01-05 § 2 (part))

17.74.070 Review process.

- A. General. The applicable development standards referred to herein are those set forth in Section 17.74.060.
- B. Permit Requirements for Attached WCFs.
 - 1. Attached WCFs in the industrial, agricultural and commercial zones that meet the development standards are permitted outright by the local authority. Attached WCFs in the industrial, agricultural and commercial zones exceeding development standards shall be permitted through administrative review authority, except WCFs proposed to be located within one mile of a general aviation facility. Evidence of sufficient structural integrity to support the burden of additional attached WCFs, in the form of a letter signed and stamped by a licensed, professional engineer, shall be provided as proof to the local authority.
 - 2. Attached WCFs in the residential zones on nonresidential structures that meet the development standards are permitted through administrative review authority, except WCFs proposed to be located within one mile of a general aviation facility. Attached WCFs in the residential zones that meet the development standards on residential structures are permitted by a hearing body review (board of adjustment) through a conditional use permit (CUP). Attached WCFs in the residential zones on nonresidential structures that exceed the development standards shall be permitted by an administrative review authority, except WCFs proposed to be located within one mile of a general aviation facility. Attached WCFs that exceed the development standards on residential structures shall require permitting by the board of adjustment through a CUP. Evidence of sufficient structural integrity to support the burden of additional WCFs, in the form of a letter signed and stamped by a licensed, professional engineer, shall be provided as proof to the local authority.
- C. WCFs with support structures are permitted as follows:
 - 1. WCFs with support structures in the industrial, agricultural and commercial zones that meet development standards may be permitted by administrative review authority, except WCFs proposed to be located within one mile of an aviation facility. WCFs with support structures in the industrial, agricultural and commercial zones that exceed the development standards may be permitted by CUP.
 - 2. WCFs with support structures in the residential zones that meet the development standards may be permitted by CUP. WCFs with support structures in the residential zones that exceed the development standards may be permitted by CUP.
- D. WCFs proposed as a part of a residential or commercial subdivision, planned residential development, a binding site plan permit or other coordinated development approval are to be reviewed and approved through those specific processes.
- E. WCFs on property owned, leased or otherwise controlled by the governing authority of the jurisdiction; provided, that the WCF has been approved by the governing authority, are approved outright, except WCFs proposed to be located within one mile of a general aviation facility.
- F. Temporary WCFs for a term not to exceed ninety days, with a possible ninety-day extension, with approval from the building official, are permitted outright, except WCFs proposed to be located within one mile of a general aviation facility.
- G. Applicant must provide evidence of the legal right to occupy and use the proposed location for a WCF. (Ord. O-01-05 § 2 (part))

17.74.080 Approval procedures.

- A. Requirement for Facilities Permitted Outright. Where a facility is permitted outright, a

building permit, evidence of structural integrity, proof of adequate financial insurance and a legal instrument crafted to indemnify and hold harmless said jurisdiction in the event of tower failure or other catastrophic events associated with the WCF shall be required.

- B. Requirements for Facilities Permitted by Administrative Review. Where a facility is permitted by administrative review, application contents, a building permit, evidence of structural integrity, proof of adequate financial insurance and a legal instrument crafted to indemnify and hold harmless said jurisdiction in the event of tower failure or other catastrophic events shall be required.
1. Review of WCFs under this section will be conducted by the Adams County planning and building department upon application for a building permit for the WCF.
 2. The Adams County planning and building department shall apply the development standards; provided, that applicable development standards may be reduced or waived by the administrator so long as the approval of the WCF meets the purpose and goals of this chapter in Section 17.74.030.
 3. The Adams County building department shall render a decision on a complete building permit application within thirty days of receipt, except that the applicant may agree to an extension.
 4. If administrative approval is denied, the applicant may appeal said denial in accordance with the provisions of this title concerning appeals of administrative decisions, Section 17.84.030(B).
- C. Requirements for Facilities Permitted by Hearing Body Review. Where a facility is permitted through a CUP by a hearing body review as per Section 17.84.030(I), a building permit, evidence of structural integrity, proof of adequate financial insurance and a legal instrument crafted to indemnify and hold harmless said jurisdiction in the event of tower failure or other catastrophic events associated with the WCF shall be required.
1. Hearing Body. The body that shall review and approve WCFs pursuant to a hearing body review shall be the Adams County board of adjustment.
 2. Application Contents. Each applicant requesting a conditional use permit subject to a hearing body review shall submit a scaled plan and scaled elevation view and other support drawings, calculations and documentation as identified in Section 17.74.050 showing the location and dimensions of the WCF and all improvements therewith, including information concerning support structure specifications, antenna locations, equipment facilities, landscaping, and fences, and, if relevant, topography, adjacent uses and existing vegetation. The hearing body may require additional information relevant to its consideration of whether the applicant meets the development standards.
 3. Notice. Notice of the application and the public hearing by the hearing body shall be given in accordance with procedures under this title for notice of applications and hearings before the hearing body.
 4. Hearing. The hearing body shall render a decision on the application under hearing body review after a public hearing is held in accordance with the procedures specified in this title or regulations adopted by the hearing body.
 5. Review Criteria.
 - a. The review criteria to be applied by the hearing body are the development standards set forth in Section 17.74.060; provided, that in locations where the visual impact of the WCF would be minimal, the applicable development standards may be reduced or waived so long as the approval of the WCF meets the purpose and the goals of this chapter

in Section 17.74.030.

