

Title 17 ZONING

Chapter 17.04 GENERAL PROVISIONS

Sections:

17.04.010 Purpose.

- A. The general purpose of this title is to promote and protect the public health, safety and welfare through a well-considered comprehensive program for the regulation of use of land. It classifies land within the city into various districts, each with appropriate district designations, and within each district, this title limits the use of land and the height, size, use and locations of structures and requires space for off-street parking in some areas.
- B. This title is intended to help implement the comprehensive plan; to provide adequate light, air and access, to enhance safety from fire and other dangers; to facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public services; to avoid excessive concentration of population, and generally to strike an appropriate balance between maximum flexibility in the use of land and the need for high quality development for overall community good.

(Ord. 523 § 1 (part) Exh. A 1.010, 1998)

17.04.011 Prohibition of marijuana production, processing and retailing.

The production of marijuana, processing of marijuana, and retailing of marijuana, as those terms are used and defined in Chapter 69.50 RCW is prohibited within the jurisdiction of the city of Morton.

(Ord. No. 2017-03 , § 2, 5-22-17)

17.04.020 Composition.

To the ends stated in Section 17.04.010 above, this title is composed of two parts. The first is the text, the second is the map designated as the city of Morton zoning districts map. This title implements the city of Morton comprehensive plan. Copies of the plan, zoning map, and ordinance may be found on file in the office of the city of Morton city clerk-treasurer.

(Ord. 523 § 1 (part) Exh. A 1.020, 1998)

(Ord. No. 05-6, § 3 (1.020), 12-27-05)

17.04.030 Provisions declared minimum.

In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the promotion of public health, safety and general welfare. Whenever the requirements of any lawfully adopted rules, regulations, ordinances, deed restrictions and covenants conflict, the most restrictive or that imposing the higher standards shall prevail.

(Ord. 523 § 1 (part) Exh. A 1.030, 1998)

17.04.040 Application forms.

Applications shall be on forms as proscribed and approved by the city and be available at City Hall upon request.

(Ord. 523 § 1 (part) Exh. A 1.040, 1998)

17.04.050 Review of project applications.

~~This section applies to any land use permit, including conditional use permit, secondary use approval, variance, or critical area review required by this title. Specific requirements for each permit, and criteria for granting, are listed in Chapter 17.60.~~

- ~~A. — Completeness Determination. Within twenty eight (28) days after receiving a permit application, the city will provide an applicant under this title with written notification that either the application is complete or that the application is incomplete and what is necessary to make the application complete. The city may request additional information or studies to determine completeness. Within fourteen (14) days after an applicant has submitted additional information identified by the city as being necessary for a complete application, the city shall notify the applicant whether the application is complete or what additional information is necessary.~~
- ~~B. — Notice of Application. A written notice of application shall be provided within fourteen (14) days after the determination of completeness as provided in RCW subsection A of this section, and include the following information:~~
- ~~1. — The date of application, the date of the notice of completion for the application, and the date of the notice of application;~~
 - ~~2. — A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested;~~
 - ~~3. — The identification of other permits not included in the application to the extent known;~~
 - ~~4. — The identification of existing environmental documents that evaluate the proposed project, and the location where the application and any studies can be reviewed;~~
 - ~~5. — A statement of the public comment period, which shall be not less than fourteen (14) nor more than thirty (30) days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. The city may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;~~
 - ~~6. — The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;~~
 - ~~7. — A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency; and~~
 - ~~8. — Any other information determined appropriate by the local government. The city may combine its notice of application with a SEPA threshold determination notice or scoping notice.~~

~~C. — Notification Methods. The city will provide reasonable notice to the applicant and affected property owners of projects requiring application review under this section. These notifications shall include the following:~~

 - ~~1. — For site specific permits or zoning changes, by posting not less than three copies of a notice of application on or near the subject property;~~

2. ~~Publishing the notice, including the project location, description, type of permit(s) required, comment period dates, and location where the application may be reviewed, in the newspaper record;~~
3. ~~Additional special notification deemed necessary by the city clerk to groups or through regional advertising;~~
4. ~~Mailing to neighboring property owners whose property abuts, touches, or adjoins, or is directly across a street or an alley from the property involved, using for this purpose the names and addresses of owners as shown upon the records of the county assessor's office. Failure to send notice to a person shall not invalidate any proceedings in connection with the application.~~

~~D. — Notice of Decision. The city shall provide a notice of decision within ten (10) days after city council approval, that also includes a statement of any SEPA threshold determination made and procedures for administrative appeal, if any, to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. The notice of its decision shall be provided as in subsection C of this section and shall also state that affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. The city shall provide notice of decision to the Lewis County assessor's office of the county or counties in which the property is situated.~~

~~E. — Consolidated Permit Review. If two or more project permits are required for a proposed project action under this title, the applicant may elect a consolidated permit review process, whereby the determination of completeness, notice of application, and notice of final decision shall include all project permits being reviewed through the consolidated permit review process.~~

~~(Ord. 523 § 1 (part) Exh. A § 1.050, 1998)~~

~~(Ord. No. 05-6, § 3 (1.060), 12-27-05)~~

A. Introduction.

The purpose of this chapter is to provide for effective and efficient review of land use and development applications with consistent procedures for similar projects, and to combine procedural and substantive environmental reviews with the review of project permit applications under other applicable requirements. This chapter is intended to provide a framework within which the consistency of project permit applications with the city comprehensive plan and development regulations shall be determined.

B. Development permits required – Authority, development standards.

1. Permits Required. Except for specific exempted activity defined in the adopted building code, and/or defined in the development engineering standards, no development, earthwork, utility work, subdivision, building, structure, building usage, property usage, or other similar activity regulated by this title shall be initiated, erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a development permit and/or certificate of occupancy is issued by the city for such activity.

2. Application Form. Application for a development permit shall be on forms specified by the city and shall contain the information required for review by the city. Required information shall include, but not be limited to, that information specified in the building code relating to building permits, and that information specified in the development engineering standards relating to utility and/or right-of-way development activity. In addition, development within environmental districts or special districts will require specialized information or required meetings with the DRC relating to such a district. Such information shall also be submitted for review whenever applicable.

3. Review. The development review committee (DRC) shall determine if such application is exempt from a development permit and, if so, such application shall be reviewed as an application for a certificate of occupancy. The DRC shall document such exemption in the permanent file for the subject address.

1. Prior to issuance of any development permit, the DRC shall determine that water and sewer utility service is physically provided to the frontage, or other approved location, of the subject property. Upon approval of the required civil plan for any public utility infrastructure, the DRC may accept a bond or other guarantee approved by the city attorney for said infrastructure in lieu of said infrastructure being installed, inspected, approved and accepted by the city. The DRC will not issue any final approval of any development permit until such infrastructure is completed and accepted by the city.

2. The DRC may place a development permit application on hold pending resolution of any abatement activity filed on the subject property or use. Unresolved abatement processes shall be cause for the DRC to deny proposed development activity for failure to comply with applicable city regulations.

4. Failure of an applicant to submit required information within 30 days of a written notice to do so shall constitute an abandoned application and shall therefore acquire no vested rights.

5. Nothing herein shall preclude an applicant from requesting that the city issue a development permit for exempt activity. Such a request shall be reviewed as if it were a required permit application.

6. Authority. Pursuant to the State Building Code Act (Chapter 19.27A RCW), certain codes, rules, and regulations, as the same now exist or may hereafter be amended, supplemented or added to, shall be, and the same hereby are, adopted by reference, including additions, deletions, and amendments to the codes (Chapters 51-40 through 51-47 WAC); the Washington State Energy Code (Chapter 51-11 WAC); the Washington State Historic Building Code (Chapter 51-19 WAC); and the Washington State Ventilation and Indoor Air Quality Code (Chapter 51-13 WAC), which are promulgated by the Washington State Building Code Council. In addition, certain code appendices and specialized codes are also adopted by reference. Such codes, rules, and regulations are enumerated in Appendix Chapter E, List of International, Uniform and SBCC Codes Adopted, and are adopted by reference as fully set forth herein.

a. In the event of conflict between provisions of the codes, rules, or regulations enumerated in Appendix Chapter E, List of International, Uniform and SBCC Codes Adopted, the most restrictive shall apply, except as provided in Chapter 51-40 WAC (Building Code).

b. One copy each of the above-referenced codes shall be available for public reference in the office of the city building official.

7. Engineering Standards. Any and all development which occurs upon or abutting a public right-of-way, and any and all development which involves any extension, connection, or any other direct or indirect association with any water, wastewater and/or storm water utility component, and/or any land-disturbing activity shall comply with the development engineering standards. Such standards are specified in the development engineering standards and are applicable as determined by the director of public works or designated consultant.

a. Nothing herein shall preclude the director of public works from specifying standards different than those contained in the development engineering standards based on best available information and technology; provided, that the reasons and justification for such alternative standards are made a matter of record at a DRC meeting, and that equivalency is obtained through the use of such alternative standards in the particular circumstance.

C. Project review classification.

Four types of review are established for the purposes of administering this title. The permits included in each type, the public notice requirements, the hearing body, the decision maker, and appellate body are summarized in MMC 17.04.050(D).

1. The mayor or his/her designee is authorized to determine the classification of review for any permit or approval not identified on the following table.

2. It is the goal of the city to consolidate the permit processing for projects or development activities that require two or more permits or approvals. The mayor or his/her designee shall determine the appropriate means of consolidating the processing of all permits and shall assign the highest type review classification of the individual permits being sought to the consolidated permit application (with Type 4 being the highest followed by Types 3, 2, and 1). consolidation may include integrating public hearings, establishing unified comment periods, and/or concurrent reviews. The mayor or his/her designee is authorized to make modifications to the procedural requirements of this title in order to effectively consolidate project reviews.

a. Except for the appeal of a SEPA determination of significance, no more than one open record public hearing and no more than one closed record appeal may occur on a single permit application or master application.

b. A public meeting(s) may be held prior to an open record hearing. A public meeting may include but is not limited to a scoping meeting for the preparation of a draft environmental impact statement or presentation of a final environmental impact statement, an informational meeting, and/or a neighborhood meeting. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the project permit application file.

D. Permit classification table.

	<u>Types of Permit /Approval/Action</u>	<u>Public Notice/ Notice of Application</u>	<u>Hearing Body</u>	<u>Decision Maker</u>	<u>Appellate Body</u>
<u>Type 1 Review</u>	<u>Building Permit</u> <u>Sign Permit</u> <u>Fire Safety Permit</u> <u>Civil Permit</u> <u>Certificate of Appropriateness</u> <u>Certificate of Design Review</u> <u>Certificate of Occupancy</u> <u>Clearing and Grading Permit</u> <u>Code Enforcement Action</u> <u>Code Interpretation</u> <u>Shoreline Permit</u> <u>Shoreline Letter of Exemption</u> <u>Boundary Line Adjustment</u> <u>Short Plat Approval (4 lots or less)</u> <u>SEPA Action (not requiring public notice)</u> <u>Site Plan Approval</u> <u>Special Event Permit</u> <u>Temporary Use Permit</u>	<u>None</u>	<u>None</u>	<u>Mayor or his/her designee</u>	<u>City council</u>
<u>Type 2 Review</u>	<u>Critical Area Permit</u> <u>Floodplain Development Permit</u> <u>SEPA Action</u> <u>Shoreline Substantial Development Permit</u> <u>Variance (with Type 1 or 2 permit)</u>	<u>Yes</u>	<u>None</u>	<u>Mayor or his/her designee</u>	<u>City council</u>
<u>Type 3 Review</u>	<u>Conditional Use Permit</u> <u>Binding Site Plan</u> <u>Preliminary Plat (5 or more lots)/Final</u> <u>Planned Unit Development</u> <u>Master Planned Development</u> <u>Reasonable Use Exception</u>	<u>Yes</u>	<u>City council</u>	<u>City council/City Council</u>	<u>Superior Court/Shoreline Hearings Board</u>

	<u>Types of Permit /Approval/Action</u>	<u>Public Notice/ Notice of Application</u>	<u>Hearing Body</u>	<u>Decision Maker</u>	<u>Appellate Body</u>
	Shoreline Conditional Use Permit Shoreline Variance Variance (with Type 3 permit)				
<u>Type 4 Review</u>	Approval for Final Plat of Subdivisions Comprehensive Plan/Land Use Map Amendment Development Regulation Amendment Rezone Shoreline Master Program Amendment	Yes	Planning Commission/ City council	City Council	Superior Court/Growth Management Hearings Board

E. Preapplication/presubmission conferences.

Prior to formal submittal of a Type 2, 3, or 4 permit application, applicants are encouraged to request a preapplication conference with city staff and representatives of appropriate public agencies. The date, time and place of such conferences shall be established by policy. Preapplication conferences can occur outside the date, time, and place established by staff at the mutual agreement of both staff and applicant. Such conferences are intended as an informal discussion and review of possible applications to assist the applicant in discovery of appropriate city regulations, standards, application materials, and review processes that would be required of a project. A preapplication conference does not vest a proposed project permit application.

F. Procedures for Type 1 review.

Applications subject to a Type 1 review involve administrative action by the mayor or his/her designee without public notice or an open record public hearing. The city council shall conduct an open record public hearing for appeals of decisions on Type 1 permits unless otherwise noted in this title.

1. Applications for Type 1 permits shall be processed by the city in accordance with the following general procedures unless the applicant is otherwise notified in writing:

- a. Completeness review and determination of complete application;
- b. Determination of Consistency.
 - i. Site plan and downtown design review, as appropriate;
 - ii. Application and applicable fees paid;
- c. Issuance of a SEPA threshold determination, if required; and
- d. Notification to the applicant of approval or denial of the application.

G. Procedures for Type 2 review.

Applications subject to a Type 2 review involve administrative action by the mayor or his/her designee following distribution of a public notice and the opportunity to submit written comments. The city council shall conduct an open record public hearing for appeals of decisions on Type 2 permits unless otherwise noted in this title.

1. Applications for Type 2 permits shall be processed by the city in accordance with the following general procedures unless the applicant is otherwise notified in writing:

- a. Preliminary site visit/inspection by city staff and/or preapplication meeting, if appropriate;

b. Completeness review and determination of complete application;

c. Determination of Consistency.

i. Site plan and downtown design review, as appropriate;

ii. Application and applicable fees paid;

d. Issuance of a notice of application;

e. Issuance of a SEPA threshold determination, if required;

f. Review of public comments; and

g. Issuance of a notice of decision.

H. Procedures for Type 3 review.

The city council shall conduct an open record public hearing before making a decision on Type 3 permit applications. The decision of the city council is subject to appeal in superior court or, in the case of shoreline permits, to the shoreline hearings board.

1. Applications for Type 3 permits shall be processed by the city in accordance with the following general procedures, unless the applicant is otherwise notified in writing:

a. Preliminary site visit/inspection by city staff and/or preapplication meeting, if appropriate;

b. Completeness Review and Determination of Complete Application.

i. Site plan and downtown design review, as appropriate;

ii. Application or letter and all fees paid, as applicable;

c. Distribution of a notice of application;

d. Issuance of a SEPA threshold determination, if required;

e. Preparation of a staff report containing relevant information about the application and a determination of consistency. This report may also include a staff recommendation and shall be distributed to the public prior to the open record public hearing;

f. An open record public hearing shall be conducted by the city council, during which the applicant shall be given the opportunity to present the proposed project and interested parties shall be allowed to make comments and submit written testimony; and

g. City council review of the record and issuance of a notice of decision.

8. Note: State law requires that final approval of plats involving five or more lots must be made by the city council. All final plats will be reviewed by the city council for consistency with the preliminary approval before going to the city council for final plat approval.

I. Procedures for Type 4 review.

Decisions on all Type 4 permit applications shall be made by the city council following an open record public hearing conducted by the planning commission or city council.

1. Applications for Type 4 permits shall be processed by the city in accordance with the following procedures, unless the applicant is otherwise notified in writing:

- a. Preliminary site visit/inspection by city staff and/or preapplication meeting, if appropriate;
- b. Completeness review and determination of complete application;
- c. Distribution of a notice of application;
- d. Issuance of a SEPA threshold determination, if required;
- e. Preparation of a staff report and staff recommendation that shall be forwarded to the planning commission and be made available for public review prior to the open record public hearing;
- f. Distribution of the proposed amendments to state agencies, as appropriate, for review and comment;
- g. An open record public hearing shall be conducted by the planning commission, during which the applicant shall be given the opportunity to present the proposed amendment, and interested parties shall be allowed to make comments and submit written testimony;
- h. A review of the complete record by the planning commission and the adoption of a recommendation to the city council;
- i. The recommendation of the planning commission along with a complete copy of the record shall be provided to the city council for review prior to their decision;
- j. City council review and action; and
- k. Issuance of a notice of decision.

J. Completeness review.

All applications shall be submitted on such forms and in accordance with such procedures as may be prescribed by the city; provided, that:

- 1. All applications shall be signed by the property owner or show owner consent of the application by the agent acting on the owner's behalf;
- 2. All applicable fees shall be submitted at the time of application unless otherwise specified;
- 3. A completed SEPA checklist shall be filed at the same time as an application for all permits, except when:
 - a. The city has determined the activity to be categorically exempt from the requirements of SEPA; or
 - b. The city and applicant agree that an EIS is required; or
 - c. SEPA compliance for the proposed project has already been completed; or
 - d. SEPA compliance has been initiated by another agency;

D. Within 28 days of submittal, the city shall conduct a review of all application materials to determine if the application is complete and ready for processing. The city shall then make a determination of completeness and shall provide the applicant with written notification which states:

- 1. That the application is complete and ready for processing or that the application is incomplete and what is necessary to make the application complete;

2. To the extent known by the city, other agencies that may also have jurisdiction over the application; and

3. To the extent known by the city, other permits or approvals that may be required;

E. Nothing in this title shall limit the city from incorporating the notice of application and determination of completeness into one document;

F. The issuance of a determination of a complete application shall not preclude the city from requesting additional information from the applicant in order to complete the processing of an application;

G. If the city determines an application is not complete, or that additional information is necessary to complete the review of the application, and the applicant fails to respond to the request from the city in the established time frames, the city shall notify the applicant in writing that the application has lapsed and become void.

K. Public notice – Notice of application.

When review procedures require a notice of application, the following shall apply:

1. Timeline. The notice shall be provided within 14 days after the determination of completeness is issued.

2. Content. The notice of application shall include the following:

a. The file number assigned;

b. The date of application, date of the notice of completeness, and the date of the notice of application;

c. A description of the proposed project action and a list of permits included with the application and, if applicable, a list of requested studies;

d. Identification of known permits not included with the application;

e. Identification of existing environmental documents that evaluate the proposal;

f. The location where the application and any studies can be reviewed;

g. A statement of the public comment period which shall not be less than 14 or more than 30 days. Shoreline substantial development, conditional use and variance permit applications require a public comment period of not less than 30 days;

h. A statement of the rights of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision and any appeal rights;

i. Any other information determined appropriate by the city.

3. Legal Notice. Notice shall be provided in the following manner as applicable:

a. Mail. The notice shall be sent by USPS first class mail to the following:

i. The applicant;

ii. Affected city departments via email or interoffice mail;

iii. State, federal and local agencies with jurisdiction; and

iv. Any person who requests such notice in writing to the department.

b. Posting of the Property. Notice shall be posted according to the following:

a. At least one location on or adjacent to the subject property that shall be clearly visible and legible from an adjacent street or public area;

b. The director shall determine the specifications to the construction and installation of the notice boards;

c. The posting shall remain in effect for the duration of the public notice period.

c. Publishing Notice. A published notice in the city's official newspaper of general circulation within the city boundaries and on the city's website is required. The content shall include the following:

a. Project location;

b. Project description;

c. Type of permit(s) required;

d. Comment period and dates;

e. Location where the complete application may be viewed.

4. Integration of Notices. The city will integrate the notice of application with SEPA review whenever possible. Notification for a notice of application should be combined with the notification for threshold determination and the scoping for a determination of significance whenever possible.

5. Issuance of Decisions. Except for a threshold determination, the city may not issue a decision or a recommendation on a permit until the expiration of the public comment period.

6. Public Comments. Comments shall be as specific as possible. Comments shall be received by the last day of the comment period specified in the notice. If no comments are received by the date specified in the notice from an affected city department or agency with jurisdiction, which notification was sent to, then it is presumed that the department or agency has no comments.

L. SEPA threshold determinations.

A threshold determination is required for any proposal that is not categorically exempt within 90 days that an application and supporting documentation have been deemed complete. All threshold determinations shall result in a determination of nonsignificance (DNS), or a determination of significance (DS); provided, that the city may also issue a mitigated determination of nonsignificance (MDNS) based on conditions attached to the proposal, or on changes to or clarifications of the proposal made by the applicant.

1. After submission of an environmental checklist and prior to a threshold determination, the city shall notify the applicant if it is considering issuing a DS. As a result, the applicant may clarify or change features of the proposal to mitigate the impacts which make the DS likely. If a proposal continues to have a probable significant adverse environmental impact, even with the mitigating measures, an EIS shall be prepared.