- b. CUP Conditions. The hearing body may impose conditions in addition to the development standards if all the following findings have been made:
 - i. The WCF would result in probable significant adverse impacts to safety and/or visibility to nearby residences or general aviation facilities.
 - ii. The conditions are based upon the purpose and goals of this chapter as set forth in Section 17.74.030 and other adopted policies or regulations of the jurisdiction.
- 6. Findings. All decisions rendered by the hearing body under a hearing body review shall be supported by findings of fact and conclusions of law based upon substantial evidence in the record.
- 7. Timing of Decision. The hearing body shall render its decision within one hundred twenty days of application, unless the hearing body can demonstrate that more time is required and that the applicant has agreed to a time extension.
- 8. Appeals. The decision of the hearing body may be appealed to the appropriate court of appeals in accordance with state code procedures as described in the Land Use Petition Act (LUPA, RCW Chapter 36.70C) for appeals of such decisions. (Ord. O-01-05 § 2 (part))

17.74.090 Co-location and shared facilities.

A. Co-Location Requirements.

- 1. Licensed carriers shall share personal telecommunication facilities and sites whenever possible, thereby reducing the number of stand-alone facilities.
- 2. All support structures shall be designed so as not to preclude co-location.
- 3. Applicants shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes demonstration by the applicant to:
 - a. Contract with other license carriers for commercial mobile radio services operating in Adams County;
 - b. Share information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location;
 - c. Provide a written statement indicating the reasons why the telecommunication project is not feasible as a co-location site in the event co-location is found not to be feasible;
 - d. Design and construct WCFs in a manner to allow future WCF co-location opportunities if feasible.
- 4. In the event co-location is represented not to be feasible, the county may retain a technical expert in the field of radio frequency engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant.
- 5. A land use permit may be denied for failure to demonstrate a good faith effort to co-locate on existing WCFs or to provide for co-location. (Ord. O-01-05 § 2 (part))

17.74.100 Removal of abandoned WCFs.

Any WCF that is not operated for a continuous period of twelve months shall be considered abandoned, and the owner of such WCF shall remove same within ninety days of notice to the governing body that the WCF is abandoned. If such WCF is not removed within said ninety days, the governing authority may remove such WCF at the owner's expense. If there are two or more users of a single WCF, then this provision shall not become effective until all users cease using the WCF. (Ord. O-01-05 § 2 (part))

17.74.110 Nonconforming uses.

WCFs in existence on the date of the adoption of the ordinance codified in this chapter which do not comply with the requirements of this chapter (nonconforming WCFs) are subject to the following provisions:

- A. Nonconforming WCFs may continue in use for the purpose now used but may not be expanded without complying with this chapter, except as further provided in this section.
- B. Nonconforming WCFs may add additional antennas (belonging to the same carrier or other carriers) subject to administrative review authority pursuant to Section 17.74.070(B), except WCFs that are located within one mile of a general aviation facility.
- C. Nonconforming WCFs, which are hereafter damaged or destroyed due to any reason or cause, may be repaired and restored to their former use and location subject to Section 17.74.080(A), except WCFs proposed to be located within one mile of a general aviation facility. Co-location requirements shall also apply.
- D. The owner of any nonconforming WCF may replace, repair, rebuild and/or expand such WCF in order to improve the structural integrity of the facility, to allow the facility to accommodate co-located antennas or facilities, or to upgrade the facilities to current engineering, technological or communications standards subject to Section 17.74.080(A), except WCFs that are located within one mile of a general aviation facility. Such facilities shall not increase in height by more than ten percent, not to exceed the maximum height of the underlying zone, and/or setbacks are not decreased by more than ten percent. (Ord. O-01-05 § 2 (part))

17.74.120 Modifications to existing facilities or preexisting facilities that meet the requirements of this chapter.

- A. Minor Modifications. Minor modifications to WCFs permitted under this chapter shall be approved under administrative review authority, except WCFs located within one mile of a general aviation facility. Minor modifications are as follows: modification of the equipment facility that does not increase the footprint of the facility by more than twenty percent of its original footprint; the addition of no more than three antenna arrays to any existing WCF, so long as the addition of the antenna arrays add no more than twenty feet in height to the WCF not to exceed the maximum height of the underlying zone as per Section 17.74.060; an increase in height of the support structure which is no greater than ten percent of its present height, not to exceed the maximum height of the underlying zone as per Section 17.74.060, and so long as no penetration to the protected airspace of a general aviation facility would occur.
- B. Major Modifications. Major modifications to WCFs permitted under this chapter shall be approved by a hearing body review. Major modifications are any modifications that exceed the definition of minor modifications. (Ord. O-01-05 § 2 (part))

17.74.130 Penalty.

Any person or individual, company, corporation or association or any other entity who engages in or constructs a WCF without first having obtained a permit in compliance with the provisions of this chapter shall be subject to the provisions of Section 17.88.040. (Ord. O-01-05 § 2 (part))