2. If a preliminary SEPA threshold determination was not made in conjunction with a notice of application, and no probable significant adverse impacts are anticipated, a determination of nonsignificance shall be issued and a 15-day comment period may be required.

3. If a predecision open record public hearing is required, the SEPA threshold determination must be issued at least 15 days before the hearing.

4. If the city makes a SEPA determination of significance (DS) concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice.

5. Whenever the city makes a threshold determination, it shall seek to include the public notice for the SEPA action with the notice of application or notice of decision for any associated land use application(s) or permits; provided, that:

a. If no public notice is required for the permit or approval, the city shall give notice of the DNS or DS by publishing a notice in the city's newspaper of record;

b. Whenever the city issues a DS, all public notices shall state the scoping procedure for the required EIS; and

c. Whenever the city issues a DEIS (draft EIS), or SEIS (supplemental EIS), notice of the availability of those documents shall be given by at least two of the following methods:

i. Indicating the availability of the DEIS or SEIS in any public notice required for an associated land use application or permit;

ii. Posting the property, for site-specific proposals;

iii. Publishing notice in the city's newspaper of record;

iv. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;

v. Notifying the news media; and/or

vi. Publishing notice in agency newsletters and/or sending notice to agency mailing lists.

6. Mitigation measures incorporated in the MDNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit or enforced in any manner specifically prescribed by the city.

7. Nothing in this section shall limit the authority of the city in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by Chapter 43.21C RCW.

M. Determination of consistency.

As part of all project and application reviews, the city shall determine if a proposed project or development activity is consistent with applicable city development regulations, and the goals, policies, and objectives of the adopted comprehensive plan.

N. Development review committee (DRC).

The purpose of the development review committee is to oversee orderly growth and development through a predictable review process that provides a developer with all the necessary information to successfully develop while ensuring that all levels of government have participated in the process as necessary.

1. Site Plan Review, when Required by Development Review Committee Membership.

a. Site plan review and/or DRC approval shall be required prior to the initial or additional use of land or activity, where city services will be provided within the boundaries of the Morton comprehensive plan. Specifically:

i. The construction or location of any residential building in which two or more dwelling units would be contained;

ii. The construction or location of any public, commercial or industrial building;

iii. Annexations;

iv. Rezones;

v. Subdivisions, short and long;

vi. Capital improvement projects that exceed the SEPA threshold or trigger CAO review;

vii. As required by this zoning code.

b. Prior to applying for site plan review, a developer may file with the DRC a summary site plan or proposal, with adequate copies, which shall contain in a rough and approximate manner all the information required in the site plan application. The purpose of the summary site plan is to enable a developer filing the plan to obtain the advice of the DRC as to applicability of the intent, standards and provisions of this chapter to the plan. After filing of a summary site plan, the DRC shall make available to the developer its written advice regarding the compatibility of the preliminary site plan with the intent, standards and provisions of this chapter. This preliminary advice is not to be construed as an approval or disapproval outright of the proposal nor should it be interpreted as vesting of the project.

c. An application, in completed form, shall be filed for site plan review and approval with the appropriate department. An application shall not be in completed form under this section if it fails to contain any of the information and material required under MMC 17.04.050(J).

d. The DRC shall consist of the following department members: the planning and building manager, the mayor, the building official, the water/wastewater utilities administrator, the city engineer, the public works director, the fire chief, the fire marshal, the police chief, the airport manager, the port manager, and the city attorney, and/or their designee, as the project necessitates.

2. Review by the DRC.

a. The DRC shall approve, disapprove or approve with conditions any site plan submitted in compliance with this chapter. The action taken by the DRC will be submitted to the building official for subsequent action on the building permit application. An applicant can request a preliminary site plan review with the understanding that the committee response is advisory in nature and is not intended to be construed as final approval or vesting of the project.

b. The DRC shall review a site plan and approve, or approve with conditions, site plans which conform to the standards, provisions and policies of the city as expressed in its various adopted plans and ordinances. The DRC shall make the determination of complete application to the applicant as required in this chapter and shall make a determination of consistency in accordance with this chapter on projects that require DRC approval. Whenever the DRC disapproves a site plan, it shall set forth in writing the findings which shall specify the particular standards, provisions and policies to which the site plan fails to conform and the reasons why it fails to conform.

c. The decision of the DRC shall be final unless appealed in accordance with this chapter.

3. Appeals.

a. The city council shall not approve or disapprove a site plan or proposal different from that approved or disapproved by the DRC. The intent of this section is to ensure that the city council and the DRC make

decisions based on the same set of plans or proposal. If the city council receives a site plan or proposal different from that considered by the DRC, the site plan or proposal shall be referred back to the DRC for further consideration.

b. The city council shall hear site plan applications referred with other applications or appealed to the city council and approve, or approve with conditions, site plans which conform to the standards, provisions and policies of the city as expressed in its various plans and ordinances. Similarly, the city council shall disapprove site plans which do not conform to such standards, provisions and policies.

O. Site plan review.

The purpose of a site plan review is to help ensure that new development activities do not adversely affect the public health, safety and welfare of residents of Morton, and that new development activities are compatible with existing patterns of development and the provisions of the Morton comprehensive plan. All required site plans shall be approved by the DRC.

1. A site plan review shall be required for all proposed development activities in the residential and the commercial and industrial zones unless waived in writing by the city. Single-family homes are exempt from formal DRC approval but must still submit a site plan consistent with subsection (2) of this section. Development that does not require a building permit is exempt from this requirement.

a. Development activities subject to a site plan review shall be determined by the city and shall include new construction, modifications to existing uses or structures that increase the size of the building or the intensity of the use, and/or changes of use.

b. The site plan review shall include the whole site, including subsequent phases of development without regard to existing or proposed lot lines.

c. A site plan review permit is separate from and does not replace other required permits such as a conditional use permit or a shoreline substantial development permit. A site plan review may be combined and reviewed concurrently with other permits and approvals, as determined by the city.

d. The site plan review must be conducted prior to, or with the approval of the city concurrent with, the review of any required building permit or clearing and grading permit applications.

2. A complete site plan review application shall be submitted in a format prescribed by the city and may include, but is not limited to, the following on plans that are drawn to scale:

a. The location and dimensions of the lot(s).

b. Existing topography and natural features.

c. Proposed grading and drainage facilities, including areas to be preserved or protected for the implementation of low impact development stormwater features in accord with the provisions of the Morton Engineering Design Manual.

d. The footprint of existing and proposed structures, proposed building heights, proposed building setbacks, and the proposed uses.

e. The location of existing and proposed roads, access plans, parking facilities, loading areas, curbs, drains, paving, hydrants, sign and light pole locations, walls, fences, walks, approaches, and proposed landscaping plans.

f. The location of existing and proposed water, storm, and sanitary sewer lines and facilities.

g. The nature, location, and dimensions of environmentally sensitive areas, shorelines, or floodplain areas and their associated buffers, if any, on or adjacent to the site.

h. All required technical reports prepared by experts with demonstrated qualifications in the area(s) of concern.

i. Any additional information deemed necessary by the city.

3. The city may approve a proposed site plan in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:

a. The project is consistent with the Morton comprehensive plan and meets the requirements and intent of the Morton Municipal Code, including the type of land use and the intensity/density of the proposed development.

b. The physical location, size, and placement of the development on the site and the location of the proposed uses within the project minimize impacts to any critical resource or floodplain area to the greatest extent possible or are compatible with the character and intended development pattern of the surrounding properties.

c. The project makes adequate provisions for water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection to ensure that the proposed project would not be detrimental to public health and safety.

d. Public access and circulation including nonmotorized access, as appropriate, are adequate to and on the site.

e. Adequate setbacks and buffering have been provided. Any reduction to setbacks or buffer widths is the minimum necessary to allow for reasonable economic use of the lot and does not adversely impact the functional value of the critical resource area or adjoining land uses.

f. The physical location, size, and placement of proposed structures on the site and the location of proposed uses within the project are compatible with and relate harmoniously to the surrounding area.

g. The project adequately mitigates impacts identified through the SEPA review process, if required.

h. The project would not be detrimental to the public interest, health, safety, or general welfare.

4. Authorization of a site plan review shall be valid for one year after the effective date and shall lapse at that time unless a building permit has been issued.

1. The city may extend the site plan review one time for an additional year if it finds that the regulations on which the site plan review is approved have not changed substantially.

2. Knowledge of expiration date and initiation of a request for extension of approval time is the sole responsibility of the applicant. The city shall not be held responsible for notification of expirations. All requests for additional time must be submitted to the community development department at least 30 days prior to expiration of site plan approval.

P. General permit processing.

1. Applications determined to be complete and accepted for processing may be approved or disapproved by the city in accordance with the procedures in this chapter; provided, that:

a. The city may request additional information from the applicant at any time and may suspend the processing of an application(s) pending the receipt of requested information.

i. Such requests shall be made in writing and shall identify the additional information required, the reason for the information, and the time frames for submitting the additional information.

ii. If the applicant does not respond to the request for additional information within one year, the application may be terminated.

2. The city may approve, approve subject to conditions, or deny an application based on the information included in the record.

a. In approving an application, the city may impose such conditions and safeguards as may be required to comply with the provisions of this title and to protect the public health, safety, and welfare. These conditions and safeguards may include, but are not limited to, the following:

i. Measures identified during the environmental review process including but not limited to;

A. Floodplain development;

B. Stormwater compliance;

C. Creeks and streams;

D. Slopes;

ii. Measures necessary to comply with the provisions of the Morton comprehensive plan;

iii. Measures necessary to comply with provisions of the Morton Municipal Code, including but not limited to:

A. Airport;

B. Urban growth area;

iv. Measures necessary to ensure compatibility of the proposed development activity with neighboring land uses, and consistency with the intent and character of the zoning district. This may include, but is not limited to:

A. Increasing the required lot size, setback or yard dimensions;

B. Limiting the height of buildings or structures;

C. Controlling the number and location of vehicular access points;

D. Requiring the dedication of additional rights-of-way for future public street improvements identified in an adopted transportation plan;

E. Requiring the designation of public use easements and the recording of same;

F. Increasing or decreasing the number of required off-street parking and/or loading spaces as well as designating the location, screening, drainage, surfacing or other improvement of a parking area;

G. Limiting the number, size, height, shape, location and lighting of signs;

H. Requiring view-obscuring fencing, landscaping or other facilities to protect adjacent or nearby properties;

I. Requiring site reclamation upon discontinuance of use and/or expiration or revocation of the project permit;

J. Limiting hours and size of operation; and

K. Controlling the siting of the use and/or structures on the property.

b. The city may deny an application based on finding that the proposed action:

i. Would have a probable, significant, adverse impact on the environment that cannot be reasonably mitigated;

ii. Is not consistent with the goals and policies of the Morton comprehensive plan;

iii. Information required by the city in order to complete the processing was not provided in accordance with the provisions of this title; or

iv. Does not comply with the provisions of the Morton Municipal Code.

Q. Notice of decision.

A notice of decision shall be issued for all Type 2, 3 and 4 permit applications. A notice of decision may not be issued until the expiration of the comment period on the notice of application.

1. Notices of decision shall include:

a. A description of the decision or actions taken;

b. Any mitigation or conditions of approval required under applicable development regulations or under SEPA;

c. If a SEPA threshold determination has not been issued previously, the notice of decision shall state this determination; and

d. A description of applicable appeal procedures.

R. Notice of hearing.

When review procedures require a notice of hearing, the following shall apply:

1. Notice Integration. A notice of hearing is required for public hearings. A notice of hearing may be integrated with the notice of application.

2. Notice Content. A written notice of hearing shall contain the following information:

a. The name of the applicant or designated contact;

b. A description of the affected property (not including any legal description);

c. Project summary/description of each project permit application;

d. The application/project file number;

e. The date, time and place of the hearing;

f. A statement that all interested persons may appear and provide testimony;

g. A statement where information may be examined or obtained, and the staff contact and phone number;

h. A statement of how written testimony or comments may be submitted;

i. The SEPA threshold determination along with any appropriate statement regarding any shared or divided lead agency status and phased review, and stating the end of any final comment period;

j. The deadline (date, time and place) for submitting a SEPA appeal;

k. A statement regarding any administrative appeal process including SEPA appeal.

3. Appeal Notification. Notification for a hearing on an open record or closed record appeal shall be provided in the following manner:

a. Mail. The notice shall be sent by USPS first class mail, email or interoffice mail to the following:

i. The applicant/appellant;

ii. Parties of record;

iii. Affected agencies;

iv. Parties requesting notice; and

v. Other persons whom the department believes may be affected by the action.

4. Project Permit Notification. Notification for a hearing on a project permit shall be provided in the following manner as applicable:

a. Mail. The notice shall be sent by first class mail or higher to the following:

i. The applicant;

ii. All property owners of real property (as shown by the records of the Lewis County assessor's office) within 300 feet of the subject property;

iii. Any person providing a written request to the department; and

iv. Where any portion of a property abutting the subject property is owned, controlled, or under the option of purchase by the applicant, all property owners within a 300-foot radius of the total ownership interest shall be notified by mail as referenced above.

2. Posting of the Property. The notice shall be posted in the same manner and location(s) as the notice of application set forth in MMC 17.04.050(K).

3. Publishing Notice. A published legal notice in the city's official newspaper of general circulation within the city boundaries is required. The content of the published notice shall include the following information:

a. Project location;

b. Project description;

c. Type of permit(s) required;

d. Comment period and dates;

e. Location where the complete application may be viewed.

4. Notice Deadlines. Notice shall be given at least 14 days before the hearing date except:

a. Shoreline permits pursuant to WAC 173-27-110(3) shall be given at least 15 days.

b. An integrated notice of hearing and notice of application shall be given at least 15 days.

c. An integrated notice of hearing and notice of a SEPA threshold determination shall be given at least 15 days.

5. Continuation of Hearing. Continued hearings do not require additional notices of hearing.

6. Additional Procedures. In addition to the procedures contained in this chapter, the department may develop general procedures for notification, including mailing packets and the format of the notice and an affidavit of posting/mailling form to be filled out by the party doing notice.

S. Appeals.

1. Standing to initiate an administrative appeal of Type 1 and 2 reviews is limited to the applicant or owner of the property in which the project permit is proposed, parties of record, affected agencies or tribes, or any person aggrieved by the final decision and who will suffer direct and substantial impacts from approval or denial of the project. The term "parties of record" for the purposes of this title shall mean:

a. Any person who testified at the open record public hearing on the application; or

b. Any person who submitted written comments in response to the notice of application or environmental review; or

c. Any person who submitted written comments concerning the application at the open record public hearing (excluding persons who have only signed petitions or mechanically produced form letters).

2. All appeals of interpretations or actions regarding Type 1 and 2 reviews shall be filed in a format prescribed by the city, along with the required fee, within 14 days of the date of the interpretation or action. If the deadline to file an appeal falls on a weekend or on a city holiday, the deadline shall become the next business day. The city shall mail written notice to all parties of record to apprise them of all open and closed record public appeal hearings and shall place a public notice in the city's newspaper of record at least 14 days before the open record appeal hearing.

a. The notice of appeal shall specify the claimed error(s) and issue(s) which the appellate body is asked to consider and shall specifically state all grounds for such appeal. Issues or grounds of appeal which are not so identified need not be considered by the appellate body;

b. The appellants and any respondents to the notice of appeal shall have the opportunity to present oral and written arguments during open record appeal hearings. For all closed record appeals, the record shall be limited to information presented during the preceding open record hearing. Oral argument shall be confined to the established record and to any alleged errors in the decision;

c. Following an appeal hearing, the appellate body may affirm, reverse or modify the decision of record and shall adopt its own written findings and conclusions in support of its decision; and

d. The city may require an applicant and/or the appellant to reimburse the city for the cost of preparing materials to be used during open record public hearings or closed record appeals including but not limited to the cost of copying, taping, and/or transcribing a certified record of the proceedings.

3. Appeals of SEPA threshold determinations or SEPA actions shall be combined with any appeals of associated applications or permits.

a. If the final decision incorporates the SEPA threshold determination subject to a 14-day comment period, a joint 21-calendar-day appeal period shall be provided on both the project decision and the SEPA threshold determination.

4. All Type 3 and Type 4 land use decisions and the decisions of the city council on appeals of Type 1 and 2 permits may be appealed by a party with standing to file a land use petition in Washington State Superior Court, unless otherwise specified, in accordance with the provisions of Chapter 36.70C RCW. Such petition must be filed within 21 days of issuance of the decision. This process shall be the exclusive means of judicial review except for local land use decisions reviewable by a quasi-judicial body created by state law, such as the Shorelines Hearings Board.

a. Appeals of decisions of shoreline permits shall be heard by the Washington State Shorelines Hearings Board in accordance with the provisions of Chapter 90.58 RCW.

b. Proposed amendments to the city's shoreline master program must be approved by the Washington State Department of Ecology. Appeals of decisions on proposed amendments by the Department of Ecology shall be heard by the Washington State Growth Management Hearings Board in accordance with the provisions of Chapter 90.58 RCW.

T. Performance.

1. Any action authorized under this title shall be completed within two years from the date of approval, unless otherwise specified by the city. Failure to meet the time limit set shall void the approval; except that the city may authorize a time extension upon request, provided such extension request is filed in writing prior to the required completion date. Such extension request shall detail unique and special circumstances that prohibited the completion of the use authorized.

2. The city may revoke a project permit issued pursuant to this chapter if it is ascertained that the application included any false information material to the project permit approval, or if it develops that the conditions and safeguards made a part of the terms under which the approval was granted have not been complied with or are not now being maintained.

a. If the city finds the conditions and safeguards made part of the terms under which the project permit was granted have not been complied with or are not being maintained, the city shall prescribe a reasonable time for correction, and if corrections are not made within the time limit, the permit may be suspended or revoked.

b. The suspension or revocation of a permit may be appealed to the city council in order to show cause why such permit approval should not be suspended or revoked.

c. An application for a permit previously revoked under this section cannot be submitted until all remedial actions required of the applicant/project sponsor/property owner have been completed and all fines, penalties, and fees paid.

3. Violation of such conditions and safeguards, when made part of the terms under which the project permit is granted, shall be considered a violation of this chapter and may result in suspension or revocation of the permit and/or enforcement actions in accordance with the provisions of the Morton Municipal Code.

U. Conditional use permits.

1. The city's policy is to mitigate the impacts of conditional uses through special conditions of approval. Where impacts cannot be mitigated effectively, the review authority shall deny the application. A conditional use may be approved or modified only when all of the following criteria are met:

a. Is suitable for the proposed site considering size, shape, location, topography, existence of improvements and natural features;

b. Is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use;

c. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have minimal impact on the livability and development opportunities in the neighboring area;

d. Is consistent with the applicable goals and policies of the Morton comprehensive plan and the purpose of the underlying zone;

e. Complies with all applicable site plan review requirements; and

f. Does not have significant environmental consequences when compared with other permitted uses in the underlying zone which cannot be mitigated through conditions of approval.

2. The review authority may impose conditions of approval as necessary to protect the public interest, achieve compliance with the Morton comprehensive plan, or to mitigate any adverse impacts resulting from approval of uses or impacts subject to this chapter.

3. The review authority, on its own motion, may initiate proceedings consistent with the procedures provided in the Morton Municipal Code, to revoke land use approval for noncompliance with the requirements of this title or conditions of approval listed in the final decision approving the conditional or nonconforming use or development.

4. Decisions may be appealed consistent with the provisions of MMC 17.04.050(S), Appeals.

V. Variances.

This section shall govern the issuance of variances for certain provisions of this chapter.

1. A variance may be granted to the density, dimension, height, setback and development standards; provided, that all other provisions of this chapter can be met.

2. Under no circumstances shall the city grant a variance to allow a use not permissible under the terms of this title in the zoning district involved, or any use expressly or by implication prohibited in the zoning district by the terms of this title.

3. Variances may be approved by the city based on a finding that such variance will not be contrary to the public interest and the comprehensive plan or where literal enforcement of the provisions of this chapter would result in undue hardship. A variance shall not be granted unless the city further finds that the applicant has demonstrated all of the following:

a. That special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, do exist; and

b. That because of such special circumstances, strict application of this chapter would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity under identical zoning district classification; and

c. 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 zoning district classification in which the property is situated; and

d. That the special circumstances do not result from the actions of the applicant; and

e. That the granting of a variance will be in harmony with the general purpose and intent of this title, the specific zoning district, and the comprehensive plan.

W. Binding site plans.

1. Type of Application. General and final binding site plans are Type III applications; such applications shall be processed in accordance with procedures set forth in this chapter.

2. Purpose. This chapter provides for an optional method for the division for lease or sale of commercial or industrial property, condominiums and tiny home parks and/or mobile home parks through the use of a binding site plan as provided for in Chapter 58.17 RCW. This method may be employed as an alternative to the subdivision and short subdivision procedures in this title when consistent with this chapter. The overall process for approving a binding site plan is a two-step process in which general binding site plan approval is obtained first, and specific binding site plan approval is obtained second.

3. Requirements for a Complete Application. These requirements are in addition to the minimum application requirements in MMC 17.04.050(J).

a. General Binding Site Plan.

i. The application submittal requirements of this chapter;

ii. A copy of the site plan as approved by the city through the grading or building permit, planned unit development or other development application process;

iii. A copy of any existing, recorded or proposed covenants, conditions and restrictions, property owners' association bylaws and incorporation documents, and all other private restrictions or provisions currently applicable or which may become applicable to the subject property;

iv. If an existing residential development, evidence of the vote or appropriate association approval authorizing the submittal of the application;

v. A copy of a title company certification (current within 60 days from filing of the binding site plan) confirming that the title of the lands as described and shown on the binding site plan is in the name of the owner(s) signing the binding site plan; and

vi. The number of copies as directed by the city.

b. Final Binding Site Plan.

i. The number of copies as directed by the city;

ii. Required information as set forth in this chapter and MMC 17.040.050;

iii. Approved plans and documents from the applicable general binding site plan;

iv. A statement indicating that all development on the subject parcel is bound to the binding site plan; and

v. Reference by recording number to the covenants, conditions and restrictions and property owners' association incorporation documents applicable to the property.

4. Scope – Property Allowed to Use the Binding Site Plan Process.

a. The division of property by binding site plan is limited to the following:

i. Divisions of land into lots with a zoning classification allowing industrial or commercial uses;

ii. A division for the purpose of lease when no residential structures other than manufactured/mobile homes or travel trailers are permitted to be placed upon the land, provided the site plan complies with all applicable manufactured/mobile home park regulations and the zoning code;

iii. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot which contains insufficient area and dimension to meet the minimum requirements for lot circle and lot area as determined by the underlying zoning classification; and

iv. A division of land subject to Chapters 64.32 and 64.34 RCW as now in effect or hereafter amended so long as the site plan complies with the standards for condominiums under applicable Morton Municipal Code provisions.

b. Concurrent Applications. When an applicant wishes to utilize the binding site plan process, building permits and other permits may be applied for and reviewed consistent with this chapter.

c. Existing Development. Approved condominium developments, approved mobile home parks, approved final planned unit developments and approved building permits for any of the developments identified within this section which have been approved prior to the effective date of the ordinance codified in this chapter shall hereafter qualify as an approved general binding site plan. The division or redivision of land for sale or lease qualifying under this subsection may be achieved through either the specific binding site plan, subdivision or, if four or fewer lots, the short subdivision process.

D. Binding Site Plan Runs with the Land. After a general or specific binding site plan is filed with the auditor of the county in which the land lies, all persons, parties, their successors, heirs or assigns who own, have, or will have by virtue of purchase, inheritance or assignment, any interest in the real property of the subject site or portions thereof, shall be bound by the conditions and inscriptions attending the general/specific binding site plan.

5. Procedure – General Binding Site Plan.

a. The general binding site plan shall be considered by the appropriate decision body as provided for within this title.

b. Criteria for Review. The general binding site plan shall be reviewed for consistency with the Morton comprehensive plan and with the applicable development regulations in the Morton Municipal Code.

6. Procedure – Final Binding Site Plan.

a. Filing – Final Binding Site Plan. A final binding site plan shall be filed with the department of community development at such time as the property owner(s) intends to sell or lease a portion of property as approved in a general binding site plan.

b. Limitations. The final binding site plan shall not be used to modify the provisions of the approved general binding site plan, building permit, final occupancy permit, or associated planned unit development other than to divide lots for sale or lease within areas designated for lot development in the general binding site plan.

c. Review Procedures – Final Binding Site Plan. The final binding site plan shall be reviewed for compliance with the conditions of the general binding site plan, building permit, applicable planned unit development conditions and all other applicable regulations in effect at the time of application.

d. Approval and Recording. Upon determination of consistency, the final binding site plan shall be signed by the community development director and the public works director and filed with the county auditor of the county in which the property is located.

7. Special Provisions Applicable to Condominium Developments Subject to Chapter 64.32 or 64.34 RCW. The following additional conditions shall be required:

a. The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest;

b. The city has approved a general binding site plan pursuant to this chapter and MMC 17.12A.300 for the subject property;

c. All necessary documents are recorded with the county in which such land is located; and

d. The binding site plan contains the following statement on the face of the binding site plan:

All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein. [RCW 58.17.040(7)(e)]

e. The general binding site plan for a condominium development shall be deemed approved if the subject property has received final approval of a preliminary subdivision, planned unit development, a building permit, or a final certificate of occupancy has been issued.

8. Modifications.

a. Binding Site Plan Modifications. Modifications to a binding site plan shall be processed in the same manner as the original binding site plan.

b. Information Waiver. The mayor or appointee may waive the submittal of required information for general and final binding site plans if the information is either recorded or recorded by reference with the auditor and is available in the city's file(s).

c. The city may rescind all or a portion of a general or final binding site plan upon the request of the owner or owners of a legal lot or lots subject to a recorded binding site plan; provided, that any portion of a binding site plan which is rescinded shall be considered to be one lot unless divided by an approved subdivision or short division.

d. Signatures of the owners of those portions of a binding site plan which are not proposed to be altered by an amendment or rescission are not required on the amended binding site plan or application for rescission.

X. Rezones, zoning regulations and comprehensive plan amendments.

1. Purpose. The comprehensive plan is a document which guides the nature and intensity of the development in the city. An amendment to the plan is a mechanism by which the city may modify its land use, development or growth policies in order to respond to changing circumstances or needs of the city. Therefore, the purpose of this section is to provide guidance as to how the comprehensive plan of the city of Morton will be updated and amended over time. Amendments to the plan may involve changes in the written text or in the map designation adopted as part of the plan, or to supporting documents, including capital facilities plans. This section states the specific procedures and review criteria necessary to process comprehensive plan amendments. Plan amendments will be reviewed in

accordance with the state Growth Management Act (GMA), the countywide planning policies, applicable capital facility plans, other pertinent city plans, official population growth forecasts and key growth indicators.

Additionally, many rezone requests and changes to the zoning regulations require an underlying change to the comprehensive plan. As such they should be processed together whenever possible. If there are no necessary changes to the comprehensive plan required to affect the requested rezone or zoning regulations, the application shall be processed as a Type 4 review.

2. Who May Initiate.

a. The city council or the planning commission may initiate consideration of an amendment to the comprehensive plan. An affirmative vote of not less than a majority of the total members of the council is required to initiate consideration of an amendment.

b. A resident or a property owner may apply for an amendment to the comprehensive plan in conformance with this section.

3. Time to Initiate.

a. Subject to this subsection and subsection (D) of this section, the city council or the planning commission may initiate consideration of an amendment to the comprehensive plan at any time. A new element may be added to the comprehensive plan at any time.

b. Subject to this subsection and subsection (D) of this section, a resident or property owner may apply for an amendment to the comprehensive plan between January 1st and March 1st. At any other time during the year, a resident or property owner may request that the planning commission or city council initiate consideration of an amendment to the comprehensive plan.

c. An amendment to the comprehensive plan may not be initiated by the planning commission or by a private party unless at least two years have elapsed since the adoption or review and reaffirmation of the element or subarea plan affected by the proposed amendment. In addition, at least three years must elapse between amendments to the land use designation of a property. These time limits do not apply if the applicant proves that there exists obvious technical error justifying the need for the amendment.

d. The planning commission may defer review of a proposed amendment if review of the affected subarea is scheduled or reasonably likely to occur within the calendar year the proposed amendment was requested.

4. Applicable Procedure.

a. General. Subject to subsection (2) of this section, the city will process an amendment to the comprehensive plan using the planning commission as an advisory body and the appropriate city staff to perform analysis of the application.

b. Notice of Receipt of Private Application. In addition to notice required under this chapter, the city shall provide the following public notice:

i. Content. The city shall prepare notice of the receipt of a private application for a comprehensive plan amendment containing the following:

A. The name of the applicant and, if applicable, the project name; and

B. If the application involves specific property, the street address or tax account number used by the Lewis County assessor's office, and a description in nonlegal terms sufficient to identify its location; and

C. If the application involves specific property, a vicinity map indicating the location of the subject property; and

D. The citation of MMC 17.04.050(J) Completeness Review, 17.04.050(K) Public Hearing, and 17.04.050(S) Appeal outlining the decision process; and

E. A brief description of the action, permit or approval requested in the application; and

F. A description of the upcoming geographic scope and public hearing process.

ii. Time of Notice. The city shall provide notice of the receipt of a private application for a comprehensive plan amendment within 30 calendar days of receipt of that application.

iii. Means of Notice. The city shall provide notice of the receipt of a private application for a comprehensive plan amendment by:

A. Publishing notice of receipt in a local newspaper; and

B. Posting notice of the receipt of the application at each official posting place; and

C. If the application involves specific property rather than an area-wide change, then the city must mail notice of the receipt of the application to each property owner within 200 feet or who has requested such notice in writing for the calendar year and who has paid the fee established by the applicable city department.

5. Determination of Geographic Scope of Proposal. Prior to providing public notice, the city shall establish the geographic scope of the proposed amendment.

6. Expansion of the Geographic Scope of the Proposal.

a. In order to allow for consideration of nearby property, similarly situated property or area-wide impacts, the city council or the planning commission may expand the geographic scope of a private initiated amendment.

b. The city shall consider the following in deciding whether to expand the scope of the proposed amendment:

i. The effect of the proposed amendment on the adjoining areas of the city; and

ii. The effect of the proposed amendment on the land use and circulation pattern of the city or subarea; and

iii. The effect of the proposed amendment on the future development of the city or subarea.

c. Notice. Within 30 calendar days of establishing the geographic scope of the proposal, the city shall provide notice of the proposed comprehensive plan amendment describing its geographic scope by:

i. Giving notice as described in MMC 17.04.050(K); and

ii. Mailing notice of the proposed comprehensive plan amendment to each owner of real property within 300 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership.

7. Overall Method of Review. Proposed plan amendments that are submitted for review shall be subject to the applicable criteria of this chapter. The review shall be processed as outlined in this title. Applications for plan map amendments are generally processed in conjunction with concurrent rezone requests. Zoning map amendments must be to a zone corresponding to the requested comprehensive plan map designations. Concurrent zoning map

amendments must meet all the approval criteria of this chapter and zone changes consistent with the comprehensive plan map shall be considered subject to the approval criteria for rezones.

8. Application. The criteria and requirements of this chapter shall apply to all applications or proposals for changes to the comprehensive plan text, policies, map designations, zoning map or supporting documents. For the purposes of establishing review procedures, criteria and timelines, amendments shall be distinguished as follows:

a. Comprehensive plan map changes involving urban growth area (UGA) boundary changes;

b. Comprehensive plan map changes not involving changes to UGA boundaries;

c. Comprehensive plan policy or text changes;

d. Changes to other plan documents (such as capital facilities);

e. Out-of-cycle amendments limited to the following:

i. Emergency;

iii. Initial adoption of a subarea plan;

iv. Adoption or amendment to a shoreline master program;

d. To resolve an appeal of the comprehensive plan filed with the Growth Management Hearings Board or from a court of competent jurisdiction.

9. Plan Map Changes – Procedure.

a. Application for all plan amendments shall be considered legislative actions, subject to the application review procedures outlined in this title.

b. Site-specific plan map amendments requested by private parties shall be considered legislative actions, subject to the application review procedures outlined in this title.

10. Submittal Requirements.

a. The city shall specify the submittal requirements, including type, detail and number of copies, for a comprehensive plan amendment application to be deemed complete and accepted for filing.

b. The city may waive specific submittal requirements determined to be unnecessary for review of application.

11. Decision Criteria. The planning commission may recommend, and the city council may approve with modifications, an amendment to the plan if:

a. There exists an obvious technical error in the pertinent comprehensive plan provision; or

b. The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications; and

c. The amendment bears a substantial relation to public health, safety and welfare; and

d. The amendment addresses changing circumstances or the needs of the city as a whole; and

e. The amendment is compatible with the provisions of the comprehensive plan or other goals and policies of the city; and

f. If applicable to an identified property, the amendment is compatible with adjacent land use and surrounding neighborhoods; and

g. The amendment will not result in development which will adversely impact community facilities, including, but not limited to, utilities, transportation, parks or schools.

12. Comprehensive Plan Review – General Goals and Policies. The planning commission shall review and consider plan amendments to the goals and policies regularly at five-year intervals.

13. Cumulative Impact. In reviewing all prospective comprehensive plan changes, the city of Morton shall analyze and assess the following to the extent possible:

a. The cumulative impacts of all plan map changes on the overall adopted plan, plan map and relevant implementing measures, and adopted environmental policies;

b. The cumulative land use environmental impacts of all applications on the applicable local geographic area and adopted capital facilities plan;

c. Where any adverse impacts are identified, the city may require mitigation. Conditions which assure that identified impacts are adequately mitigated may be proposed by the applicant, and if determined to be adequate, imposed by the city as part of the approval action.

14. Public Hearing.

a. Any person may participate in the public hearing on the rezone application by:

i. Submitting written comments on the application to the city prior to the public hearing; or

ii. Submitting written comments or making oral comments to the planning commission at the public hearing.

b. The city shall transmit all written comments received prior to the public hearing to the planning commission no later than the date of that hearing.

c. The planning commission shall make an electronic sound recording of the hearing on the application and provide written minutes of that hearing.

15. Planning Commission Recommendation.

a. After the public hearing and any necessary public study sessions on the application, the planning commission shall either recommend approval, approval with modifications or denial of the application. The planning commission's recommendation shall be based on the criteria included in subsection (11) of this section.

b. The planning commission may recommend approval or approval with modifications only if the application or the application as modified complies with the applicable criteria of this chapter. In all other cases, the planning commission shall recommend denial of the application.

c. A vote to recommend approval or approval with modifications must be by a majority vote of the planning commission members present and voting. Any other vote constitutes a recommendation of denial of the application.

d. The planning commission's recommendation shall be transmitted to the city council for their action.

16. City Council Action.

a. Within 60 days of receipt of the recommendation from the planning commission, the city council shall consider the application at a public meeting. The following elements are to be considered in deciding upon the application:

i. The application; and

ii. The minutes of any public hearing on the application and any written material submitted in accordance with this chapter; and

iii. The city staff recommendation on the application; and

iv. The recommendation of the planning commission; and

v. The recommendation of any other affected board or commission; and

vi. Any comments on the application received at the public meeting or received by the city council; and

vii. Any other relevant information.

b. The city council shall take one of the following actions:

i. Adopt an ordinance or resolution approving the proposal; or

ii. Adopt an ordinance or resolution approving the proposal with modifications; or

iii. Adopt a motion denying the proposal; or

iv. Refer the proposal back to the planning commission for further proceedings, in which the council shall specify the time within which the planning commission shall report back to the city council with a recommendation on the proposal.

c. The city council shall adopt an ordinance or resolution which approves or approves with modifications the proposal by a majority of the membership of the council. Any other vote on the proposal constitutes a denial of the application.

d. The decision of the city council is the final decision of the city subject to the decision being appealed to superior court.

e. The applicant may commence activity or obtain other required approvals or permits seven calendar days following the effective date of the ordinance or resolution. Activity commenced prior to the expiration date of the full appeal period provided in this chapter is at the sole risk of the applicant.

17. Appeal of City Council Action to Superior Court. Any person adversely affected by the decision may appeal the decision of the city council. A person filing an appeal must make application to the superior court for a writ of certiorari, writ of prohibition or writ of mandamus. The decision of the city council must be appealed to superior court no more than 20 calendar days following the effective date of the city council decision on the application or is thereafter barred.

18. Fees. Application fees for all plan amendments and zone changes shall be considered as follows:

a. Fees for plan amendments and zone changes shall be noted in the city's fees and other charges resolution.

b. If multiple similar applications are received in the same review period, the fees set in the city's fees and other charges resolution may be adjusted downward to reflect actual cost.

Y. Violations.

1. Failure of any person to comply with the procedural requirements of this chapter, or with any applicable provision identified herein, or with any condition or requirement of any development permit, license or approval, shall constitute a public nuisance, and shall be abated as provided in MMC 17.04.120 Violations - Penalty.

2. Nothing herein shall preclude the city from initiating any other authorized action to correct any violation of this chapter, including, but not limited to, action authorized under the adopted uniform codes, and/or issuance of criminal citations.

17.04.060 Review standard.

Each application shall be reviewed according to the standards within this title. Applications requiring a change of this title shall be reviewed for consistency with the city comprehensive plan.

(Ord. 523 § 1 (part) Exh. A § 1.060, 1998)

17.04.070 Application fees.

- A. Application fees as set by this title may be amended by the city council after public hearing based upon a finding that the estimated time and expense for processing by city staff and or necessary consultants requires additional compensation for city services.
- B. The following base fees shall be paid upon the filing of an application and such fees shall not be refundable for any reason. Until all application fees have been paid in full, no action shall be taken on the application.

1. Amendments and rezones	\$500.00
2. Temporary permits, variances, conditional and secondary uses, and critical area review.	\$200.00

For large projects and for projects requiring third party or consultant review, additional per-hour project review fees may be negotiated between the applicant and the city. Note that subdivision fees are listed separately in the city's subdivision ordinance.

(Ord. 523 § 1 (part) Exh. A § 1.070, 1998)

(Ord. No. 05-6, § 3 (1.080), 12-27-05)

17.04.080 Unauthorized use or placement.

Any use or activity that is not consistent with this title or any amendment thereto or failure to comply with any of its requirements shall constitute a misdemeanor and such violation shall be punished as provided by the statutes of the state of Washington for the commission of a misdemeanor. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect builder contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing here contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 523 § 1 (part) Exh. A § 1.080, 1998)

17.04.090 Appeals.

Any affected citizen may appeal to the city council from any orders, recommendations, permits, decisions, rulings or determinations made by city officials in the administration or enforcement of provisions of the uniform building code or the city development regulations or any ordinance adopted pursuant thereto, which are adverse to his or her interest, by filing with the city clerk, within ten days from such ruling or date of action, a written notice of appeal. Thereupon the city clerk, shall forthwith transmit to the city council all papers constituting a record upon which the action appealed from was taken; in addition thereto, the council may, at its hearing, receive such additional evidence as it deems relevant. Upon hearing, the council shall have the power to overrule or alter the ruling of any city official, or to refer any matter back to the city official for study or reconsideration. The action of the city council shall be final and binding unless appealed pursuant to the provisions of RCW 35A.63.110.

(Ord. 523 § 1 (part) Exh. A § 1.090, 1998)

17.04.100 Temporary uses.

Notwithstanding the limitations of use as established by this title in each of the several districts, the planning commission may authorize temporary uses, which because of their unique character and temporary nature, are deemed to be suitable and proper temporary uses of land or structure, as a condition of issuance, the planning commission may attach any conditions it deems necessary for the protection and preservation of the property rights and values of adjacent properties. Such authorization shall be issued for a specific period of time not to exceed one year. Authorization may be reviewable after reapplication on review by the planning commission at least sixty (60) days prior to expirations, provided that such renewals shall not be granted to establish a de facto permanent use in lieu of a rezoning process. Such authorization shall be granted for structures or uses which are of a temporary nature such as:

- A. Storage of equipment during the building of roads, developments or logging operations;
- B. Real estate office used for the sale of lots or housing in a subdivision;
- C. Contractors job sheds used in conjunction with the building of a structure, road, etc.;
- D. Other similar uses when approved by the planning commission.

Temporary uses will not be approved if the city determines that the use will cause excessive noise, glare, dust, or odor, or otherwise adversely affect the health and safety of neighbors. Temporary uses must comply with all setbacks and buffers under the critical areas regulations under Section 17.32.040 of this title.

(Ord. 523 § 1 (part) Exh. A § 1.105, 1998)

(Ord. No. 05-6, § 3 (1.115), 12-27-05)

17.04.110 Liability.

The granting or approval of any structure or use shall not constitute a representation, guarantee or warranty of any kind or nature by the city or any official or employee thereof on the practicality or safety of any structure or use proposed and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result therefrom.

(Ord. 523 § 1 (part) Exh. A § 1.110, 1998)

17.04.120 Violation—Penalty.

Any person convicted of a misdemeanor under this title shall be punished by a fine of not more than one thousand dollars (\$1,000.00).

(Ord. 523 § 1 (part) Exh. A § 1.100, 1998)

17.04.435 Short-term or vacation rental).

Short-term or vacation rental means the rental of a dwelling, a portion thereof, or an accessory dwelling unit used for the purpose of providing lodging for periods of less than thirty (30) days.

(Ord. No. 2021-05 , § 2, 6-28-2021)

Chapter 17.08 DEFINITIONS

Sections:

17.08.010 Definition of words and phrases.

For the purpose of this title certain terms and words are defined in this section. When not inconsistent with the context, words used in the present tense include the future; the singular tense includes the plural, and the plural the singular; the word "shall" is always mandatory and the word "may" denotes a use of discretion in making a decision; the word "used" unless the context otherwise requires, shall be considered as though followed by the words, "or occupied," "or intended," "or arranged," and "or designed to be used."