Chapter 17.76
GENERAL STANDARDS

Sections:

- 17.76.010 Purpose.**
- 17.76.020 General requirements.**
- 17.76.030 Building height measurement.**
- 17.76.040 Swimming pools.**
- 17.76.050 Animals/livestock for personal use.**
- 17.76.060 Accessory dwellings.**
- 17.76.070 Residential performance standards.**
- 17.76.080 Storage.**
- 17.76.090 Off-street parking.**
- 17.76.100 Clear view triangle.**
- 17.76.110 Sign standards.**
- 17.76.120 Development and control plan.**
- 17.76.130 Exterior lighting.**
- 17.76.150 Pit area rehabilitation.**
- 17.76.160 Trailers.**
- 17.76.170 Family farm support divisions.**
- 17.76.180 Cluster developments.**

17.76.010 Purpose.

The purpose of the general regulations is to provide a concise reference to requirements that are common to many different zoning districts, thereby providing a more efficient utilization of this title. (Ord. O-01-05 § 2 (part))

17.76.020 General requirements.

In order to provide for orderly development and to ensure the public health, safety, and welfare of the community, any land use activity, buildings or structures shall not be erected, moved or utilized on any lot, tract or parcel of land, except in compliance with this chapter and other applicable ordinances. (Ord. O-01-05 § 2 (part))

17.76.030 Building height measurement.

- A. Any building or structure or portion thereof hereafter erected in any use district shall not exceed the maximum height specified in the district, except as provided in subsection B of this section, or as enumerated elsewhere in this title.
- B. The following types of structures or structural parts are not subject to the building height limitation of this title: aerials, belfries, chimneys, church spires, cupolas, domes, fire and hose towers, flagpoles, grain elevators, monuments, radio or television antennas, communication towers and associated antennas, water towers, windmills and other similar projections. (Ord. O-01-05 § 2 (part))

17.76.040 Swimming pools.

Above- and below-ground swimming pools are subject to the required yard and setback requirements of the underlying district and shall be enclosed by a solid or woven wire fence at least forty-two inches high with a locking entry gate. (Ord. O-01-05 § 2 (part))

17.76.050 Animals/livestock for personal use.

Within the residential and rural residential zones the following minimum standards shall apply:

- A. The overall property ownership shall be at least two contiguous acres in size or greater.
- B. Barns, shelters or other buildings for the keeping or feeding of animals/livestock shall be fifty feet from any property lines and at least two hundred feet from the nearest existing dwelling other than the dwelling of the owner. Animal runs and fences may be located up to the property lines;
- C. Not more than three animals per acre are permitted for property ownerships between two acres and four and one-half acres (an animal unit is one cow or one horse or animal unit equivalents of smaller animals).
- D. Livestock and poultry in any number for property ownerships is at least four and one-half acres. (Ord. O-01-05 § 2 (part))

17.76.060 Accessory dwellings.

Where allowed by the district use chart in Chapter 17.08, accessory dwellings shall meet the following minimum standards:

- A. Accessory dwellings shall be limited to a minimum of eight hundred forty square feet in floor area and must connect, whenever feasible, to the utilities (water, power and sewer) of the primary single-family dwelling.
- B. All other applicable provisions of the zoning district and general regulations shall apply to the accessory dwelling, including without limitation minimum floor area, setbacks, lot coverage, etc.
- C. Mobile homes as defined in Section 17.04.605 will not be allowed as accessory dwelling units.
- D. There shall not be more than one accessory dwelling located on a lot in addition to the primary single-family residence, and for the purposes of calculating residential density, shall not count as a dwelling unit. (Ord. O-01-07 § 8; Ord. O-01-05 § 2 (part))

17.76.070 Residential performance standards.

All residential dwellings shall meet the following provisions as a minimum standard. Manufactured home, designated ("Designated manufactured home") as defined in Section 17.04.580 is included in these provisions. Manufactured/mobile home placements in approved manufactured/mobile home parks are excluded from these provisions.

- A. Width. The minimum width of the main body of the home, as assembled on the site, shall not be less than fourteen feet as originally designed and constructed, and as measured across the narrowest portion, except in the R-1 district that distance shall be twenty-four feet as originally designed and constructed.
- B. Siding Materials. Siding materials shall be wood, masonite, masonry, stucco, vinyl, or other comparable materials. The exterior siding material shall extend to the top of the foundation or skirting.
- C. Foundation. Manufactured homes shall have a foundation or skirting that is similar in appearance to the foundations of site-built housing. (Ord. O-01-07 § 9; Ord. O-01-05 § 2 (part))

17.76.080 Storage.

- A. General. All permitted storage shall be considered accessory. Storage of materials shall be located entirely within an enclosed building or shall be screened from view of the surrounding properties with a sight-obscuring fence and/or landscaping, except as otherwise required by this title.