"Accessory dwelling" is 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. Accessory dwellings shall be limited to eight hundred fifty (850) square feet in floor area and, for the purposes of calculating residential density, shall not count as a dwelling unit. There shall not be more than one accessory dwelling located on a lot in addition to the single-family dwelling.

"Adult family home" means the regular family abode of a person or persons who are providing personal care, room and board to more than one but not more than four adults with functional disabilities 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

"Agriculture" means the tilling of the soil, the raising of crops, horticulture, floriculture, small livestock farming, dairying, and animal husbandry, including all uses customarily incidental thereto, but not including hog farm, slaughterhouse, fertilizer works, bone yard, plant for the reduction of animal matter, or any other secondary processing of agricultural products.

"Alley" means a passage or way, open to public travel and dedicated to public use, affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

"Automobile wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. This definition includes auto salvage operations and junk yards.

"Building" means any structure having a roof supported by columns or by walls, and intended for the shelter, housing or enclosure of people, animals or chattels.

Building, Accessory. "Accessory building" means a detached subordinate building, the use of which is incidental to that of a main building on the same lots, and which does not change or alter the character of the premises.

"Building height" means the vertical distance from average contact ground level, after grading, at the front wall of the building to the highest point of the building: provided, however, the height of a building on a sloping lot with a daylight basement shall be calculated in accordance with Section 17.44.060.

Building, Main. "Main building" means a building in which is conducted the principal use of the lot on which it is situated. In any residential district, a dwelling shall be deemed to be the main building on the lot on which it is situated.

"Carport" means a covered space for the housing of one or more motor vehicles and enclosed on no more than two sides by walls, screens, cabinets, or other types of enclosures.

"Child day care center" means a facility providing regularly scheduled care for a group of thirteen (13) or more children, within a one-month of age through twelve (12) years of age range exclusively, for periods less than twenty-four (24) hours, as licensed and regulated by the Department of Social and Health Services under WAC 388-155.

"Clinic" means a building or portion of a building containing offices for providing medical, dental, psychiatric or chiropractic service for outpatients only.

"Commission" means the city of Morton planning commission.

"Development coverage" means the amount or percentage of ground area covered by impervious surfaces (i.e., surfaces which do not absorb moisture, specifically rainwater). Therefore, impervious surfaces include rooftops and all paved surfaces such as parking areas, roads, driveways, walkways and the like. Use of pervious pavement does not count toward development coverage.

Dwelling, Multiple-Family. "Multiple-family dwelling" means a detached building designed for or containing three or more independent dwelling units.

Dwelling, Single-Family. "Single-family dwelling" means a detached building designed for or containing one dwelling unit.

Dwelling, Two-Family. "Two-family dwelling" means a detached building designed for or containing two independent dwelling units.

"Dwelling unit" means a building, or portion of a building, which provides complete housekeeping facilities for one family.

"Essential public facility" means a facility, conveyance, or site whose services are provided by a governmental agency, a private or nonprofit organization under contract to or with substantial funding from government agencies, or a private organization subject to public service obligations, which is necessary to adequately provide a public service and which is typically hard to site.

"Family" means one or more persons living as a single nonprofit housekeeping unit.

"Family child care home" means a facility in the family residence of the licensee providing regularly scheduled care for twelve (12) or fewer children including the children who reside at the home, within a birth through eleven (11) years-of-age range exclusively for periods less than twenty-four (24) hours, as licensed and regulated by the Department of Social and Health Services under WAC 388-155.

"Family day-care provider" means a child day-care provider who regularly provides child day care for not more than twelve (12) children in the provider's home in the family living quarters;

"Gross floor area" means the sum of the areas of all floors included within the surrounding walls of a building or portion thereof, exclusive of vents, shafts and courts.

"Hazardous waste" means and includes all dangerous and extremely hazardous waste as defined in RCW Chapter 70.105.

"Hazardous waste treatment and storage facility" means a location at which hazardous waste is treated and/or stored.

"Home occupation" means any use customarily conducted in a home environment and entirely within a dwelling unit, which use is clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and does not change the character thereof.

"Junkyard" means the use of a lot, or a portion of any lot, for the storage, keeping, or abandonment of junk, including scrap metals or other scrap material, or the use of any area for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. This definition shall not be deemed to include uses conducted entirely within an enclosed building, or the outdoor display and sale of used automobiles in operable condition.

"Lot" means one or more parcels of land occupied or to be occupied by a use or building or group of buildings and accessory buildings, together with such open spaces as are required under the provisions of this title and having not less than the minimum area required by this title in the district in which such land is situated. "Lot" as defined herein is not necessarily the same as a platted lot.

Lot, Corner. "Corner lot" means a lot bounded on two sides by intersecting street lines, provided that the interior angle of intersection or interception of the street lines does not exceed one hundred thirty-five (135) degrees.

"Lot depth" means the horizontal distance between the midpoints of the front lot line and the rear lot line. For lots with front lot lines containing curves or angles, the measurements shall be taken from a line parallel to and midway between a base line joining the front corners of the lot and a line drawn parallel to the base line tangent to the curve.

Lot, Interior. "Interior lot" means a lot other than a corner lot.

Lot Line, Front. In the case of an interior lot, "front lot line" means the line separating the lot from the street right-of-way; in the case of a corner lot, "front lot line" means the line separating the narrowest street frontage of the lot from the street right-of-way, or, where a corner lot has two or more street frontages of equal length or nearly equal length, the front lot line shall be considered to be the line adjoining the street which is intended or likely to carry the heaviest traffic flow.

Lot Line, Rear. "Rear lot line" means the lot boundary line which is generally opposite the front lot line. If the lot comes to a point at the rear, that point shall be deemed to be the rear lot line. In the case of a through lot, there will not be a rear lot line.

Lot Line, Side. "Side lot line" means any lot boundary line which is not a front line or a rear lot line.

Lot, Through. "Through lot" means a lot, other than a corner lot, having frontage on more than one street.

"Lot width" means the distance between side lot lines measured at a point twenty-five (25) feet from the front lot line on each side lot line.

"Manufactured home" means a designated manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which: (a) Is comprised of at least two fully enclosed parallel sections each of not less than twelve (12) feet wide by thirty-six (36) 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 nominal 3:12 pitch; and has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences.

1. Designed for long-term occupancy, containing complete sleeping accommodations and toilet facilities, with plumbing and electrical connections provided;
2. Designed to be transported after fabrication on its own wheels, or on a flat bed or other trailer, or on detachable wheels;
3. Built to arrive at the site where it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location of foundation supports and integration into a prepared structure.

"Off-site hazardous waste treatment or storage facility" means facilities that treat and store hazardous waste from generators on properties other than that on which the facility is located.

"On-site hazardous waste treatment or storage facility" means a facility that stores or treats hazardous wastes generated on the same, geographically contiguous or bordering properties.

"Outdoor advertising sign" means a lettered, figured or pictorial matter or other sign of any kind or character whatsoever, made visible for outdoor advertising purposes.

Parking Space, Off-Street. "Off-street parking space" means space within a public or private parking area, or within a building used for the parking or storage of motor vehicles.

"Residential care facility" means a facility that cares for at least five, but not more than fifteen (15) functionally disabled persons, that is not licensed pursuant to Chapter 70.128 RCW.

"Sign" means any structure, or device, or portion thereof, identifying the premises, the occupant of the premises, or relating to goods or services manufactured produced, or available on the premises.

"Special needs housing" includes group homes, adult care facilities as well as but not limited to housing for those with developmental and other types of disabilities.

"State siting criteria" means the criteria developed by the Washington State Department of Ecology under the authority of RCW 70.105.210 for the siting of hazardous waste management facilities.

"Storage" means the holding of materials for a temporary period. Accumulation of hazardous waste by an on-site generator is not storage as long as the generator complies with the applicable requirements of WAC 173.200 and WAC 173.201.

"Street" means a public right-of-way which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley.

"Street line" means the boundary line separating a lot from a street.

"Structure" means anything constructed or erected which requires location on the ground or attachment to something having location on the ground.

"Trailer" means any structure or vehicle used or designated to be used for permanent occupancy for living or sleeping purposes and placed on or so constructed as to be capable of being placed on wheels or other running gear so that it may be readily moved from place to place, and includes "house trailer," "trailer coach," "recreational vehicle" and similar terms. This definition does not include mobilehomes as hereinafter defined.

"Trailer park" means an area of land used or designed to be used for the occupancy of trailers, in conformance with Section 17.36.050.

"Treatment" means the physical, chemical or biological processing of hazardous waste to make such waste nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery,

amenable for storage, or reduced in volume. A hazardous waste treatment facility requires a state dangerous waste permit under the provision of Chapter 173.303, Washington Administrative Code.

"Variance" means a modification of the regulation of this title after finding that the literal application of the provisions of this title would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific building, structure or parcel of land.

Yard, Front. "Front yard" means a yard extending the full width of a lot, and measured as to depth at the least horizontal distance between the front lot line and the exterior wall of building on the lot.

Yard, Rear. "Rear yard" means a yard which extends the full width of a lot, and measured as to depth at the least horizontal distance between the rear lot line and the exterior wall of the main building or structure on the lot.

Yard, Side. "Side yard" means a yard which extends from the front lot line to the rear lot line, and measured as to width at the least horizontal distance between a side lot line and the exterior wall of a main building or structure on the lot.

(Ord. 523 § 1 (part) Exh. A § 15, 1998)

(Ord. No. 05-6, § 3 (15), 12-27-05)

Chapter 17.12 ZONING DISTRICTS DESIGNATED

Sections:

17.12.010 Official district map.

There is created as part of this title an official district map referred to in this section as "map." The map shall show as graphically as possible the districts into which the city has been divided. The map shall be on file in the office of the city clerk and there shall be only one official copy. Attached to the map as addenda shall be the exact legal description by lot and block of each and every district within the corporate boundary of the city. If, in accordance with this section and RCW 35A.63, changes are made in boundaries or other matters portrayed on the map, or if changes are made in the district regulation, such changes shall be entered promptly on the map together with the addenda, after the amendment has been approved by the city council. The map shall bear the signature of the mayor attested by the city clerk. Such attestation shall identify the map as an integral and essential part of this title.

(Ord. 523 § 1 (part) Exh. A § 2.010, 1998)

17.12.020 Zoning districts.

A. The city is divided into zoning districts, referred in this title as districts. These districts are consistent with the land use designations under the city of Morton comprehensive plan. Such districts shall be shown on the map and the intent of each district and limitations and requirements of use of land therein shall be shown. No structure or land shall hereafter be used or occupied and no building shall be reconstructed, moved or structurally altered except in conformity with all the regulations set forth in this title.

B. For the purposes of this title, the city is divided and classified into the following regular districts:

1. ~~R-1, single family residential;~~

1. RSF, residential single family

2. RMD, residential medium density

3. RMF, residential multifamily

~~2. R-M, multiple residential;~~

43. C-1, commercial;

54. I-1, industrial.

(Ord. 523 § 1 (part) Exh. A § 2.020, 1998)

(Ord. No. 05-6, § 3 (2.020), 12-27-05)

17.12.030 Special zoning districts.

Each parcel of land in the city shall be covered by one of the preceding zoning districts. In addition, where consistent with the intent of the districts as expressed in this title, land may be classified as a special district. Special districts must overlay a regular district and all uses and structures in a special district shall conform to the regulation of both the special and regular district, except where regulations of the regular district are specifically modified by the special district. Special districts are:

- A. AD, aviation district;
- B. CR, critical areas;
- C. CS, community service;
- D. FP, floodplain;
- E. PUD, planned unit development.

(Ord. 523 § 1 (part) Exh. A § 2.030, 1998)

(Ord. No. 05-6, § 3 (2.030), 12-27-05)

17.12.040 Interpretation of district boundaries.

Where there exists an uncertainty as to the boundaries of districts as shown on the map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways or alleys, shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as following shorelines of creeks, rivers or wetlands areas shall be construed to follow such shorelines and in the event of change in a shoreline shall be constructed as moving with the actual shoreline. Boundaries indicated as approximately following the center lines of streams, rivers, canals or other bodies of water shall be constructed to follow such center lines;
- D. Boundaries indicated as following a defined characteristic such as a topographic line such as steep slopes over thirty (30) percent slope or wetland characteristic shall be construed as occurring where identified and in the event of change the boundary shall be construed as moving with the actual characteristic so defined;
- E. Boundaries indicated as parallel to or extensions of features indicated in subsections A through D of this section shall be so construed;

- F. Where physical or cultural features existing on the ground are at variance with those shown on the addenda to the map, or in other circumstances not covered by subsections A through E of this section the city clerk shall interpret the district boundaries.

(Ord. 523 § 1 (part) Exh. A § 2.040, 1998)

17.12.050 Purpose of residential use districts.

Two residential zone classification are established, permitting a variety of housing and population densities without conflict. Protection is provided against hazards, objectionable influences, traffic and building congestion, and lack of light, air and privacy. Certain essential and compatible public service installation are permitted in residential use districts.

(Ord. 523 § 1 (part) Exh. A § 3.010, 1998)

17.12.060 Amendments

to the zoning map or zoning regulations.

There are two types of zoning map amendments: legislative and quasi-judicial.

- A. Legislative amendments affect a relatively large area of property or city-owned property, and may only be initiated by the city.
- B. Quasi-judicial amendments affect one or few properties and may be initiated by the property owners by making application to the city. Zoning change applications must include, at a minimum, a site map of the subject property, aerial photo (obtainable from Lewis County), indication of existing critical area and buffers on or immediately adjacent to the site, parcel number, property address, owner contact information, a description of the existing zoning designation and proposed zoning designation, and rationale for the change that reference the city of Morton comprehensive plan. An environmental checklist must accompany the application for required review under the Washington State Environmental Policy Act (SEPA).
- C. Amendments to the zoning map or zoning regulations must be consistent with the city of Morton comprehensive plan and the plan amendment process required by the Growth Management Act. This process includes:
 - 1. Adequate Public Notice. Public notice of a proposed zoning change shall be published in the newspaper of record at least ten (10) days prior to a public hearing, and mailed to property owners located within three hundred (300) feet of the proposed rezone parcel.
 - 2. At least one public hearing must be held.
 - 3. Notification of the proposed zoning change must be sent to state agencies reviewing such changes (a list is maintained by the community, trade, and economic development department) at least sixty (60) days prior to adoption of the change, unless the city requests expedited review from CTED.
 - 4. Final adoption notice must also be published in the newspaper of record and sent to state agencies noted in subsection (C)(3) of this section within ten (10) days after adoption.

(Ord. No. 05-6, § 3 (2.050), 12-27-05)

Chapter 17.16 ~~R-1 SINGLE-FAMILY~~RSF RESIDENTIAL DISTRICT

Sections:

17.16.010 Purpose.

The ~~R-1 district~~RSF district is a residential zone classification requiring a low density of population and providing protection from hazards, objectionable influences, traffic and building congestion, undue strain on municipal services, and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this districts.

(Ord. 523 § 1 (part) Exh. A § 3.020, 1998)

17.16.020 Permitted uses.

The following uses are permitted in the R-1 district:

- A. Single-family dwellings and their customary uses including single-family special needs housing and single-family government housing;
- B. Churches, community clubhouses, noncommercial art galleries, libraries, museums, schools, parks and other public facilities;
- C. Designated manufactured homes, as defined in Section 17.08.010, and with a manufacture date of not more than five years prior to the date of installation. The manufactured home must be installed upon a concrete or masonry foundation in accordance with the building code adopted by the city. A manufactured home shall bear the insignia of approval by the state of Washington or U.S. Department of Housing and Urban Development. Prior to occupancy, the manufactured home must be inspected by a city or county building inspector to meet all applicable building code and health and safety requirements and use a design and materials consistent with stick built home construction;
- D. Family day care homes, as defined in RCW 74.15.020 and meeting Washington State licensing requirements and all building and fire code requirements, and subject to the conditions set forth in the performance standards of this title;
- E. Adult family homes, as defined in RCW 70.128.175, meeting Washington state licensing requirements and all building and fire code requirements;
- F. No more than two (2) aAccessory dwelling units, subject to the following standards:
 - 1. The accessory dwelling unit, defined in Section 17.08.010, shall not exceed eight hundred fifty (850) square feet.
 - 2. Entrance to the accessory dwelling unit shall be hidden from the street fronting the primary residence.
- G. Short-term rentals pursuant to Chapter 5.20 provided that no more than one short-term rental shall be allowed on a single parcel. Where a single parcel of property contains a combination of any of the following: Single-family dwelling, guest room, guest house; only one shall be eligible to function as a short-term vacation rental.

(Ord. 523 § 1 (part) Exh. A § 3.030, 1998)

(Ord. No. 05-6, § 3 (3.030), 12-27-05; Ord. No. 2021-05 , § 3, 6-28-2021)

17.16.030 Secondary uses.

The following uses are permitted in an ~~R-1~~**RSF** district subject to a review by the planning commission at a public meeting and the attachment of conditions to insure compatibility.

- A. Playgrounds developed in conjunction with a school, park, or community clubhouse;
- B. Home occupation, subject to the condition set forth in the performance standards of this title;
- C. Rooms may be rented to not more than four persons in addition to the family occupying the single-family dwelling, provided there is compliance with all applicable ordinances of the city;
- D. Reserved;
- E. Agriculture;
- F. Cemeteries, provided sight obscuring fence or hedge is provided along all property lines other than street lines;
- G. Golf courses and country clubs, provided night lighting is directed away from all adjoining residential areas.
- H. Child care centers (see Section 17.08.010).
- I. Residential care facilities, as defined in RCW 70.128.175, meeting Washington state licensing requirements and all building and fire code requirements.
- J. Short-term rentals as defined by 17.04.435 and that meet the provisions of Chapter 5.20.

(Ord. 523 § 1 (part) Exh. A § 3.040, 1998)

(Ord. No. 05-6, § 3 (3.040), 2-25-08; Ord. No. 07-1 § 1, 8-27-07; Ord. No. 2021-05 , § 4, 6-28-2021)

17.16.040 Prohibited uses.

The following uses and any other use not expressly permitted are prohibited in an R-1 district:

- A. Trailer used for dwelling purposes;
- B. Commercial and industrial uses other than home occupations where authorized by this title.
- C. Mobile or manufactured homes not meeting the definition of Section 17.08.010. For existing mobile or manufactured homes not meeting this definition, the nonconforming use regulations of Chapter 17.56 apply.

(Ord. 523 § 1 (part) Exh. A § 3.050, 1998)

(Ord. No. 05-6, § 3 (3.060), 12-27-05)

17.16.050 Minimum requirements—Density and lot area.

The minimum density lot area, lot dimensions and yard requirements in the R-1 district are as follows:

- A. Minimum density:
 - 1. Residential density is ~~minimum four to maximum seven~~**maximum of two (2)** units per acre, except as described in subsections (A)(2) and (A)(3), of this section, and Section 17.16.060.

2. A permit to construct any single-family dwelling on a lot of record that is greater than one acre in size shall be contingent on the submission of a conversion plan that demonstrates that the remainder of the lot may be subsequently subdivided to create sufficient lots to achieve the minimum densities required under subsection (A)(1), of this section.
 3. For undeveloped lots not served by public sewer, new residential development may occur at less than the minimum density, provided that development must be oriented so as not to preclude future subdivision to the minimum required density. A reserve tract where additional development may occur subject to the minimum density of this district must be indicated on the face of the subdivision map or plat. New development may not preclude access to areas of the property with future development potential.
 4. Conversion plans required under subsections (A)(2) and (A)(3) of this section must be reviewed and approved by city staff prior to subdivision or permit approval and be recorded with the county auditor. The purpose of the conversion plan is to ensure that reserve areas can ultimately be developed at the minimum residential densities. However, a conversion plan does not bind future phases of development of the site to anything except the obligation to meet overall density requirements on the total tract.
 5. Accessory dwelling units are not counted toward the calculation of minimum density.
 6. Density may be transferred from critical areas and their buffers to the developable portion of the site.
- B. Minimum lot area:
1. Seven thousand five hundred (7,500) square feet, provided city water and sewer services are available;
 2. Nine thousand six hundred (9,600) square feet provided city water only is available; or
 3. Five acres provided on-site water and septic services only are available.
- C. Minimum lot dimensions: Lot width of seventy-five (75) feet, lot depth of ninety (90) feet. Note that use of both minimum lot dimensions does not equal the minimum lot size such that at least one dimension must be larger to provide the minimum lot size. For odd-shaped lots, the city may permit an adjustment of these dimensions, provided that public health and safety are protected.
- D. Minimum yard requirements:
1. Front yards shall meet at least one of the following standards:
 - a. Each lot shall have a front yard containing a minimum depth of twenty (20) feet from any structure to the front property line; or
 - b. A lot with required parking and garage accessible only from a rear alley may have a front yard of only eight feet; or
 - c. When at least fifty (50) percent of the lots which front a street are improved with structures and when not all such lots have the minimum front yards required by this title, then any new structure shall have a front yard not less than the average front yard of all such lots; provided to calculate the average front yard vacant lots shall be considered as having a twenty (20) foot front yard.
 2. Side yard: each lot shall have two side yards, each having a width of not less than five feet.
 3. Rear yard: twenty-five (25) feet.

(Ord. 523 § 1 (part) Exh. A § 3.060, 1998)

(Ord. No. 05-6, § 3 (3.070), 12-27-05)

17.16.060 Percentage of building and development coverage.

On any lot in an R-1 district, the total footprint of all buildings, including accessory buildings and structures, but excluding patios with open lattice or similar type roof construction, decks, and balconies, shall cover not more than thirty-five (35) percent of the area of such lot. The maximum development coverage, which includes all impervious surfaces, is seventy-five (75) percent.

(Ord. 523 § 1 (part) Exh. A § 3.070, 1998)

(Ord. No. 05-6, § 3 (3.075), 12-27-05)

17.16.070 Maximum height of buildings.

No building in an R-1 district shall exceed thirty-five (35) feet in height. No accessory building or structure shall exceed twenty (20) feet in height.

(Ord. 523 § 1 (part) Exh. A § 3.080, 1998)

17.16.080 Off-street parking.

Off-street parking shall be provided in any R-1 district as set forth in the performance standards of this title.

(Ord. 523 § 1 (part) Exh. A § 3.090, 1998)

Chapter 17.18 RMF MEDIUM DENSITY RESIDENTIAL DISTRICT

Sections:

17.18.010 Purpose.

The RMD district is a residential zone classification requiring a medium density of population and providing protection from hazards, objectionable influences, traffic and building congestion, undue strain on municipal services, and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this districts.

17.16.020 Permitted uses.

The following uses are permitted in the RMD district:

- A. Single-family dwellings and their customary uses including single-family special needs housing and single-family government housing;
- B. Duplexes, triplexes, and four-plexes and their customary uses,
- C. Churches, community clubhouses, noncommercial art galleries, libraries, museums, schools, parks and other public facilities;

- D. Designated manufactured homes, as defined in Section 17.08.010, and with a manufacture date of not more than five years prior to the date of installation. The manufactured home must be installed upon a concrete or masonry foundation in accordance with the building code adopted by the city. A manufactured home shall bear the insignia of approval by the state of Washington or U.S. Department of Housing and Urban Development. Prior to occupancy, the manufactured home must be inspected by a city or county building inspector to meet all applicable building code and health and safety requirements and use a design and materials consistent with stick built home construction;
- E. Family day care homes, as defined in RCW 74.15.020 and meeting Washington State licensing requirements and all building and fire code requirements, and subject to the conditions set forth in the performance standards of this title;
- F. Adult family homes, as defined in RCW 70.128.175, meeting Washington state licensing requirements and all building and fire code requirements;
- G. No more than two (2) accessory dwelling units, subject to the following standards:
 - 1. The accessory dwelling unit, defined in Section 17.08.010, shall not exceed eight hundred fifty (850) square feet.
 - 2. Entrance to the accessory dwelling unit shall be hidden from the street fronting the primary residence.
- H. Short-term rentals pursuant to Chapter 5.20 provided that no more than one short-term rental shall be allowed on a single parcel. Where a single parcel of property contains a combination of any of the following: Single-family dwelling, guest room, guest house; only one shall be eligible to function as a short-term vacation rental.

17.16.030 Secondary uses.

The following uses are permitted in an RMD district subject to a review by the planning commission at a public meeting and the attachment of conditions to insure compatibility.

- A. Playgrounds developed in conjunction with a school, park, or community clubhouse;
- B. Home occupation, subject to the condition set forth in the performance standards of this title;
- C. Rooms may be rented to not more than four persons in addition to the family occupying the single-family dwelling, provided there is compliance with all applicable ordinances of the city;
- D. Reserved;
- E. Agriculture;
- F. Cemeteries, provided sight obscuring fence or hedge is provided along all property lines other than street lines;
- G. Golf courses and country clubs, provided night lighting is directed away from all adjoining residential areas.
- H. Child care centers (see Section 17.08.010).
- I. Residential care facilities, as defined in RCW 70.128.175, meeting Washington state licensing requirements and all building and fire code requirements.
- J. Short-term rentals as defined by 17.04.435 and that meet the provisions of Chapter 5.20.

17.16.040 Prohibited uses.

The following uses and any other use not expressly permitted are prohibited in an R-1 district:

- A. Trailer used for dwelling purposes;
- B. Commercial and industrial uses other than home occupations where authorized by this title.
- C. Mobile or manufactured homes not meeting the definition of Section 17.08.010. For existing mobile or manufactured homes not meeting this definition, the nonconforming use regulations of Chapter 17.56 apply.

17.16.050 Minimum requirements—Density and lot area.

The minimum density lot area, lot dimensions and yard requirements in the R-1 district are as follows:

A. Minimum density:

- 1. Medium residential density is a maximum of five (5) units per acre, except as described in subsections (A)(2) and (A)(3), of this section, and Section 17.18.060.
- 2. A permit to construct any single-family dwelling on a lot of record that is greater than one acre in size shall be contingent on the submission of a conversion plan that demonstrates that the remainder of the lot may be subsequently subdivided to create sufficient lots to achieve the minimum densities required under subsection (A)(1), of this section.
- 3. For undeveloped lots not served by public sewer, new residential development may occur at less than the minimum density, provided that development must be oriented so as not to preclude future subdivision to the minimum required density. A reserve tract where additional development may occur subject to the minimum density of this district must be indicated on the face of the subdivision map or plat. New development may not preclude access to areas of the property with future development potential.
- 4. Conversion plans required under subsections (A)(2) and (A)(3) of this section must be reviewed and approved by city staff prior to subdivision or permit approval and be recorded with the county auditor. The purpose of the conversion plan is to ensure that reserve areas can ultimately be developed at the minimum residential densities. However, a conversion plan does not bind future phases of development of the site to anything except the obligation to meet overall density requirements on the total tract.
- 5. Accessory dwelling units are not counted toward the calculation of minimum density.
- 6. Density may be transferred from critical areas and their buffers to the developable portion of the site.

B. Minimum lot area:

- 1. Seven thousand five hundred (7,500) square feet, provided city water and sewer services are available;
- 2. Nine thousand six hundred (9,600) square feet provided city water only is available; or
- 3. Five acres provided on-site water and septic services only are available.

- C. Minimum lot dimensions: Lot width of seventy-five (75) feet, lot depth of ninety (90) feet. Note that use of both minimum lot dimensions does not equal the minimum lot size such that at least one dimension must be larger to provide the minimum lot size. For odd-shaped lots, the city may permit an adjustment of these dimensions, provided that public health and safety are protected.

D. Minimum yard requirements:

1. Front yards shall meet at least one of the following standards:
 - a. Each lot shall have a front yard containing a minimum depth of twenty (20) feet from any structure to the front property line; or
 - b. A lot with required parking and garage accessible only from a rear alley may have a front yard of only eight feet; or
 - c. When at least fifty (50) percent of the lots which front a street are improved with structures and when not all such lots have the minimum front yards required by this title, then any new structure shall have a front yard not less than the average front yard of all such lots; provided to calculate the average front yard vacant lots shall be considered as having a twenty (20) foot front yard.
2. Side yard: each lot shall have two side yards, each having a width of not less than five feet.
3. Rear yard: twenty-five (25) feet.

17.16.060 Percentage of building and development coverage.

On any lot in an RMD district, the total footprint of all buildings, including accessory buildings and structures, but excluding patios with open lattice or similar type roof construction, decks, and balconies, shall cover not more than thirty-five (35) percent of the area of such lot. The maximum development coverage, which includes all impervious surfaces, is seventy-five (75) percent.

17.16.070 Maximum height of buildings.

No building in an RMD district shall exceed thirty-five (35) feet in height. No accessory building or structure shall exceed twenty (20) feet in height.

17.16.080 Off-street parking.

Off-street parking shall be provided in any R-1 district as set forth in the performance standards of this title.

~~**17.16.080 Off-street parking.**~~

~~Off-street parking shall be provided in any R-1 district as set forth in the performance standards of this title.~~
~~(Ord. 523 § 1 (part) Exh. A § 3.090, 1998)~~

Chapter 17.20 ~~R-M-MULTIPLE~~ RMF MULTIFAMILY RESIDENTIAL DISTRICT

Sections:

17.20.010 Purpose.

The ~~R-MRMF~~ district is a residential zone classification which permits a higher density of population than the ~~R-1RSF and RMD~~ districts. This district provides for the establishment of ~~two-family and multiple-family dwellings~~ a mix in residential dwelling units, single family and multifamily, while insuring a high degree of protection from hazards, objectionable influences, traffic and building congestion, undue strain on municipal services, and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district.

(Ord. 523 § 1 (part) Exh. A § 3.100, 1998)

17.20.020 Permitted uses.

The following uses are permitted in the ~~R-MRMF~~ district:

- A. Single-family, ~~two-family and multiple-family~~ duplexes, triplexes, four-plexes, and multifamily dwellings, special needs housing and government housing and their customary uses;
- B. Churches, community clubhouses, noncommercial art galleries, libraries, museums, schools, parks and other public facilities;
- C. Designated manufactured homes, as defined in Section 17.08.010, and with a manufacture date of not more than five years prior to the date of installation. The manufactured home must be installed upon a concrete or masonry foundation in accordance with the building code adopted by the city. A manufactured home shall bear the insignia of approval by the state of Washington or U.S. Department of Housing and Urban Development. Prior to occupancy, the manufactured home must be inspected by a city or county building inspector to meet all applicable building code and health and safety requirements and use a design and materials consistent with stick built home construction;
- D. Family day care homes, as defined in RCW 74.15.020 and meeting Washington State licensing requirements and all building and fire code requirements, and subject to the conditions set forth in the performance standards of this title;
- E. Adult family homes and residential care facilities, as defined in RCW 70.128.175 and meeting Washington state licensing requirements and all building and fire code requirements;
- F. Short-term rentals pursuant to Chapter 5.20 provided that no more than one short-term rental shall be allowed on a single parcel. Where a single parcel of property contains a combination of any of the following: Single-family dwelling, guest room) guest house; only one shall be eligible to function as a short-term vacation rental.

(Ord. 523 § 1 (part) Exh. A § 3.110, 1998)

(Ord. No. 05-6, § 3 (3.110), 12-27-05; Ord. No. 2021-05 , § 5, 6-28-2021)

17.20.030 Secondary uses.

The following uses are permitted in an ~~R-MRMF~~ district after review by the city planning commission as a public meeting to establish conditions necessary to ensure compatibility as set forth in the performance standards section of this title:

- A. Any secondary use permitted in an ~~R-1RSE~~ district;
- B. Recreational vehicle park, as set forth in the performance standards of this title.

(Ord. 523 § 1 (part) Exh. A § 3.120, 1998)

17.20.035 Conditional uses.

- A. Child care centers;
- B. Essential public facilities, as defined in this title and subject to the siting criteria of the city of Morton comprehensive plan and Section 17.52.070 of this title.

(Ord. No. 05-6, § 3 (3.125), 12-27-05)

17.20.040 Prohibited uses.

The following uses and any other use not expressly permitted are prohibited in an ~~R-M~~RMF district:

- A. Trailer/recreational vehicle used for dwelling purposes, not located within approved trailer/recreational vehicle parks;
- B. Commercial and industrial uses other than home occupations where authorized by this title;
- C. Mobile or manufactured homes not meeting the definition of Section 17.08.010.

(Ord. 523 § 1 (part) Exh. A § 3.130, 1998)

(Ord. No. 05-6, § 3 (3.030), 12-27-05)

17.20.050 Minimum requirements.

The minimum density, lot area, lot dimensions and yard requirements in the ~~R-M~~RMF district are as follows:

- A. Density is ~~minimum five units per acre to a~~ maximum ~~twenty (20)~~ twelve (12) units per acre. Density may be transferred from critical areas and their buffers to the developable portion of the site.
- B. Minimum lot area is as follows:
 - 1. Single-family dwellings, single-family special needs housing and single-family government housing — nine thousand (9,000) square feet.
 - 2. ~~Two-family~~Duplex, triplexes, and four-plex dwellings, two-family special needs housing and two-family government housing — nine thousand (9,000) square feet
 - 3. Multifamily dwellings — ten thousand (10,000) square feet for the first two dwelling units, plus one thousand five hundred (1,500) square feet for each additional dwelling unit in excess of three.
- C. Usable Open Space. For every multifamily development provided under this section, the project must include an area of usable open space for development residents. The minimum size of the area is five percent of the development parcel acreage, or one hundred (100) square feet per housing unit, whichever is less. For purposes of this section, usable open space means an area that:
 - 1. Is not encumbered with any substantial structure or utility easement for distribution lines;
 - 2. Is not devoted to use as a roadway, parking area, or sidewalk;
 - 3. Is properly vegetated and landscaped for the use and enjoyment of the residents, meaning it is maintained in its natural or undisturbed state or is landscaped for trails, ball fields, picnic areas, or similar facilities;
 - 4. Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation;
 - 5. The length of the area shall be no more than twice its width; and
 - 6. The area is legally and practicably accessible to the residents of the development. Critical areas protection pursuant to Section 17.32.040 may be counted toward the project's usable open space requirement if the regulations permit passive recreation within that critical area or buffer.

The developer must provide a plan for maintaining the open space area at the time of the development application. To assure that usable open space is adequately protected, a note shall be placed on the face of the final plat, if platting is required, which specifies that the area has been classified as permanent usable open space.

- D. Minimum Lot Dimensions. Lot width of seventy-five (75) feet, lot depth of one hundred (100) feet.
- E. Minimum yard requirements:
 - 1. Front yards shall meet at least one of the following standards:
 - a. Each lot shall have a front yard containing a minimum depth of twenty-five (25) feet from any structure to the front property line; or
 - b. A lot with its required parking and garage accessible only from a rear alley may have a front yard of only eight feet; or
 - c. When at least fifty (50) percent of the lots which front a street are improved with structures and when not all such lots have the minimum front yards required by city ordinances, then any new structure shall have a front yard not less than the average front yard of all such lots; provided to calculate the average front yard vacant lots shall be considered as having twenty-five (25) foot front yard.
 - 2. Side yard: each lot shall have two side yards, each having a width of not less than twenty (20) feet for one-story structures, and structures over fifteen (15) feet in height shall increase side yard by one foot for each additional one foot of vertical height over fifteen (15) feet.

(Ord. 523 § 1 (part) Exh. A § 3.140, 1998)

(Ord. No. 05-6, § 3 (3.140), 12-27-05)

17.20.060 Percentage of lot coverage.

On any lot in an R-M district, all buildings, including accessory buildings and structures, but excluding patios with open lattice or similar type roof construction, shall cover not more than fifty (50) percent of the area of such lot.

(Ord. 523 § 1 (part) Exh. A § 3.150, 1998)

17.20.070 Maximum height of buildings.

No building in an R-M district shall exceed thirty-five (35) feet in height. No accessory building or structure shall exceed twenty (20) feet in height.

(Ord. 523 § 1 (part) Exh. A § 3.160, 1998)

17.20.080 Off-street parking.

Off-street parking shall be provided in any R-M district as set forth in the performance standards of this title.

(Ord. 523 § 1 (part) Exh. A § 3.170, 1998)

Chapter 17.24 C-1 COMMERCIAL DISTRICT

Sections:

17.24.010 Purpose.

The C-1 district is a business zone classification providing for a wide range of retail and service businesses comparable to the central business district, thereby providing a focal point for the city's commerce. All activities,

except minor merchandise display, shall be conducted within enclosed buildings, except that off-street loading, parking, and servicing incidental to the operation of the business.

(Ord. 523 § 1 (part) Exh. A § 4.010, 1998)

17.24.020 Permitted uses.

The following uses are permitted in any C-1 district:

- A. Retail stores and personal service shops; studios; shops for custom work for the making of custom articles where such manufacture does not produce off-site, noise, odor or chemical waste; micro-breweries; office buildings, banks and government buildings; hotels and motels, bed-and-breakfast facility; newspaper offices and printing works; upholstery shops, laundry, cleaning and pressing agencies, buildings for the rental of frozen food lockers, eating and drinking establishments, bus and train depots; undertaking establishments, theaters and bowling alleys; motor vehicle sales and service, and service stations; sales, service and storage of boats, storage of passenger automobiles and pickup trucks; and storage and sales of unoccupied travel trailers or recreational vehicles. Automobile parking lots and storage areas must provide either a wall, sight-obscuring fence, or evergreen vegetative planting that effectively screens the lots and stored objects from view from adjacent streets.
- B. Art galleries, libraries, museums, churches, clubs and fraternal societies; memorial buildings, essential public facilities of statewide significance and public utilities; commercial trade schools.
- C. On-site hazardous waste treatments and storage facilities as an accessory use to any activity generating hazardous waste and lawfully permitted in the zone; provided, that such facilities must meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210 as now or hereafter amended.
- D. Other commercial uses determined by the city to be similar in nature to those listed in subsections A and B, of this section, and which meet the performance standards of this title.

(Ord. 574 § 3, 1999; Ord. 523 § 1 (part) Exh. A § 4.020, 1998)

(Ord. No. 05-6, § 3 (4.020), 12-27-05)

17.24.030 Secondary uses.

The following secondary uses are permitted in any C-1 district:

- A. A secondary use is permitted in any C-1 district in conjunction with, but subordinate to, any of the uses permitted in the previous section. Secondary uses may include: A dwelling unit in conjunction with and accessory to an essential or primary use and located within the same building as said use. Dwelling units shall be permitted on any floors above the ground floor of a building used as a commercial establishment.
- B. A planned unit development is permitted which integrates commercial and residential uses subject to Section 17.32.060 and the performance standards section of this title.
- C. A secondary use is permitted in any C-1 district in conjunction with, but subordinate to, any of the uses permitted in the previous section. Secondary uses may include: A dwelling unit in conjunction with and accessory to an essential or primary use and located within the same building as said use. Dwelling units shall be permitted on any floors above the ground floor of a building used as a commercial establishment. Dwelling units used as short-term rentals must comply with the provisions of Chapter 5.20.

(Ord. 523 § 1 (part) Exh. A § 4.030, 1998)

(Ord. No. 05-6, § 3 (4.030), 12-27-05; Ord. No. 2021-05 , § 6, 6-28-2021)

17.24.035 Conditional uses.

The following essential public facilities, as defined in this title and subject to the siting criteria of Section 17.52.070:

- A. State education facilities;
- B. Large scale or regional transportation facilities;
- C. Emergency communication towers and antennas, subject to Federal Aviation Administration (FAA) standards and approvals if they apply.

(Ord. No. 05-6, § 3 (4.035), 12-27-05)

17.24.040 Prohibited uses.

The following uses are specifically prohibited in a C-1 district.

- A. Schools;
- B. Dwellings except as permitted by the previous section.

(Ord. 523 § 1 (part) Exh. A § 4.040, 1998)

17.24.050 Off-street parking.

Off-street parking shall be provided in the C-1 district in accordance with the performance standards section of this title.

(Ord. 523 § 1 (part) Exh. A § 4.050, 1998)

17.24.060 Performance standards.

In addition to the performance standards of Chapters 17.40—17.52 of this title, commercial uses must comply with the following:

- A. External Effects.
 - 1. Noise, vibration, odors, and emissions shall be contained within the commercial development area. Exterior lighting shall be designed to shield surrounding streets and land uses from excessive heat and glare. Maximum permissible noise levels shall be determined by WAC 173-60, as amended.
 - 2. Landscaping Installation. Site-obscuring landscaping must be installed at the perimeter of the property line where it abuts residential or community service zoning districts. Landscaping shall be installed prior to occupancy.
 - 3. Maintenance. The owner, lessee or user shall be responsible for maintaining an orderly appearance of all properties and shall be responsible for the care and maintenance of all installed landscaped areas and any natural growth retained on the site. All required yards, parking areas, storage areas, and other open uses on the site shall be maintained at all times in a neat and orderly manner, appropriate for the district.
 - 4. Water. Federal, state and local standards pertaining to water quality and stormwater runoff control must be complied with.

5. Storage. Outside storage is permitted; however, sight obscuring screening shall be required. Stored materials shall not exceed the height of the screening.
- B. Critical Areas. Commercial activities shall avoid disturbance to identified critical areas. Additional conditions or reports may be required by the city to ensure critical area protection, as specified in Section 17.32.040.

(Ord. No. 05-6, § 3 (4.050), 12-27-05)

Chapter 17.28 I-1 INDUSTRIAL DISTRICT¹

Sections:

17.28.010 Purpose.

The purpose of the industrial zone (I-1) is to provide for the location and grouping of industrial enterprises and activities involving manufacturing, assembly, processing, bulk handling and storage, research facilities, recycling, warehousing and distribution. It is also the purpose of the industrial zone to promote economic growth and employment through the encouragement of responsible businesses within the city. The comprehensive plan designates properties suitable for industrial development.