1. No storage of materials shall be located within any required front yard.
 2. Storage of scrap lumber, metals, glass and other material sold or offered for sale is prohibited within residential classifications.
 3. No premises shall be used as a storage area for any purpose other than the storage of materials or equipment used in connection with a permitted use.
 4. Mobile homes shall not be used as accessory storage structures.
- B. Recreational Vehicles. Off-street storage or off-street parking areas shall be provided for all recreational vehicles, including, without limitation, boats, motor homes, travel trailers, or similar type recreational vehicles.
1. The storage of recreational vehicles shall be prohibited within a required front yard in a residential district or on the public right-of-way.
 2. No more than a total of five cars, trucks, boats and recreational vehicles per dwelling may be located outside of an enclosed building on any lot in the residential zones.
- C. Refuse Storage. All outdoor trash, garbage and refuse storage areas associated with multifamily, commercial, public and/or industrial uses shall be screened on all sides from public view and at a minimum, be enclosed with a five-and-one-half-foot-high wood, concrete or masonry wall, or sight-obscuring fence and landscaping on all sides.
1. Refuse storage shall be prohibited within a required front yard and within required rear or side yards when adjacent to a residential district.
 2. Refuse storage areas shall be designed in accordance with the overall architectural theme of the associated building or structure. Single-family and duplex dwellings shall be exempt from this provision.
- D. It is unlawful and a violation of this title for the owner of any premises in the county, the owner's agent, or the occupant of any premises in the county to store, keep or accumulate junk and/or junk vehicles on such property, or to allow anyone else to store, keep or accumulate junk and/or junk vehicles on such property. The storage of farming-related equipment in the agricultural zones is excluded from these provisions. (Ord. O-01-05 § 2 (part))

17.76.090 Off-street parking.

- A. Off-street parking as required by this title shall be provided when:
1. A new principal building is constructed;
 2. A principal building is relocated; and
 3. The use or building is changed or expanded to the extent that the number of required parking spaces is increased by fifteen percent.
- B. In determining the gross area required for off-street parking spaces, two hundred and fifty square feet shall be required for each off-street parking space. The gross area shall include area required for driveways. The net area required for each off-street parking area shall be determined on the basis of two hundred square feet. Area required for off-street parking may be figured on a gross or net basis, but if the net area basis is used, driveways cannot be included as off-street parking, and driveways shall be designated and kept free from all structures.
- C. All required parking spaces shall remain open and accessible for parking during the hours the use is open to the public or residents.
- D. Off-street parking shall be provided based on the following requirements:
1. Dwelling unit: one space for each dwelling unit;
 2. Agricultural industrial uses: one space for each employee plus one additional space for each company-owned vehicle;
 3. Auction yards must provide sufficient off-street parking space to accommodate all vehicles of those attending auctions, off the public right-of-way;

4. Airfield parking must be sufficient to accommodate all parked vehicles off the public right-of-way;
 5. Convalescent and retirement homes: one space for each three beds;
 6. Hotels or motels: one space for each unit or room;
 7. Public assembly: one space for each six seats and one for every employee;
 8. Medical or dental clinics: four spaces for each doctor or dentist;
 9. Retail commercial buildings: one off-street parking space for each employee and each company-owned or operated vehicle. Not less than four customer parking spaces;
 10. Industrial buildings: one off-street parking space for each three employees of the largest shift and one off-street parking space for each company-owned vehicle. Not less than four customer parking spaces;
 11. Wholesale warehouse and office: one off-street parking space for each employee and each company-owned or operated vehicle. Not less than four customer parking spaces;
 12. Buildings exempt from property tax: one space for each four people accommodated by the building, except for those used as a residence, in which case one space for each dwelling unit;
 13. Outdoor or other recreational uses: sufficient space so that all vehicles are accommodated in off-street parking and off the public right-of-way. This includes parking space for boats, luggage and camping trailers and all other parked vehicles.
- E. Cooperative arrangements may be made among two or more establishments to provide off-street parking.
- F. Where lighting is done the lights shall not glare or reflect into adjoining areas which permit residential uses.
- G. Where off-street parking abuts residential zones, a fence, wall or ornamented screening hedge will be built and maintained by the owner of the off-street parking area.
- H. All retail commercial, offices, personal service, health care, community facilities, multifamily buildings with dwelling units for rent and other places of public accommodation which are subject to these parking regulations shall provide barrier-free spaces as required by the Federal Americans with Disabilities Act and state of Washington barrier-free parking standards.
- I. Improvement of Parking Spaces. Any off-street parking in the commercial, industrial and public use zone districts for ten or more vehicles shall be developed in accordance with the following requirements:
1. Off-street parking facilities shall be surfaced with a concrete, asphalt/concrete or similar surface approved by the county, and shall include a drainage system to dispose of surface water, and shall be maintained in a condition free of weeds, dust, trash, and debris, and shall be landscaped;
 2. If the parking area is located adjacent to residentially zoned property, illumination of all street parking facilities shall be so arranged as to deflect light away from adjoining residential premises. (Ord. O-01-05 § 2 (part))

17.76.100 Clear view triangle.

- A. The fencing and planting standards in the residential zone shall be sight-obscuring fencing and plantings along the front property line and extending rearward from the front property line for a distance of thirty feet, and along street-bordered side yards, and shall not be in excess of thirty inches high.
- B. No fence or hedge over thirty-six inches in height may be erected within the front yard of any lot used for residential purposes. No fence shall exceed a height of six feet without a

special permit from the board of adjustment. (Ord. O-01-05 § 2 (part))