All businesses and activity within the industrial zone shall practice responsible environmental stewardship by protecting the quality of surface water, ground water and soil and air. All such businesses shall adhere to the guidelines, policies, standards and regulations of applicable water and air quality programs and regulatory agencies. Solid and liquid waste and untreated effluents shall not be allowed to enter any body of water or be discharged onto the land. All legal buffers and setbacks required for critical areas shall be strictly adhered to.

(Ord. No. 05-6, § 3 (5.000), 12-27-05)

17.28.020 Permitted uses.

The following uses are permitted in any I district provided the community's unique character is retained:

- A. Manufacturing, and industrial uses similar in operation as but not restricted to the following:
 1. Wood, coal and fuel oil storage yards,
 2. Retail and wholesale lumber and building material yards,
 3. Contractors' offices, shops, and storage yard,
 4. Freight warehouse terminal,
 5. Automotive repair garages and body and fender shops,
 6. Blacksmith, welding, and metal fabricating shop,
 7. Processing, manufacturing, packaging distribution, and storage operations,
 8. Sawmills and planing mills,
 9. Heavy equipment storage, maintenance and repair;

¹Editor's note(s)—Ord. No. 05-6, § 3 (5.000), adopted December 27, 2005, repealed the former Chapter 17.28, §§ 17.28.010—17.28.050, and enacted a new Chapter 17.28 as set out herein. The former Chapter 17.28 pertained to similar subject matter and derived from Ord. No. 523, § 1 (part) Exh. A §§ 5.010—5.050, 1998.

- B. Buildings and facilities for the operation of a public utility;
- C. Commercial recreation, such as ice and roller skating rinks, auditoriums;
- D. Public parks and recreation areas, community meeting halls;
- E. Restaurants and service stations;
- F. Railroad depots;
- G. Agricultural and appurtenant structures including farm dwellings;
- H. Vocational schools or research facilities relating to industrial trades;
- I. Any use not specifically mentioned above may be permitted by the city council provided that the use complies with the purpose and guidelines of the industrial district.

(Ord. No. 05-6, § 3 (5.000), 12-27-05)

17.28.030 Secondary uses.

The following uses are permitted in an industrial district in conjunction with, but subordinate to, any of the uses permitted in the industrial district.

- A. Dwelling unit for the convenience of a resident watchman or custodian only;
- B. Employees cafeterias, restaurants, and auditoriums;
- C. Parking lots for employees' cars and equipment incidental to the operation of said business or industry;
- D. Administrative office integrally related to the primary industrial use under the same ownership;
- E. Retail uses directly related to the primary industrial use and under the same ownership as that use.

(Ord. No. 05-6, § 3 (5.000), 12-27-05)

17.28.040 Conditional uses.

The following uses may be permitted as conditional in accordance with Chapter 17.60:

- A. Mineral extraction and asphalt production;
- B. Automobile wrecking, auto salvage and junk yards;
- C. The following essential public facilities that meet the siting criteria pursuant to the city of Morton comprehensive plan and Section 17.52.070:
 - 1. State education facilities,
 - 2. Large scale or regional transportation facilities,
 - 3. Prisons, jails or other correctional facilities,
 - 4. Juvenile detention facilities,
 - 5. Work release facilities,
 - 6. Solid waste handling facilities,
 - 7. Sewage treatment facilities (not including individual or community wastewater treatment systems),

- 8. Emergency communication towers and antennas, subject to Federal Aviation Administration (FAA) standards and approvals if they apply.
 - D. On-site and off-site hazardous waste treatment and storage facilities; provided that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210 as amended, and the siting criteria of Section 17.52.060 of this title;
 - E. Recycling or composting facilities.
- (Ord. No. 05-6, § 3 (5.000), 12-27-05)

17.28.050 Prohibited uses.

The following uses are prohibited in an I-1 district:

- A. Schools;
- B. Dwelling, except as permitted in the previous section;
- C. Retail business uses other than those described in Sections 17.28.020 and 17.28.030 of this chapter.

(Ord. No. 05-6, § 3 (5.000), 12-27-05)

17.28.060 Off street parking.

Off-street parking shall be provided in any I-1 district in accordance with Chapter 17.48 of this title.

(Ord. No. 05-6, § 3 (5.000), 12-27-05)

17.28.070 Environmental performance standards.

No land or structures shall be used or occupied within this district unless the use and occupancy complies with the following minimum performance standards:

- A. External Effects.
 - 1. Noise. Maximum permissible noise levels shall be determined by WAC 173-60, as amended.
 - 2. Vibration. Vibration which is discernible without instruments at the property line is prohibited.
 - 3. Smoke and Particulate Matter. Air emissions must comply with the requirements of the Southwest Clean Air Agency.
 - 4. Odors. The emission of gases or matter which are odorous at any point beyond the property line of the use emitting the odor is prohibited. All emissions must comply with the requirements of the Southwest Clean Air Agency.
 - 5. Heat and Glare. Except for exterior lighting, uses producing heat and glare shall be conducted entirely within an enclosed building. Exterior lighting shall be designed to shield surrounding streets and land uses from excessive heat and glare.
- B. On-Site Performance Standards.
 - 1. Setbacks and Landscaping Installation. A minimum fifteen-foot setback from the property line is required where the property abuts residential or community service zoning districts, or along a public road or right-of-way that abuts a residentially-zoned district. The setback must be landscaped with sound and site-obscuring barriers, which may consist of rock walls, dense planting of trees and shrubs, burms, or fencing. The minimum setback may be adjusted by the

city if it finds that the landscaping will adequately protect the health, safety, and welfare of neighboring residents. Landscaping shall be installed prior to occupancy.

2. **Maintenance.** The owner, lessee or user shall be responsible for maintaining an orderly appearance of all properties and shall be responsible for the care and maintenance of all installed landscaped areas and any natural growth retained on the site. All required yards, parking areas, storage areas, operation yards and other open uses on the site shall be maintained at all times in a neat and orderly manner, appropriate for the district.
 3. **Water.** Federal, state and local standards pertaining to water quality and stormwater runoff control must be complied with.
 4. **Storage.** Outside storage is permitted; however, sight obscuring screening shall be required. Stored materials shall not exceed the height of the screening.
 5. **Hazardous Materials and Bulk Petroleum Products.** Plans for the handling, storage, disposal and spill control of hazardous wastes, and bulk petroleum products shall be approved by the city prior to the issuance of any building permit. Off-site treatment and storage facilities are a special use and must meet the conditions specified in Section 17.52.060.
- C. **Critical Areas.** Industrial activities shall avoid disturbance to identified critical areas. Additional conditions or reports may be required by the city to ensure critical area protection, as specified in Section 17.32.040.

(Ord. No. 05-6, § 3 (5.000), 12-27-05)

17.28.080 Compliance monitoring.

As a condition of approval of any use authorized by this section, the city may require the owner to furnish from time to time information showing that the use complies with the standards contained in this chapter and with other terms and conditions of approval.

(Ord. No. 05-6, § 3 (5.000), 12-27-05)

17.28.090 Expansion of existing uses.

Whenever existing uses are expanded or their existing building footprint or use area is otherwise altered, all current development standards in this section shall apply.

(Ord. No. 05-6, § 3 (5.000), 12-27-05)

Chapter 17.32 SPECIAL DISTRICTS

Sections:

17.32.010 Purpose—Rezone request.

Special districts overlay a regular district and all uses and structures in a special district shall conform to the regulation of both the special and regular districts, except where regulations of the regular district are specifically modified by the special district. The adoption or change of a special district shall be considered in the same manner as a rezoning request.

(Ord. 523 § 1 (part) Exh. A § 6.010, 1998)

17.32.020 Community service (CS) district.

- A. Intent. The community services district is intended to provide for special uses such as schools, churches and other public and semipublic uses which by reason of their public convenience, necessity, unusual character or effect on the community may be appropriate in any district provide that the planning commission has established that such use will have no adverse effects on the accomplishment of the objectives of the comprehensive plan.
- B. Permitted Uses and Structures. The following public and semipublic uses that are to be submitted for review as a single unit development shall be permitted. The planning commission shall review community services development proposals in the same manner as a planned unit development.
 - 1. Churches;
 - 2. Schools, public, parochial;
 - 3. Correctional institution;
 - 4. Parks, playgrounds, public golf course;
 - 5. Hospital;
 - 6. Group camp grounds;
 - 7. Similar uses as determined by the planning commission.

(Ord. 523 § 1 (part) Exh. A § 6.020, 1998)

17.32.030 Floodplain (FP) district.

- A. Intent. The floodplain overlay is intended to identify those lands within the one hundred (100) year flood zone as determined by mapping under the Federal Flood Emergency Management Act (FEMA).
- B. Permitted Uses and Structures. Uses are as permitted in the underlying district provided they conform to the city floodplain management ordinance which requires the first habitable floor of structures to be elevated or floodproofed to an elevation of one foot above the base flood elevation.

(Ord. 523 § 1 (part) Exh. A § 6.030, 1998)

17.32.040 Critical area (CR) district.

- A. Intent. The critical areas special district overlay identifies areas known to have steep slopes, wetlands, fish and wildlife habitat, floodplain or other characteristic meeting the Washington State requirements as critical areas.
- B. Permitted Uses and Structures. Uses as permitted in the underlying district provided the use meets the requirements of the city critical areas ordinance which may require use of a planned unit development to avoid floodplains, fish and wildlife habitat, or wetlands areas and use of engineered footings in steep slope areas.

(Ord. 523 § 1 (part) Exh. A § 6.040, 1998)

17.32.050 Planned unit development (PUD) district.

- A. Intent. The intent of the planned unit development (PUD) overlay zone is to encourage new development not limited by the strict application of this title. The city may approve, disapprove or modify the proposal submitted by an applicant. More specifically, it is the purpose of this chapter to:

1. Encourage flexibility in design and development that will result in a more efficient and desirable use of land;
 2. Permit flexibility of design, placement of buildings, use of required open spaces, circulation facilities, off-street parking areas, and otherwise better utilize the potential of sites characterized by special features, such as geography, topography, size or shape;
 3. Provide for maximum efficiency in layout of streets, utility networks, and other public improvements;
 4. Produce an integrated or balanced development of mutually supportive uses that might otherwise be inharmonious or incongruous;
 5. Provide a guide for developers and city officials who review and approve developments meeting the standards and purposes of this chapter; and
 6. Encourage high quality residential and mixed use development.
- B. Overlay Zone. Planned unit development, approved in accordance with the procedures of this chapter, shall be an overlay zone and may be applied where designated by the city of Morton comprehensive plan, or on a parcel in any residential zoning district where the parcel contains critical areas. In addition, manufactured home parks and recreational vehicle parks are permitted through planned unit development, pursuant to Chapter 17.36 of this title. The approval of a planned unit development shall modify and supersede the regulations of the underlying zone district, except in the case of allowable uses, or as specified in Chapter 17.36 of this title.
- C. Application Procedure. Planned unit development projects may be initiated by any owner or group of owners of property acting jointly, or as a developer authorized to act as agent for an owner or group of owners. Such application shall be made on the forms provided by the department, together with a filing fee as established by the city.
- D. Application Contents. An application for a planned unit development shall include the following information:
1. The acreage contained within the proposed planned unit development; the total number of dwelling units being proposed; and the average number of dwelling units per acre of land;
 2. The number and acreage of each type of dwelling units proposed;
 3. The acreage of open space to be contained in the planned unit development and the percentage it represents of the total area;
 4. The total acreage of each type of nonresidential use, including the approximate floor area and type of commercial uses;
 5. A development schedule indicating the approximate date when construction of the planned unit development or stages of the planned unit development can be expected to begin and be completed, including the approximate size in acres of each phase, and the proposed phasing of construction of public improvements and recreational and common open space areas;
 6. A landscape design plan, including types and heights of vegetation and a vegetation maintenance schedule;
 7. Traffic/transportation plan, including pedestrian facilities (e.g., trails), and;
 8. Drainage plan, including storm water control.
- E. Public Hearing Required. The application for a planned unit development shall be heard before the planning commission. The city shall approve or deny the development based on at least, but not limited to, the following criteria:

1. Substantial conformance to the city of Morton comprehensive plan;
2. The proposal's compatibility with the surrounding area or its potential future use; and
3. The proposal shall be designed to minimize impacts on adjacent properties and, conversely, to minimize impacts of adjacent land use and development on the proposal.

F. Implementation of the PUD:

1. The city shall review the status of development pursuant to the adopted development schedule. Review shall occur not less than once every five years until substantially complete development of the planned unit development is accomplished.
2. If the city finds that substantial completion of development projected for a given review phase has been accomplished, and that development has met and is projected to meet the terms and intent of the PUD and other applicable plans and policies, the city may authorize the subsequent phase. If the city finds that these criteria have not been met, the city may extend the period for completion of that phase or terminate master plan approval for subsequent phases. In determining whether to extend or terminate, the city shall consider the reasons completion has not occurred and whether the public interest would be best served by extension or termination.
3. Site plans, subdivisions and other specific development actions, when consistent with the provisions of the PUD, shall be approved through the standard process for the type of application being made. These actions shall be taken concurrent with or subsequent to approval of the master plan and may accompany development of the site in phases. Review of such actions shall be subject to the laws and regulations that would be applicable to such an action regardless of its inclusion within a planned unit development.

G. Bond—Public Improvements.

1. The developer shall bear the responsibility of creating a perimeter transition sufficient to protect the interests of the surrounding property owners, the neighborhood, and the city as a whole.
2. Planned unit development projects shall be complete developments and may be required to include facilities such as paved streets, curbs, sidewalks, street lights, drainage, open space, sanitary sewer, underground power and telephone lines, landscaping, screening, signs, and off-street parking in conformance with the requirements and allowances of city.
3. The applicant shall furnish the city with a performance bond or other acceptable surety approved by the prosecuting attorney, guaranteeing installation of specified public improvements and landscaping.

H. Exemption from Zoning Regulations. A planned unit development shall be exempt from the minimum requirements of the underlying zoning district, except as provided for below:

1. Minimum Densities. Minimum density established by the underlying zone district shall prevail.
2. Setbacks. Setbacks from the exterior boundary line of the PUD area shall be comparable to or compatible with those of the existing development on adjacent properties, or, if adjacent properties are undeveloped, the type of development which may reasonably be expected on such properties given existing zoning of such properties or the projections of the comprehensive plan. In no event shall such setback be less than twenty (20) feet.
3. Development Coverage. Maximum development coverage per lot as established by the underlying zone districts may be exceeded by no more than twenty-five (25) percent.
4. Uses Allowed. The uses of the development shall be limited to those allowed either as permitted, accessory or special uses in the underlying zones.

5. Open Space/Park. The open space/park dedication requirements of the underlying zoning districts shall prevail.
6. Parking and Commercial Uses. The parking requirements of Chapter 17.48 (parking standards) shall be adhered to.
- I. Exemption from Platting and Subdivision Requirements. A planned unit development shall be exempt from the platting and procedure requirements of the subdivision regulations, except that when the planned unit development is a part of a larger ownership and is intended for individual ownership, sale or public dedication, or if any parcel of land within a planned unit development is intended for individual ownership, sale or public dedication, the platting and procedural requirements and applicable state laws pertaining to the subdivision, and conveyance of land and the preparation of maps shall be followed.
- J. Administration and Enforcement.
 1. Building permits and other permits required for the construction or development of property under the provisions of this chapter shall be issued only when the work to be performed meets the requirements of the approved planned unit development.
 2. Amendments to the Approved Planned Unit Development. The city may allow changes to the approved planned unit development as long as the changes are consistent with all applicable city plans and policies. Such changes shall require an additional public hearing.
 3. Minor Administrative Alterations. Once a preliminary plat, site plan or other development permit reviewed by the city has been approved, it shall not be altered unless approved by city upon a determination that the alteration is not substantial enough to constitute a change to the approved planned unit development.

(Ord. No. 05-6, § 3 (5.000), 12-27-05)

Editor's note(s)—Ord. No. 05-6, § 3 (6.060), adopted December 27, 2005, repealed the former § 17.32.050, and enacted a new § 17.32.050 as set out herein. The former § 17.32.050 pertained to similar subject matter and derived from Ord. No. 523, § 1 (part) Exh. A § 6.050, 1998)

17.32.060 Permitted dimensions in a planned unit development (PUD) district.

Permitted dimensions in this zone are as follows:

- A. Minimum zone size, three acres.
- B. Minimum lot size, six thousand (6,000) square feet; for mobilehome park, three thousand (3,000) square feet.
- C. Minimum lot front, sixty (60) feet; for a mobilehome park, forty (40) feet.
- D. Minimum front yard depth shall be the same as underlying district; for a mobilehome park, fifteen (15) feet.
- E. Minimum rear yard depth shall be the same as underlying districts.
- F. Minimum side yard depth shall be the same as underlying district; for a mobilehome park, five feet one side, ten (10) feet on other side.
- G. Maximum building height shall be thirty-five (35) feet.

(Ord. 523 § 1 (part) Exh. A § 6.060, 1998)

Chapter 17.36 MANUFACTURED HOME PARKS AND RECREATIONAL VEHICLE PARKS

Sections:

17.36.010 Intent.

Manufactured home parks are intended to be reviewed together with circulation, landscaping and recreational uses as a single planned unit development. Commonly owned land is a major element in such developments.

(Ord. 523 § 1 (part) Exh. A § 7.010, 1998)

(Ord. No. 05-6, § 3 (7.01), 12-27-05)

17.36.015 Manufactured/mobile home placement in park—Definitions.

- A. A "designated manufactured home" is a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:
 - 1. Is comprised of at least two fully enclosed parallel sections each of not less than twelve (12) feet wide by thirty-six (36) feet long;
 - 2. 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
 - 3. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences.
- B. "New manufactured home" means any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2).
- C. "Mobile home" means a mobile home as defined by RCW 46.04.302, as now or hereafter amended.

(Ord. No. 2021-08 , § 1, 11-25-2021)

17.36.016 Manufactured/mobile home placement in park—Criteria—Parks in existence prior to June 12, 2008.

Designated manufactured homes and mobile homes of any age may be permitted in any designated manufactured home park or mobile home park as defined in Chapters 17.36 MMC or 15.12 MMC which were in existence prior to June 12, 2008, subject to the following conditions:

- A. Any home which does not meet the definition included in MMC 17.36.015 shall not be allowed.
- B. The manufactured/mobile home must comply with fire, safety, and all other city ordinances or state laws related to manufactured/mobile homes.
- C. The manufactured/mobile home must be set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative;

- D. The manufactured/mobile home comply with all design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located;
- E. The manufactured/mobile home be thermally equivalent to the state energy code; and
- F. The manufactured/mobile home otherwise meets all other requirements for a designated manufactured home as defined in RCW 35.63.160.

(Ord. No. 2021-08 , § 2, 11-25-2021)

17.36.017 Manufactured/mobile home placement in park—Criteria—Parks created/formed after June 12, 2008.

Designated manufactured homes and mobile homes with a manufacture date of not more than five years prior to the date of installation, are permitted in any designated manufactured home park or mobile home park as defined in Chapters 17.36 MMC or 15.12 MMC which were created after June 12, 2008. Any designated manufactured homes or mobile homes, with a manufacture date of more than five years prior to date of installation, may be permitted if the individual wanting to place the manufactured home or mobile home applies and receives a conditional use permit pursuant to MMC 6.12.022.

(Ord. No. 2021-08 , § 3, 11-25-2021)

17.36.020 Manufactured home park siting.

Manufactured home parks are permitted to be located as a planned unit development in the R-M, zoning district as defined in this title subject to site plan approval by the planning commission under the standards set forth in the following Section 17.36.030.

- A. The minimum site area of a manufactured home park shall be three acres.

(Ord. 523 § 1 (part) Exh. A § 7.020, 1998)

(Ord. No. 05-6, § 3 (7.020), 12-27-05)

17.36.030 Approval standards for manufactured home parks.

Manufactured home parks developed or enlarged after the effective date of the ordinance codified in this title shall be designed in accordance with the following conditions and limitations:

- A. The minimum site area of a manufactured home park shall be three acres.
- B. Landscaping shall be provided around the perimeter of the site as directed by the planning commission.
- C. Two off-street parking stalls shall be provided for each manufactured home. The required parking may be located adjacent to the unit in either a side-by-side or tandem arrangement or in common parking areas within the park.
- D. A minimum of five percent of the site shall be set aside and maintained for recreational activity for the occupants of the park. The manager may reduce the minimum to three percent of the site if substantial and appropriate recreational facilities, such as a recreational building, swimming pool or tennis courts, are provided. The area shall be exclusive of the required perimeter buffer, centrally located, and of such grade and surface to be suitable for active recreation.

- E. Internal circulatory roads shall provide access to each manufactured home space and shall have a minimum driving surface of twenty-two (22) feet in width and shall be constructed with a road base and surface (e.g., concrete or asphalt) in accordance with the street standards for local access streets.
- F. Access to the site shall be over an arterial or collector street improved to city standards as determined by the department of public works.
- G. Pedestrian walkways shall be provided that are wheelchair accessible as per ADA standards throughout the park to enable access from each space to the recreational area and to an adjacent street. A portion of the road surface may be reserved for walkways provided the roadway width is widened accordingly. Walkways shall be of a hard, durable all-weather surface and a minimum width of four feet.
- H. There shall be a minimum of ten feet separation maintained between all mobilehomes on the site. Accessory structures may be located no closer than:
 - 1. Ten feet to manufactured homes on adjacent spaces;
 - 2. Ten feet to accessory structures of manufactured homes on adjacent spaces;
 - 3. Five feet to the manufactured homes or other accessory structures on the same space, except that separation may be reduced to three feet when the affected structures are constructed of noncombustible materials.
- I. Surface water runoff shall be controlled as per city performance standards for erosion control.
- J. Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impacts on adjacent properties.
- K. All public streets abutting the site shall be improved to city street standards for the classification of street involved.
- L. Water supply shall be provided subject to the approval of the fire marshal.
- M. Garbage disposal facilities shall be provided in accordance with applicable county board of health rules and regulations, and subject to approval of the health department.
- N. Electrical service connections shall meet State Department of Labor and Industries standards.
- O. In addition to the standards set forth in this section, manufactured homes installed in parks shall be pit set according to city requirements and comply with the building code and manufactures requirements.

(Ord. 523 § 1 (part) Exh. A § 7.030, 1998)

(Ord. No. 05-6, § 3 (7.030), 12-27-05)

17.36.040 Permitted dimensions.

Permitted dimensions for manufactured home parks are as follows:

- A. Minimum overall size, three acres;
- B. Minimum lot size for manufactured home park, three thousand (3,000) square feet;
- C. Minimum lot front for a manufactured home park, forty (40) feet;
- D. Minimum front yard depth for a manufactured home park shall be fifteen (15) feet;
- E. Minimum side yard depth for a manufactured home park shall be ten feet on each side;
- F. Minimum rear yard depth shall be the same as underlying districts;

G. Maximum building height for a manufactured home park shall be thirty-five (35) feet.

(Ord. 523 § 1 (part) Exh. A § 7.040, 1998)

(Ord. No. 05-6, § 3 (7.040), 12-27-05)

17.36.050 Recreational vehicle parks—Permitted when.

Recreational vehicle parks are permitted as a planned unit development in C-1 and R-M land use zones, subject to plan approval by the planning commission.

(Ord. 523 § 1 (part) Exh. A § 7.050, 1998)

17.36.060 Standards for recreational vehicle parks.

Recreational vehicle parks developed or enlarged after the effective date of the ordinance codified in this title shall be designed and developed in accordance with the following conditions and limitations;

- A. The minimum site area shall be three acres.
- B. The maximum length of stay of any units shall be one hundred eighty (180) days.
- C. Landscaping shall be provided around the perimeter of the site as approved by the planning commission.
- D. There shall be a minimum of ten (10) feet of separation maintained between all recreational vehicle pads.
- E. One off-street parking stall shall be provided for each designated recreational vehicle space.
- F. The following facilities shall be provided in accordance with rules and regulations of the county health department and approved by the city public works department:
 - 1. Laundry facilities connected to city sewers;
 - 2. Toilets connected to city sewer services;
 - 3. Bathing facilities connected to city sewers;
 - 4. Garbage disposal facilities.
- G. A minimum of five percent of the site shall be provided for recreational activity for the occupants of the park. The area shall be exclusive of the required perimeter buffer area, centrally located and of such grade and surface to be suitable for active recreation.
- H. Internal circulatory roads shall provide access to each space and shall have a minimum driving surface, of twenty-two (22) feet in width and shall be constructed with a road base and surface of concrete or asphalt as per city standards for local access street.
- I. Access to the site shall be over an arterial, or collector street as determined by the city public works department.
- J. Pedestrian walkways shall be provided to service building(s), recreational activities and adjacent public street(s). Walkways shall be of a hard durable, all-weather surface and a minimum width of four feet.
- K. Surface water runoff shall be controlled as per performance standards for erosion control within this title.

- L. Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impacts on adjacent properties.
- M. All public streets abutting the site shall be improved to city standards for the classification of street involved.
- N. Electrical service connections shall meet State Department of Labor and Industries standards.

(Ord. 523 § 1 (part) Exh. A § 7.060, 1998)

Chapter 17.40 PERFORMANCE STANDARDS

Sections:

17.40.010 Purpose.

Specific regulations, providing for the location of certain special and accessory uses in all use districts and providing supplementary controls for the protection of essential uses of the districts are contained in this chapter.

(Ord. 523 § 1 (part) Exh. A § 8.010, 1998)

17.40.020 Junk.

In no use district shall there be a collection of junk, scrap, unlicensed cars or parts of cars, parts and abandoned equipment, except where specific provisions are made concerning such items in a specific use district. Junkyards shall be surrounded by a sight-obscuring fence or planting which shall be at least six feet in height.

(Ord. 523 § 1 (part) Exh. A § 8.020, 1998)

17.40.030 Fences, walls and plants.

- A. Fences and walls, and hedges, shrubs and similar plants shall not exceed a height of six feet along a property line, except where a greater height is needed to be sight-obscuring as required by this title.
- B. Sight-obscuring fences, wall or plants not required by this title may be erected on a side and front lot within any front yard, but shall not exceed four feet in height.
- C. Height limitations shall not be deemed to prohibit open-type wire-mesh fences or any height necessary for safety or security in conjunction with playgrounds, public utilities, and similar hazards to the public safety.

(Ord. 523 § 1 (part) Exh. A § 8.030, 1998)

17.40.040 Lighting.

Artificial lighting on any lot, building, structure or parking area shall be oriented away from adjacent residential properties.

(Ord. 523 § 1 (part) Exh. A § 8.040, 1998)

17.40.050 Public utilities.

Public utility buildings, telephone exchanges, sewage pumping stations, electrical distribution substations, and similar developments necessary for the operation of utilities shall comply with the following requirements:

- A. If the installation is housed in a building, the building shall conform architecturally with surrounding buildings or the type of building that are likely to develop in the use districts;
- B. Any un-housed installations on the ground, or housed installation that does not conform to the architectural requirements of subsection A of this section, shall be surrounded by a sight-obscuring planting;
- C. An un-housed installation of a dangerous nature, such as an electrical distribution substation, shall be enclosed by a wire fence at least eight feet in height;
- D. All buildings, installations and fences shall observe the yard requirements for buildings in the district in which they are located.

(Ord. 523 § 1 (part) Exh. A § 8.050, 1998)

17.40.060 Churches, clubs and quasi-public buildings.

Churches, institutions, clubs and similar quasi-public use building in residential use districts shall cover not more than thirty-five (35) percent of their lots. Side yards shall each be a minimum of ten (10) feet. Off-street parking shall be required and meet the performance standard requirements of this title.

(Ord. 523 § 1 (part) Exh. A § 8.060, 1998)

17.40.070 Home occupations permitted.

The following home occupations and other operations similar in nature may be operated as an accessory use to a dwelling unit:

- A. Custom dressmaking, millinery, tailoring, sewing of fabric for custom apparel and home furnishing;
- B. Teaching of piano, voice or dancing, limited to a total of six pupils simultaneously;
- C. Fine arts studio in which are created only individual works of art;
- D. Rooming and boarding of not more than four persons, exclusive of the resident family;
- E. Beauty salon staffed only by residents of dwelling unit;
- F. Office staffed only by residents of dwelling unit;
- G. Funeral home.

(Ord. 523 § 1 (part) Exh. A § 8.070, 1998)

17.40.080 Home occupations—Criteria.

All permitted home occupations shall comply with the following criteria:

- A. The home occupation shall be clearly incidental to the residential use of the dwelling;
- B. The operation is entirely within the confines of the main building and does not employ individuals other than those of the immediate family;
- C. There is no external or internal alteration affecting the residential character of the building and product displays visible from the street shall be no larger than acceptable signs;
- D. Entrance to the use is only from within the main building;

- E. The area of all such uses does not exceed twenty-five (25) percent of the gross floor area of one story of the dwelling unit or four hundred (400) square feet, whichever is greater;
- F. One unlighted sign that is no larger than four square feet.

(Ord. 523 § 1 (part) Exh. A § 8.080, 1998)

17.40.090 Signs.

- A. Intent. The purpose of this section is to add sign requirements to the several zoning districts for the preservation of the character of the areas, structures, and uses; the needs of residential, agricultural, commercial and industrial potential; the need for healthful, safe and convenient use of all lands, and the conservation and promulgation of values and resources.
- B. Sign Requirements. Signs in any zoning district shall be limited as follows:
 - 1. Identifying Signs. One identifying signs and/or bulletin boards for a church, school, or other public or semipublic institution, not exceeding thirty-two (32) square feet in area and located on the same lot with the use to which the sign refers;
 - 2. Outdoor Advertising. One outdoor advertising sign and structure not exceeding thirty-two (32) square feet pertaining only to a use or a product sold on the immediate premises, and located only below the drip line of the roof on a building on which said use is conducted or said product is sold or on a permanent structure on the premises no higher than the drip line of the buildings roof.
 - 3. Specific Zoning Districts. Additional requirements shall apply as follows:
 - a. R-1 and R-M districts; non illuminated signs of not more than sixteen (16) square feet pertaining to an activity on a property may be erected at a distance of ten (10) feet or more inside a lot line. In compliance with subsections (B)(1) and (B)(2) of this section, additional footage may be added to the thirty-two (32) square feet in an R-1 and R-M district only. All frontage calculations are based only on the street adjacent to the sign. If street frontage distance is between two hundred (200) feet and two hundred ninety-nine (299) feet, a maximum of thirty-seven (37) square feet will be allowed for the sign; if street frontage distance is three hundred (300) feet to three hundred ninety-nine (399) feet, a maximum of forty-three (43) square feet will be allowed for the sign; if street frontage distance is four hundred (400) plus feet, a maximum of fifty (50) square feet will be allowed for the sign. Fifty (50) square foot signs must sit back at least fifteen (15) feet from the property line. Electrically lighted signs may be constructed in an R-1 and R-M district, but are limited to properties with a street frontage of more than two hundred (200) feet; illumination shall be restricted to the property on which it is located and requires a public hearing. No flashing, blinking signs will be allowed, nor will flashing arrows be allowed.
 - b. C-1 and I-1 Districts. Electrically lighted signs are permitted, provided that they shall not be glaring, flashing, blinking, nor located in such a manner as to conflict with traffic control devices and provided further that their illumination and/or lighting shall be restricted to the property on which they are located.
 - 4. Political and Event Signs. For the purpose of endorsing political candidates, or advertising fairs, rodeos or similar temporary activities additional signs may be erected on a property provided such signs will be removed by the property owner within fifteen (15) days following cessation of the activities with which the sign was erected.
 - 5. Changeable, illuminated or lighted message boards are permitted in all zoning districts.

6. Maintenance Required. All advertising signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and maintained in a safe condition.
7. Prohibited Signs. Billboards shall not be permitted.

(Ord. 523 § 1 (part) Exh. A § 8.090, 1998)

(Ord. No. 07-2, § 1, 9-24-07)

Chapter 17.44 SUPPLEMENTARY YARD AND AREA REGULATIONS

Sections:

17.44.010 Use of area.

In any residential use district, a parcel of land with a width and/or depth less than that required for a permissible residential use and existing prior to the effective date of the ordinance codified in this title, may be used as the site for one single-family dwelling; provided that all other regulation for the district, as prescribed in this title shall be complied with.

(Ord. 523 § 1 (part) Exh. A § 9.010, 1998)

17.44.020 Access to streets.

Every use of land other than for agricultural purposes, and every building or structure other than an accessory building or structure, shall be established only on a lot which abuts a dedicated public street and shall be provided with direct access to a dedicated public street.

(Ord. 523 § 1 (part) Exh. A § 9.020, 1998)

17.44.030 Yards.

- A. No yard or other open space provided about any building or structure for the purpose of complying with the regulation of this title or amendments thereto, shall be considered as providing a required yard or open space or portion thereof, for any other building or structure.
- B. In any residential use district, if more than fifty (50) percent of the lots in a block fronting on one side of the street area developed with existing buildings, other than accessory buildings, having front yards less than are required for the district, a new dwelling on an interior lot may be provided with a front yard which is the average of the depths of the front yard of the buildings on the lots adjoining on either side of said interior lots; provided such a front yard shall not be less than fifteen (15) feet.

(Ord. 523 § 1 (part) Exh. A § 9.030, 1998)

17.44.040 Through lots.

Each street frontage of a through lot shall meet the front yard requirements of the use district in which it is located.

(Ord. 523 § 1 (part) Exh. A § 9.050, 1998)

17.44.050 Visibility at intersections in residential zones.

Fences, walls or hedges up to a maximum height of six feet may be installed except in the following instances in which they may only be four feet or made of a wire mesh:

- A. Within front and street side yard setback;
- B. Within a twenty (20) foot vision clearance triangle formed by the intersection of two street rights-of-way;
- C. Within a ten (10) foot vision clearance triangle formed by the intersection of an alley and street right-of-way.

(Ord. 523 § 1 (part) Exh. A § 9.060, 1998)

17.44.060 Calculation of building height.

The determination of the height of a building shall be to the highest point of the structure when measured from the average point of elevation of the finished surface of the ground within five feet of a the structure, provided narrow projections such as chimney, spires, domes, elevator shaft housing, aerials, antennas and flagpoles shall not be considered.

(Ord. 523 § 1 (part) Exh. A § 9.070, 1998)

17.44.070 Reserved.

Editor's note(s)—Ord. No. 05-6, § 3 (9.080), adopted December 27, 2005, repealed § 17.44.070, which pertained to multiple principal structures and derived from Ord. No. 523, § 1 (part) Exh. A § 9.080, 1998.

17.44.080 Accessory buildings and other structures—Satellite disks.

- A. Accessory building and structures shall comply with applicable side yard requirements.
- B. Accessory buildings and structures shall comply with applicable backyard requirements.
- C. On corner lots, accessory building in the side yard adjoining a street shall not be erected or altered so as to be nearer to the adjoining street line than fifteen (15) feet.
- D. Total area of accessory building located in a rear yard shall not exceed twenty-five (25) percent of the area of said rear yard.
- E. Accessory structures regulation shall apply to satellite disks as follows:
 - 1. Intent. The purpose of this section is to minimize the adverse visual and physical impacts of a satellite receiving system (antenna) in the city without disrupting signal reception for the user. A further purpose of this section is to set up standards governing the installation of such systems to protect the health, safety and welfare of the citizens of Morton.
 - 2. Permit Required. A building permit shall be required for the installation of any satellite receiving system, except when a satellite receiving system is included in the building permit application for a new commercial or residential structure. The city council shall review all applications and may set specific conditions of approval.
 - 3. Application Requirements. The application for the permit must include construction drawings showing the proposed method of installation and site plan depicting structures and planting on the property and all adjacent properties and a sworn statement in which the owner of a satellite receiving system shall assume complete liability in the case of person or property damage.

4. The installation of any satellite receiving system and any structures constructed as part of the installation of said system must comply with the city's Uniform Building Code.
5. The city council shall develop appropriate conditions for the location and screening of the individual satellite receiving system (hereafter referred to as an antenna) using the following regulations:
 - a. An antenna shall not exceed twelve (12) feet in diameter and fifteen (15) feet in height, including their base, except commercial television (CATV) receivers included in city franchise agreements which may be larger if conditions warrant. Height shall be measured from the center of the mounting surface for a roof-mounted antenna and existing grade for a ground mounted antenna.
 - b. Antennas thirty (30) inches or larger in any dimension shall be set back at least ten (10) feet from any property line and located outside of any easements or required setback areas. The setback is measured from the part of the antenna or its base nearest the property line.
 - c. Antennas shall be screened and blended with their backgrounds to make them as inconspicuous as possible from streets and nearby properties.
 - d. All satellite receiving systems shall be constructed and erected to withstand wind speeds of one hundred (100) miles per hour.
 - e. All satellite receiving systems shall be equipped with an anti-climbing device to prevent unauthorized access.
 - f. The applicant shall present documentation of the possession of any required licenses issued by any federal, state or local agency.
 - g. No antenna structure shall be permitted in the proximity of any overhead electrical power line serving more than one dwelling or business unless the antenna structure is at least as far removed on a horizontal plane from the power line as the vertical height of the antenna structure.
 - h. Only one system shall exist at any one time on any parcel of real property.

(Ord. 523 § 1 (part) Exh. A § 9.090, 1998)

Chapter 17.48 OFF-STREET PARKING

Sections:

17.48.010 Required when.

In all use districts, space for the off-street storage and parking and loading and unloading of motor vehicles shall be reserved and improved for use when any building or structure is erected, or when any building or structure is enlarged or expanded in height or ground coverage so as to increase the number of required parking spaces by ten (10) percent over the number required prior to the enlargement or expansion. Any on-street parking space immediately adjacent to a use may be counted toward fulfilling that use's parking requirements.

(Ord. 523 § 1 (part) Exh. A § 10.010, 1998)

17.48.020 Layout plan.

Prior to the issuance of a building permit for any building or use requiring more than one parking space, a plan showing proposed and existing buildings and the layout, dimension and required number of parking spaces shall be submitted for approval by the building inspector.

(Ord. 523 § 1 (part) Exh. A § 10.020, 1998)

17.48.030 Parking standards and requirements.

- A. Specified Minimum. The minimum required parking spaces for the various uses shall be as follows:
1. Single-family dwelling: two spaces for each dwelling or living unit;
 2. Multifamily dwellings: two spaces for each two dwellings or living units;
 3. Church, mortuary, funeral home: one space for each four seats in the chapel or nave;
 4. Bowling alleys: three spaces for each lane;
 5. Hotels and motel: one space for each room or suite, plus required spaces for any restaurant, assembly rooms, or other accessory use;
 6. Hospital, sanatoriums, convalescent homes, nursing homes and rest homes: one space for every three patient beds, plus one additional space for each staff doctor and for every three employees;
 7. Manufacturing or industrial uses: one space for each two employees on the shift of greatest employment with a minimum of three spaces.
- B. Typical Uses. All other uses will provide one parking space for each two hundred (200) square feet of gross floor area.
- C. Surface. All commercial (C-1) and industrial (I-1) district parking spaces shall be paved with concrete or asphalt and maintained in good condition with adequate ingress and egress to allow maneuvering for the parking spaces.
- D. Single or Joint Use. All parking spaces will be located on the same lot as said use for which the parking spaces are needed unless a joint use agreement is provided that is acceptable to the city attorney which shall be filed by the owners in the title of both parcels by the Lewis County auditor.

(Ord. 523 § 1 (part) Exh. A § 10.030, 1998)

17.48.040 Mixed occupancies.

In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required facilities for any other use except as herein specified for a joint use.

(Ord. 523 § 1 (part) Exh. A § 10.040, 1998)

17.48.050 Loading and unloading.

On every lot in a C-1 or I-1 district, and on any lot on which is conducted any public or semipublic use, there shall be provided space for the loading and unloading of goods and materials. Such space shall not be less than ten (10) feet in width nor twenty-five (25) feet in length. Such space shall be provided with adequate access to a public right-of-way.

(Ord. 523 § 1 (part) Exh. A § 10.050, 1998)

17.48.060 Habitation in recreation vehicles.

No recreation vehicle shall be based as a place of habitation for a period exceeding fourteen (14) continuous days, nor shall such vehicle be used as a place of habitation for more than twenty (20) days in any one month.

(Ord. 523 § 1 (part) Exh. A § 10.060, 1998)

17.48.070 Parking restrictions—Recreational vehicles and boats.

No recreational vehicle shall be stored within designated parking areas required by this title.

(Ord. 523 § 1 (part) Exh. A § 10.070, 1998)

Chapter 17.52 EROSION CONTROL

Sections:

17.52.010 Storm drainage control required.

Storm drainage control facilities shall meet the city stormwater program requirements, temporary erosion control facilities and landscaping shall be provided on-site to the end that the volume and velocity of stormwaters leaving the site are not significantly different than if the land were left in its natural state. Land disturbed during the development process but not built upon shall be landscaped.

(Ord. 523 § 1 (part) Exh. A § 11.010, 1998)

17.52.020 Temporary erosion control.

Site cleared for development but upon which no construction activities are under way shall be protected from erosion using best management practices as identified by the US Department of Agriculture Soils Conservation Service.

(Ord. 523 § 1 (part) Exh. A § 11.020, 1998)

17.52.030 Riparian vegetative buffer.

Vegetation along streams, wetlands, drainage areas or water sources shall be retained in a natural state or may be supplemented to improve its natural function according to the requirements of the city critical areas ordinance.

(Ord. 523 § 1 (part) Exh. A § 11.030, 1998)

17.52.040 Grading.

Grading of land requires a city grading permit provided all graded areas not built upon immediately are planted immediately following any disturbance. Planting can be accomplished by hydro-seeding, hand planting, or mechanically planted and should be tailored to the conditions on-site and may require engineering review under the Uniform Building Code, Chapter 70 as determined by the city building official.