17.76.110 Sign standards.

- A. Off-premises signs (billboards), and signs within the commercial and industrial districts shall comply with the following standards:
1. Maximum area per sign of four hundred fifty square feet;
 2. Maximum height above ground of thirty-five feet;
 3. Light control to exclude directed light or bright glare onto streets in such a manner as to be a traffic hazard;
 4. No signs placed on public rights-of-way;
 5. No sign structures or parts to extend over any part of street traffic ways, including curbside parking;
 6. One sign may be permitted as a freestanding structure to identify each establishment or place of business;
 7. All signs and sign structures shall be of permanent-type construction conforming to the building code of the county;
 8. Plans for such signs and their proposed location shall be submitted as a part of the development permit;
 9. The location and structural design of freestanding signs shall be such as not to interfere with the safe and efficient use of off-street parking and loading areas including aisleways and access driveways thereto, or with public roads within or adjoining the restricted commercial zone;
 10. Any illuminated sign which does not maintain, when in operation or use, a stationary light of constant intensity and color shall be prohibited.
- B. Within the agricultural and residential zones, off-premises signs (billboards) and other advertising displays or structures, except as they identify home occupations, home industries, permitted and conditional uses, are prohibited. Identification signs and advertising must be on the buildings on the premises or in the vicinity of the use that they identify or advertise. (Ord. O-01-05 § 2 (part))

17.76.120 Development and control plan.

Departments and officials charged by this title with the enforcement thereof shall assure that all access and egress driveway locations, off-street parking and loading areas, screening areas, and other improvements required in the approved development and traffic control plan are indeed established, constructed and maintained. Such administrative procedures may include the requirement that an owner or lessee of property, upon application for a building or occupancy permit, post a good and sufficient bond or surety running to the county in an amount equal to the estimated cost of construction of any improvements required in the approved development permit. Development within the commercial and industrial zones, and for other development as deemed necessary by Adams County, shall require a development and control plan consisting of the following components:

- A. Not increase traffic congestion so as to break down the design of the limited-access highway interchange nearest to the proposed restricted commercial zone;
- B. Provide for the proper handling of traffic on the county road providing direct access to the proposed restricted commercial zone;
- C. Prevent or minimize adverse effects upon adjoining land developed or zoned for residential use. Such development and traffic control plan shall show the use, location and extent of the proposed:
 1. Building and other improvements including sign structures;
 2. Off-street parking and loading spaces;
 3. Access and egress driveway locations;

4. Street dedication and/or widening, if any;
5. Such other information as may be required by the planning commission or the board of county commissioners. (Ord. O-01-05 § 2 (part))

17.76.130 Exterior lighting.

Exterior lighting must be so controlled as to prevent glare on public streets and adjoining property. (Ord. O-01-05 § 2 (part))

17.76.150 Pit area rehabilitation.

Whenever production on any area used as a gravel pit, sand pit, clay pit, or quarry, whether established prior to or after the enactment of this title, shall have been completed, then all plants, buildings, structures (except fences) and equipment shall be entirely removed from such property and all stockpiles shall be removed or backfilled into the pit within one year after such completion; provided, however, that provision of this section shall not apply to any plants, buildings, structures, equipment or stockpiles whenever and so long as any rock and gravel shall be available from other properties for processing by or through such plants, buildings, structures, equipment, or stockpiles. Whenever production shall have been completed, then the owner shall take such measures to rehabilitate the area as deemed reasonable by the county road engineer and planning director as well as those specifically set forth in the land use permit authorizing the pit operation. (Ord. O-01-05 § 2 (part))

17.76.160 Trailers.

Trailers, when used as temporary residences, shall be permitted in a public or semipublic recreation or lake area during the summer months. (Ord. O-01-05 § 2 (part))

17.76.170 Family farm support divisions.

Where allowed by Section 17.08.040, District use chart, family farm support divisions shall meet the following minimum provisions:

- A. The maximum number of lots created is two, including the original parent parcel, regardless of the status of that original parent parcel as "exempt" or as a specific lot within boundaries of the subdivision;
- B. The minimum lot size for the new lot intended for the family farm support shall be the minimum required by the Adams County health department to address provisions for domestic water and sewage disposal;
- C. The maximum lot size for the new lot intended for family farm support is the amount necessary to encompass all of the outbuildings, as well as any amount of the surrounding land that is not currently in active crop or livestock production, or in the Conservation Reserve Program, as confirmed by the Natural Resource Conservation Service (NRCS) local program office;
- D. No further family farm support divisions shall occur out of the original parent parcel for a period of ten years;
- E. A notarized certification/acknowledgement on the face of the short plat shall indicate which one of the two statements below is appropriate:
 1. The purpose is to provide a building site for a dwelling unit for persons who own or manage the farming operation;
 2. The purpose is to allow the existing owner to retain the family home and sell, lease or transfer ownership of the farm ground to another individual. (Ord. O-01-05 § 2 (part))

17.76.180 Cluster developments.

Where allowed by Section 17.08.040, District use chart, cluster developments shall meet the following minimum provisions:

- A. Cluster developments are processed as either a subdivision or a short subdivision in accordance with the established procedures for those land divisions under RCW Chapter 58.17 and Title 16, Subdivisions, of the Adams County Code and in conformance with all other applicable standards of the Adams County Code.
- B. Cluster developments create two types of lots:
 - 1. Individual lots that meet minimum dimensional standards; and
 - 2. The reserve lot that is the portion of a proposed cluster development intended for one or a combination of the following uses: critical area, agriculture, forestry, open space, historic/cultural area, undeveloped area, recreation, and/or other similar use. The reserve lot is included as a lot for the purpose of determining the applicable land division process in accordance with RCW Chapter 58.17.
- C. Where cluster developments maximize the allowed density of development of an original parent parcel, further division shall not be allowed until such time as the property is rezoned to permit a higher density, consistent with the comprehensive plan.
- D. Where cluster developments do not maximize the allowed density of development of an original parent parcel, further division that would maximize the development will be allowed not more frequently than five years from date of final plat approval.
- E. Density. The maximum density permitted for cluster developments is the same as specified for the zoning district.
- F. Minimum Lot Sizes:
 - 1. Individual lots within cluster divisions will be the minimum required by the Adams County health department to address provisions for domestic water and sewage disposal.
 - 2. Individual lots must identify an adequate building envelope that accommodates minimum setback requirements of the district.
 - 3. Individual lots shall not exceed a size of three acres unless adjusted to: meet health requirements, follow physical features that act as obstacles to resource production, meet special setbacks or encompass existing improvements.
 - 4. Reserve lots shall be at least the minimum lot size of the zoning district, and in no case less than seventy percent of the original parcel of record for the cluster development.
- G. Minimum Development Standards:
 - 1. Lot Configuration:
 - a. Where practical, the majority of individual lots shall be arranged in a clustered/concentrated pattern to be compatible with physical site features. The arrangement of individual lots is intended to discourage development forms commonly known as linear, straight-line or highway strip patterns.
 - b. Clustered lots may be located in different areas of the original parcel, provided the number of lots in each cluster is four or more, and all other criteria within this section are met.
 - 2. Road Access.
 - a. Individual lots should be created in close proximity to existing roads, if possible, to minimize the need for construction of new roads.
 - b. Access shall be provided to all reserve tracts, unless those tracts are designated for critical areas protection.
 - 3. Reserve Lots.

- a. The reserve lots shall be contiguous. Fragmentation of the lot by public or private roads, easements and/or building sites/lots shall not occur unless no other reasonable alternative exists.
 - b. Any structure used for human habitation shall maintain a setback of one hundred feet as measured horizontally to the boundary of the reserve lot. Other buffering methods may be utilized to reduce the setback as approved by the director and may include berms, landscaping, fencing or a combination thereof. At no time shall the buffer be reduced to less than sixty feet.
 - c. The reserve lot may be owned by a homeowners' association, corporation, partnership, land trust, individual or other entity as proposed, reviewed and approved by Adams County.
 - d. A management plan is required for the reserve lot. The plan shall be submitted and approved with the preliminary application. The plan shall identify permitted uses and management of the reserve lot so that it maintains its designated function and provides for protection of all critical areas. The management plan shall identify responsibility for maintaining the reserve lot. The plan shall also include a description of any construction activities (trails, fencing, recreation, buildings or similar improvements) and vegetation clearing that may occur on-site. All subsequent activities must be conducted in conformance with the approved management plan. Modification of management plans may be approved by the director, provided the original purpose and intent of the reserve lot is maintained.
 - e. A note shall be placed on the plat and a restrictive covenant shall be recorded clearly stating that the reserve lot will only be used for the intended purpose pursuant to this section. The note and covenant shall also incorporate the management plan, as described above.
 - f. Structures/buildings shall not be allowed within reserve lots, except as described in the management plan and necessary for associated recreational uses, historic buildings, public facilities or agricultural accessory structures essential to an agricultural use.
4. Infrastructure. All development facilities and infrastructure required pursuant to Adams County Code or other agency requirements shall be located within the interior boundaries of the lots or as otherwise allowed by this section.
 5. All property owners of the individual lots in a cluster development shall sign and record with the Adams County auditor's office a notarized statement, upon purchase, acknowledging the following statement, and shall record it with the county auditor for disclosure in the deed and mortgage records of the subject property:

The subject property is located within or near designated agricultural lands, forest lands or mineral resource lands on which a variety of activities may occur that are not compatible with residential or other type of development for certain periods of limited duration. Such activities may include but are not limited to: noise, dust, smoke, odors and hours of operation resulting from harvesting, planting, fertilizing, pest control and other resource-related activities associated with usual and normal resource management practices which, when performed in accordance with county, state and/or federal law, shall not be subject to legal action as public nuisances.

(Ord. O-01-05 § 2 (part))

**Chapter 17.80
AMENDMENTS**

Sections:

17.80.010 Establishment and change of zones—Initiation of action.

17.80.020 Change in zoning map—Who may initiate action.

17.80.030 Requirements for petition to change the zoning map.

17.80.040 Amendment to zoning title.

17.80.010 Establishment and change of zones—Initiation of action.

A change of zone or the establishment of a zone in an unclassified zone may be initiated by the planning commission, or pursuant to a petition filed as provided in this chapter. (Ord. O-01-05 § 2 (part))

17.80.020 Change in zoning map—Who may initiate action.

Any citizen of the county or owner of property in the county may petition the planning commission in person or in writing to initiate, on its own motion, action to change the zoning map. The property owners in the county may petition the planning commission in writing for a change of the zoning map for property under their ownership. The planning commission shall give due consideration to any and all such requests and if it deems advisable may hold a formal public hearing to further consider the proposed change of the zoning map. (Ord. O-01-05 § 2 (part))

17.80.030 Requirements for petition to change the zoning map.

Petition to change the zoning map shall include:

- A. Date existing zoning became effective;
- B. Changed conditions alleged to warrant the change in zoning;
- C. Facts to justify the change on the basis of advancing the public welfare;
- D. Effect the change will have on adjacent property and upon the comprehensive development plan;
- E. Such other information which the planning commission may deem necessary. (Ord. O-01-05 § 2 (part))

17.80.040 Amendment to zoning title.

An amendment to the zoning title may be adopted, amended, or supplemented by resolution adopted by the board of county commissioners upon recommendation of or with the concurrence of the planning commission, following a public hearing by the planning commission. (Ord. O-01-05 § 2 (part))

Chapter 17.84
BOARD OF ADJUSTMENT

Sections:

17.84.010 Zoning adjuster—Powers and duties.

17.84.020 Application to the board.

17.84.030 Authority of the board.

17.84.040 Hearings.

17.84.050 Notice of hearing.

17.84.060 Appeals—Time limit.

17.84.070 Appeals—Notice of time and place.

17.84.080 Scope of authority on appeal.

17.84.090 Action final unless appealed.

17.84.100 Board of adjustment—Action final.

17.84.110 Inclusion of findings of fact.

17.84.120 Meetings and rules of order.

17.84.010 Zoning adjuster—Powers and duties.

All of the provisions of this chapter defining the powers, duties, and procedures of the board of adjustment shall also apply to the zoning adjuster. (Ord. O-01-05 § 2 (part))

17.84.020 Application to the board.

Persons desiring consideration by the board of adjustment shall apply to the secretary of the board and shall supply such information as the board may require on forms provided for that purpose. (Ord. O-01-05 § 2 (part))

17.84.030 Authority of the board.

The board of adjustment, subject to appropriate conditions and safeguards as provided by this title, shall hear and decide:

- A. Variances. Applications for variances from the terms of the zoning title; provided, that any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated, and that the following circumstances are found to apply:
 - 1. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning title is found to deprive the subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zone classification;
 - 2. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.
- B. Review—Administrative Action. Appeals, where it is alleged by the applicant that there is error in any order, requirement, permit, decision, or determination made by an administrative official in the administration or enforcement of this title.
- C. Interpretation of Zoning Map. Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the zoning map, the board of

adjustment, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this title. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the zoning map may be made to the board of adjustment and a determination shall be made by said board.

- D. Temporary Structures and Uses. The temporary use may be granted of a structure or premises in any zone classification for a purpose or use that does not conform to the regulations prescribed elsewhere in this title for the zone classification in which it is located; provided, that such use be of a temporary nature and does not involve the erection of a substantial structure. A zoning certificate for such use may be granted in the form of a temporary and revocable permit, for not more than a six-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.
- E. Waiver of Violations. Recognizing that a building may be erected in good faith with every intent to comply with the provisions of the this title in respect to the location of the building upon the lot, the size and location of required yards, and that it may later be determined that such building does not comply in every detail with such requirements, although not violating the spirit or intent of this title, the board of adjustment may issue a waiver of violation, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.
- F. Special Permits—Fence, Expansion of a Nonconforming Use. Special permits granted for a fence or expansion of a nonconforming use may vary from the terms of this title; provided, that such special permits shall be subject to such conditions as will assure that the public health, safety, convenience, and general welfare are protected.
- G. Extension of Use on Border of District. The extension of a use or building into a more restricted zone classification immediately adjacent thereto, but not more than twenty-five feet beyond the dividing line of the two zone classifications, under such conditions as will safeguard development in the more restricted district.
- H. Administrative Exception. An administrative exception not to exceed one foot of any dimensional standard pertinent to front yard, side yard, rear yard, flanking street, and building line may be granted by administrative action of the board of adjustment without public hearing and without posting of public notices.
- I. Conditional Use Permits. Applications for conditional use permits as required under Chapter 17.68. (Ord. O-01-05 § 2 (part))

17.84.040 Hearings.

Upon the filing of an application for a conditional use permit or variance, the board of adjustment shall set the time and place for a public hearing on such matter, and written notice thereof shall be addressed through the United States mail to all property owners of record within three hundred feet of the exterior boundaries of the subject property. The written notice shall be mailed not less than twelve days prior to the hearing. (Ord. O-01-05 § 2 (part))

17.84.050 Notice of hearing.

Notice of the time, place, and purpose of the public hearing shall be as prescribed by Chapter 201, Laws of Washington, 1959. (Ord. O-01-05 § 2 (part))

17.84.060 Appeals—Time limit.

Appeals may be taken to the board of adjustment by any person aggrieved, or by any officer, department, board, or bureau of the county affected by any decision of an administrative official.

Such appeals shall be filed in writing in duplicate with the board of adjustment within ten days of the date of the action being taken. (Ord. O-01-05 § 2 (part))

17.84.070 Appeals—Notice of time and place.

Upon the filing of an appeal from an administrative determination, or from the action of the zoning adjuster, the board of adjustment shall set the time and place at which the matter will be considered. At least a ten-day notice of such time and place, together with one copy of the written appeal, shall be given to the official whose decision is being appealed. At least ten days' notice of the time and place shall also be given to the adverse parties of record in the case. The officer from whom the appeal is being taken shall forthwith transmit to the board of adjustment all of the records pertaining to the decision being appealed from, together with such additional written report as he deems pertinent. (Ord. O-01-05 § 2 (part))

17.84.080 Scope of authority on appeal.

In exercising the powers granted in this title, the board of adjustment may, in conformity with this chapter, reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed, and may make such order, requirement, decision or determination as should be made and to that end, shall have all the powers of the officer from whom the appeal is taken, insofar as the decision on the particular is concerned. (Ord. O-01-05 § 2 (part))

17.84.090 Action final unless appealed.

The action by the zoning adjuster on all matters coming before him shall be final and conclusive unless within ten days after the zoning adjuster has made his order, requirement, decision or determination, an appeal in writing is filed with the board of adjustment. Such an appeal may be taken by the original applicant or by opponents of record in the case. (Ord. O-01-05 § 2 (part))

17.84.100 Board of adjustment—Action final.

The action by the board of adjustment on an application for a conditional use permit or a variance, or on an appeal from the decision of the zoning adjuster or an administrative officer shall be final and conclusive unless within ten days from the date of said action the original applicant or an adverse party makes application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition, or a writ of mandamus. (Ord. O-01-05 § 2 (part))

17.84.110 Inclusion of findings of fact.

Both the board of adjustment and zoning adjuster shall, in making an order, requirement, decision, or determination, include a written record of the findings of fact upon which the action is based. (Ord. O-01-05 § 2 (part))

17.84.120 Meetings and rules of order.

The board of adjustment shall fix its place of meeting and shall conduct at least one regular meeting each month; provided, that if no issues over which the board has jurisdiction are pending upon its calendar, a meeting may be canceled. Other meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board of adjustment may determine. All hearings of the board shall be open to the public. The presence of three members shall constitute a quorum. In all other matters, the board of adjustment shall proceed according to its own rules of order for the conduct of business and shall file its rules of order with the county auditor. (Ord. O-01-05 § 2 (part))

Chapter 17.88
ADMINISTRATION AND ENFORCEMENT

Sections:

17.88.010 Interpretation.

17.88.020 Permits required—Construction and alteration.

17.88.030 Enforcement.

17.88.040 Penalty.

17.88.050 Waiver of violations.

17.88.060 Fees.

17.88.010 Interpretation.

- A. In interpreting and applying the provisions of this title, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare; therefore, when this title imposes a greater restriction upon the use of buildings or premises, or requires larger open spaces than are imposed or required by other laws, resolutions, rules or regulations, the provisions of this title shall control.
- B. The provisions of this title shall be so interpreted as to carry out the intent and purpose of the plan therefor, as shown on the zone maps herein or hereinafter adopted and the general or comprehensive plans for physical development adopted by the planning commission. (Ord. O-01-05 § 2 (part))

17.88.020 Permits required—Construction and alteration.

No person, company, or corporation shall erect a building or structure of any kind, or alter any building or structure already erected when said alteration is made for changing the use or purpose of occupancy, or institution of a change in property use, within the unincorporated area of the county without first obtaining a permit and certificate of occupancy in writing from the office of the building official. Construction must be commenced within six months from the date of issuance of the permit or the permit becomes void, and work authorized by the permit shall be completed within one year from the date of issuance of such permit. All permits shall expire at the end of one year after the date of issuance, unless a longer period of construction time is authorized in writing when application is made for the permit. (Ord. O-01-05 § 2 (part))

17.88.030 Enforcement.

It shall be the duty of the building official and/or other duly authorized agents to enforce this title through proper legal channels. The building official shall issue no permits for the construction, alteration, or repair of any building or part thereof unless such plans and intended use of such building or land conform in all respects with the provisions of this title. (Ord. O-01-05 § 2 (part))

17.88.040 Penalty.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this title shall be guilty of a misdemeanor and shall be fined in any sum not to exceed two hundred fifty dollars or imprisoned in the county jail for a term not exceeding ninety days for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. (Ord. O-01-05 § 2 (part))

17.88.050 Waiver of violations.

Recognizing the fact that a building may be erected in good faith with every intent to comply with the provisions of this title in respect to the location of the building upon the lot and size and location of required yards, and that it may later be determined that such building does not comply in every detail with such requirements, although not violating the spirit and intent of this title, the board of adjustment may issue a waiver of violation in accordance with the provisions of Chapter 17.84, Board of Adjustment. (Ord. O-01-05 § 2 (part))

17.88.060 Fees.

Pursuant to the application of this title, the person or persons involved shall pay nonrefundable fees established and set by resolution of the board of county commissioners to help defray the expenses of reviewing, giving notice, holding hearings and issuing permits. (Ord. O-01-05 § 2 (part))