(Ord. 523 § 1 (part) Exh. A § 11.040, 1998)

17.52.050 Landscape quality.

Plant material used shall be equivalent to available nursery grown stock or better.

(Ord. 523 § 1 (part) Exh. A § 11.050, 1998)

17.52.060 Siting criteria—Hazardous waste facilities.

On site and off-site hazardous waste treatment and storage facilities must meet the state siting criteria adopted pursuant to RCW, Chapter 70.105.

(Ord. 523 § 1 (part) Exh. A § 11.060, 1998)

17.52.070 Siting criteria—Essential public facilities.

Essential public facilities shall provide a landscaped buffer from adjacent incompatible land use as per the performance standards of this title. The planning commission may require additional conditions and buffering to ensure compatibility based upon similar uses as determined by the planning commission. Such buffering and conditions shall not preclude the facility.

(Ord. 523 § 1 (part) Exh. A § 11.070, 1998)

(Ord. No. 05-6, § 3 (11.070), 12-27-05)

Chapter 17.56 NONCONFORMING USES

Sections:

17.56.005 Nonconforming uses of buildings—Intent.

Within the districts established by this section or amendments that may be later adopted, exist structures and uses of land and structures which were lawful before the ordinance codified in this section was passed or amended, but which would be prohibited, regulated or restricted under the terms of this section or future amendment. It is the intent of this section to permit these non-conformities to continue pursuant to the provisions of this section. It is also the intent that should a nonconforming structure be destroyed, that the owner may rebuild the nonconforming structure.

(Ord. 01-16 § 1, 2001)

17.56.010 Nonconforming uses of land and buildings—Continuance.

Any nonconforming use of land, buildings, or structures lawfully existing at the effective date of the ordinance codified in this title may be continued, subject to the following provisions.

(Ord. 523 § 1 (part) Exh. A § 12.010, 1998)

17.56.020 Nonconforming uses of buildings—Yard and area requirements.

Any building or structure conforming as to use but nonconforming as to height, lot area, lot coverage, or yards at the effective date of the ordinance codified in this title may be altered, repaired or extended; provided, that such alteration, repair or extension shall not increase the existing degree of nonconformance.

(Ord. 523 § 1 (part) Exh. A § 12.020, 1998)

17.56.030 Nonconforming uses of land and building—Limitations.

- A. Any building or part thereof containing a nonconforming use may be maintained with ordinary repair; provided, that no such building or part shall be extended, expanded or structurally altered except as otherwise required by law.

- B. A nonconforming use of a part of a building shall not be extended throughout the building.
 - C. Any land or building or part thereof formerly used by a nonconforming use and which had been unoccupied or unused continuously for a period of at least one year shall not be reoccupied except by a conforming use.
 - D. No nonconforming use of land shall be extended, enlarged or expanded.
 - E. Any change of a nonconforming use shall be to a conforming one.
- (Ord. 523 § 1 (part) Exh. A § 12.030, 1998)

17.56.040 Nonconforming structures—Replacement

If an existing nonconforming structure is destroyed by fire or an act of nature, it may be replaced in the footprint of the previous nonconforming use, subject to necessary modifications to provide for public health and safety, within twelve (12) months of the destruction. If replacement can't be completed within twelve (12) months, the property owner may apply for a variance to extend this time limit. Older mobile homes and manufactured homes must be replaced by a designated manufactured home with a manufacture date of not more than five years from the date of installation, or may be replaced by a stick-built home in the same footprint as the previous home.

(Ord. No. 05-6, § 3 (12.021), 12-27-05)

Chapter 17.60 VARIANCES

Sections:

17.60.005 Intent.

It is recognized that there are special uses which, because of their unique characteristics or temporary nature, cannot be properly classified in any particular zoning district without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. This section of the zoning code contains the application, review, and approval requirements for these uses and variances. The permit review timeline is outlined in Section 17.04.060.

(Ord. No. 05-6, § 3 (5.000), 12-27-05)

17.60.010 Authorization to grant or deny.

The city council may grant variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this title would cause undue or unnecessary hardship. No variance shall be granted to allow the use of property for purposes not authorized in the district in which the proposed use would be located. In granting a variance the city council may attach conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood and to otherwise achieve the purposes of this title.

(Ord. 523 § 1 (part) Exh. A § 13.010, 1998)

17.60.020 Conditions for granting.

No application for variance shall be granted unless the city council finds:

- A. The variance shall not constitute a grant of special privilege inconsistent with the limitations upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located;

- B. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with use, rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;
- C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvement in the vicinity and zone in which the subject property is situated;
- D. The hardship asserted by the applicant is not the result of the applicant's or the owners' action.

(Ord. 523 § 1 (part) Exh. A § 13.020, 1998)

17.60.030 Application, conditional use, secondary use, or critical area review.

A request for a variance, conditional use, secondary use, or critical area review may be initiated by a property owner or his authorized agent by filing an application with the city clerk on forms proscribed by the city. The completed application pursuant to Section 17.04.060 shall be accompanied by a statement showing the conditions for granting under Section 17.60.020 of this chapter have been met by the applicant's property, together with a site plan, drawn to scale, showing the dimensions and arrangements of the proposed development and its relationship to the surrounding property, together with a fee of seventy-five dollars (\$75.00), which shall be nonrefundable. In addition to such fee, the person filing such request shall pay on demand by the city clerk the actual cost incurred by the city in connection with such request, and all actions taken pursuant thereto for copying, publication cost, postage and recording fees. No final action shall be taken upon such request until the application is deemed complete by the city clerk and until all such fees and cost have been paid in full. The fees herein provided may hereafter be increased or decreased by resolution duly enacted by the city council.

(Ord. 523 § 1 (part) Exh. A § 13.030, 1998)

(Ord. No. 05-6, § 3 (13.030), 12-27-05)

17.60.040 Reserved.

Editor's note(s)—Ord. No. 05-6, § 3 (13.040), adopted December 27, 2005, repealed § 17.60.00, which pertained to notices and public meeting and derived from Ord. No. 523, § 1 (part) Exh. A § 13.040, 1998.

17.60.050 Review by planning commission.

- A. Upon receipt of a complete variance application request, the city clerk and the chair of the planning commission shall set the date for a public hearing to review such application. Such hearing shall be set not later than thirty (30) days after receipt of the completed application by the city clerk. The planning commission shall provide notice of such hearing pursuant to Section 17.60.040.
- B. Any person interested in any application for variance may appear at the planning commission hearing set for review thereof and present his or her remarks. Upon conclusion of the hearing the planning commission shall recommend to the city council action on the variance request which recommendation may be to either approve the variance request, deny the variance request or approve the variance request with conditions.
- C. The planning commission may recess a hearing on a request for a variance, at the request of the applicant, in order to allow the application to provide additional information. The planning commission may also recess the variance public hearing on its own motion, in order to obtain additional information itself. Upon necessity of recess for these purposes, the planning commission shall announce the time and date when the hearing will be resumed.

- D. The planning commission shall make its recommendation to the city council on any variance request within twenty (20) days after completion of the public hearing. All planning commission actions on a variance request shall be completed within sixty (60) days after the date of the first public hearing unless the applicant has requested an extension of the public hearing and has failed to provide additional information to the planning commission in a timely fashion, in which case at the end of such sixty (60) day period the planning commission shall recommend denial of the variance application to the city council.
- E. The planning commission shall cause written notification of the planning commission's recommendation to the city council to be mailed to the applicant requesting said variance and to the city council within five days after the planning commission shall have concluded its hearing.

(Ord. 523 § 1 (part) Exh. A § 13.050, 1998)

17.60.060 Final action.

At the next regularly scheduled city council meeting after receipt of recommendations from the planning commission on a variance request, the city council shall review the variance application and the recommendations of the planning commission and shall reach a decision on the variance request, based on information provided to it in the application and by the planning commission report of proceedings and recommendation and the city council shall make its decision on the variance application based on the condition set for granting variance in Section 17.60.020.

The city council shall make its decision on the variance, conditional, secondary use, or critical area application based on the conditions set forth in this section. The city council shall cause written notification of its action to be provided pursuant to Section 17.04.050.

(Ord. 523 § 1 (part) Exh. A § 13.060, 1998)

(Ord. No. 05-6, § 3 (13.060), 12-27-05)

Chapter 17.64 AIRPORT ZONING

Sections:

17.64.010 Short title—Applicability.

This chapter shall be known and may be cited as "Morton airport zoning ordinance." This chapter shall only apply to and affect property located within the city limits of the city of Morton.

(Ord. 369 § 1, 1986)

17.64.020 Definitions.

As used in this chapter, unless the context otherwise requires:

"Airport" means Morton Airport.

"Airport elevation" means nine hundred fifty (950) feet above mean sea level.

"Approach surface" means a surface longitudinally centered on the runway centerline, extending outward and upward from the end of the runway surface and at the slope of 20 - 1.

"Board of adjustment" means the Morton planning commission.

"Hazard to air navigation" means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height. For the purpose of determining the height limits set forth in this chapter, the datum shall be sea level elevation unless otherwise specified.

"Nonconforming use" means any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter, or an amendment thereto.

"Obstruction" means any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Section 17.64.040.

"Person" means an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee or a similar representative of any of them.

"Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

"Structure" means an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

"Transitional surfaces" means those surfaces that extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the runway to where they intersect the approach surface.

"Tree" means any object of natural growth.

"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 and less.

"Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures.

(Ord. 555 § 1, 1999; Ord. 369 § 2, 1986)

17.64.030 Airport zone.

In order to carry out the provisions of this chapter, there are created and established certain airport zones which include all of the land lying beneath the approach surfaces and transitional surfaces, within the city limits, as they apply to the Morton Airport. This zone is established and defined as follows:

Utility Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the runway surface and its intersection with the transitional surface. Its centerline is the continuation of the centerline of the runway.

(Ord. 369 § 3, 1986)

17.64.040 Airport zone height limitations.

Except as otherwise provided in this chapter, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- A. Utility Runway Visual Approach Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the runway surface and extending along the runway centerline.

- B. Transitional Zones. Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the runway surface and the approach surface.

(Ord. 369 § 4, 1986)

17.64.050 Use restrictions.

Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

(Ord. 369 § 5, 1986)

17.64.060 Nonconforming uses.

- A. Regulations Not Retroactive. The regulations prescribed by this chapter shall not be construed to require the removal, lowering or other changer or alteration of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this chapter, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of said ordinance, and is diligently prosecuted.
- B. Marking and Lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the city council, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstructions. Such markers and lights shall be installed, operated and maintained at the expense of the city.

(Ord. 369 § 6, 1986)

17.64.070 Permits.

- A. Future Uses. Except as specifically provided in subsections A, B and C of 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 created unless a permit therefor 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 permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with subsection C of this section.
- 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 or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- C. Variances. 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 regulations prescribed in this chapter, shall first apply to the planning commission for a variance from such regulations. The planning commission will submit its recommendations to the city council for final determination on the variance. The application for 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 airspace. Such variance shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in 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.

- D. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the city council, this condition may be modified to require the owner to permit the city, at its own expense, to install, operate and maintain the necessary markings and lights.

(Ord. 555 § 2, 1999; Ord. 369 § 7, 1986)

17.64.080 Enforcement.

It shall be the duty of the Morton police department to administer and enforce the regulations prescribed in this chapter.

(Ord. 369 § 8, 1986)

17.64.090 Conflicting regulations.

Where there exists a conflict between any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

(Ord. 369 § 10, 1986)

17.64.100 Penalties.

Each violation of this chapter or of any regulation, order or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than one hundred eighty (180) days or both; and each day a violation continues to exist shall constitute a separate offense.

(Ord. 369 § 9, 1986)

Chapter 17.68 CONCURRENCY MANAGEMENT SYSTEM

Sections:

17.68.010 Purpose of provisions.

The city of Morton shall review development concurrency to ensure that available public facilities capacity adequately provide for planned development without exceeding the city's established level of services by use of its development regulations (building and zoning) and subdivision ordinances as provided in the following sections.

(Ord. 573 § (part), 2000)

17.68.020 Concurrency required.

The city shall require a concurrency review to determine that public facilities will be available at the time of development for all development within the city limits and urban growth area. The concurrency review shall be provided as follows:

- A. Residential Uses. As a part of all city pre-application permit review for single-family and multifamily residences upon existing lots the city clerk shall review the available capacity of the city prior to any other permit review by the city or county (e.g., plan check or building inspection). Administrative payments, when adopted by the city council, shall be due with the collection of the city building application fee.
- B. Commercial Uses. In designated commercial zones or home occupation applications as a part of all city permit review for commercial uses upon existing lots, the city clerk shall review the available capacity of the city. Administrative payments, when adopted by the city council, shall be due with the issuance of the city building application fee.
- C. Administrative Fee. An administrative fee when adopted by the city council by ordinance shall be required at the time of application for all other applications as noted in this chapter.
- D. All Other Applications. Except as noted above all development requests for industrial uses, conditional uses, major land partitions and subdivisions the applicant shall provide for the review as provided in the following sections.

(Ord. 573 § 1, 2000)

17.68.030 Engineering required.

In the review of industrial uses, subdivisions and conditional use proposals the city shall require submittal of an engineering analysis of the impact of the proposed development on the city's adopted level of services as set forth in Attachment "A", attached to the ordinance codified in this chapter, and adopted by this reference. The engineering analysis, by a professional engineer (P.E.) licensed in the state of Washington, shall show the calculation of all city capital facility capacities and levels of services before and after the proposed development. The analysis will be at the applicant's expense.

(Ord. 573 § 2, 2000)

17.68.040 Mitigation required.

Mitigation shall be required in the following instances:

- A. SEPA. Where the capacity analysis of the application for development indicates a higher proportion of the use of the available capacity (i.e., proposed use/available capacity) than anticipated in the city comprehensive plan/EIS, (i.e., planned use/planned capacity) the applicant shall propose environmental mitigation measures as part of its environmental checklist.
- B. LOS. Where the capacity analysis and level of services review of the application for development indicates that the level of services will drop below the city's established standard, the applicant shall propose mitigation measures that will achieve and maintain the city's standard for level of service. When required, if no mitigation is proposed, the application must be denied as per RCW 36.70A.020.
- C. Mitigation Payments. Where mitigation proposed involves significant capital improvements, the signed agreement for city services on city forms shall be included with the application with an agreed upon schedule of improvements or payments to city for improvements or payments to the city for improvements to begin upon final approval of the development and to be complete upon occupancy or

within six years by approval of the city council. Applicant's funds for improvements not made by the city within twelve (12) years may be returned upon request.

(Ord. 573 § 3, 2000)

17.68.050 Concurrency review.

The city clerk shall provide the applicant with a copy of the ordinance codified in this chapter prior to the required pre-application conference. The city public works superintendent shall review the application, environmental checklist and proposed mitigation and engineering analysis according to established city development standards and within required time lines shall submit comments to the city planning board for consideration in required public hearings. For complex applications as determined by the public works superintendent, the city engineer may be requested to review the analysis and provide comment within the required time line at the applicant's expense.

(Ord. 573 § 4, 2000)

17.68.060 Planning board review.

As an integral part of the public hearing for the development, the city planning board shall review the application, engineering analysis, SEPA environmental checklist/mitigation and level of services (LOS) mitigation proposed along with the public works comments. The concurrency review shall be part of the record of approval or denial, and approved mitigation shall be required and included in the conditions for any development approval and shall be kept on file in the offices of the city clerk.

(Ord. 573 § 5, 2000)

17.68.070 Waiver.

The city council may waive the concurrency review on its own motion if it provides a finding for the record of its determination that adequate public facilities will be available for the proposed development at the time of development occupancy.

(Ord. 573 § 6, 2000)

17.68.080 City council review.

The city council shall review concurrency in two ways as follows:

- A. Concurrency Conditions. Individual applications shall be reviewed as a part of the city's permit review process and any development appeals that the city council may consider. The city council may approve, deny, modify, waive or remand the concurrency conditions to the planning commission for further review.
- B. Annual Review. The city council shall review the concurrency management system annually as a part of its evaluation of the city comprehensive plan and planning needs review.

(Ord. 573 § 7, 2000)

Chapter 17.72 MEDICAL MARIJUANA COLLECTIVE GARDENS

17.72.005 Permitted uses.

Medical marijuana collective gardens as provided below.

(Ord. No. 2012-2, § 3.02, 5-29-12)

17.72.010 Purpose and authority.

The purpose of this chapter is to provide guidelines and conditions necessary for the establishment of collective medicinal cannabis gardens (hereinafter sometimes referred to as a "collective garden" or "cannabis garden") within the incorporated city limits of the city of Morton. For the purposes of this chapter, a "cannabis garden" or a "collective garden" is a location where cannabis or marijuana is grown or produced collectively and strictly for medicinal purposes consistent with the meaning, intent, and provisions of RCW 69.51A and applicable federal law. This chapter is authorized by and is adopted to implement the provisions of RCW 69.51A consistent with applicable federal law. The city of Morton does not condone violating federal drug laws, but finds it necessary to establish zoning controls to separate this use from incompatible uses and to also minimize potential nuisances. Nothing in this section should be misconstrued as providing permission to violate federal drug laws.

(Ord. No. 2012-2, § 3.10.100, 5-29-12)

17.72.020 Definitions.

"Cannabis" means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this chapter, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term "cannabis" includes cannabis products and useable cannabis.

"Cannabis products" means products that contain cannabis or cannabis extracts, have a measurable THC concentration greater than three-tenths of one percent, and are intended for human consumption or application, including, but not limited to, edible products, tinctures, and lotions. The term "cannabis products" does not include useable cannabis. The definition of "cannabis products" as a measurement of THC concentration only applies to the provisions of this chapter and shall not be considered applicable to any criminal laws related to marijuana or cannabis.

"Church" means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.

"Collective garden" means those gardens authorized under Section 403 of ESSSB 5073, which means qualifying patients sharing responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of cannabis plants.

"Designated care provider" means a person who:

1. Is eighteen (18) years of age or older;
2. Has been designated in ((writing)) a written document signed and dated by a qualifying patient to serve as a designated provider under this chapter and RCW 69.51A; and

3. Is in compliance with the terms and conditions set forth in RCW 69.51A.040. A qualifying patient may be the designated provider for another qualifying patient and be in possession of both patients' cannabis at the same time.

"Indoors" means within a fully enclosed and secure structure that complies with the Washington Building Code (WBC), as adopted by the city of Morton, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as two inches by four inches or thicker studs overlain with three-eighths-inch or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

"Legal parcel" means a parcel of land for which one legal title exists. Where contiguous legal parcels are under common ownership or control, such legal parcels shall be counted as a single parcel for purposes of this chapter.

"Medical use of cannabis" means the manufacture, production, processing, possession, transportation, delivery, ingestion, application, or administration of cannabis for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating medical condition.

"Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure as defined herein.

"Person" means an individual or an entity.

"Personally identifiable information" means any information that includes, but is not limited to, data that uniquely identify, distinguish, or trace a person's identity, such as the person's name, date of birth, or address, either alone or when combined with other sources, that establish the person is a qualifying patient or designated provide.

"Plant" means an organism having at least three distinguishable and distinct leaves, each leaf being at least three centimeters in diameter, and a readily observable root formation consisting of at least two separate and distinct roots, each being at least two centimeters in length. Multiple stalks emanating from the same root ball or root system shall be considered part of the same single plant.

"Process" means to handle or process cannabis in preparation for medical use.

"Produce" means to plant, grow, or harvest cannabis for medical use.

"Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; premises where goods and services are offered to the public for retail sale; public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages, and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, buses, ferries, and other public conveyances of all kinds and character, and the depots, stops, and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

"Qualifying patient" means a person who:

1. Is a patient of a health care professional;
2. Has been diagnosed by that health care professional as having a terminal or debilitating medical condition;
3. Is a resident of the state of Washington at the time of such diagnosis;

4. Has been advised by that health care professional about the risks and benefits of the medical use of cannabis;
5. Has been advised by that health care professional that he or she may benefit from the medical use of cannabis; and
6. Is otherwise in compliance with the terms and conditions established in RCW 69.51A. The term "qualifying patient" does not include a person who is actively being supervised for a criminal conviction by a corrections agency or department that has determined that the terms of this chapter and RCW 69.51A are inconsistent with and contrary to his or her supervision and all related processes and procedures related to that supervision.

"Residential treatment facility" means a facility providing for treatment of drug and alcohol dependency;

"School" means an institution of learning for minors, whether public or private, offering regular course of instruction required by the Washington Education Code, or any child or day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher learning, including a community or junior college, college or university.

"Terminal or debilitating medical condition" means:

1. Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders;
2. Intractable pain, limited for the purpose of this chapter to mean pain unrelieved by standard medical treatments and medications;
3. Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications;
4. Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications;
5. Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications;
6. Diseases, including anorexia, which result in nausea, vomiting, cachexia, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or
7. Any other medical condition duly approved by the Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery as directed in this chapter.

"THC concentration" means percent of tetrahydrocannabinol content per weight or volume of useable cannabis or cannabis product.

"Useable cannabis" means dried flowers of the cannabis plant having a THC concentration greater than three-tenths of one percent. Useable cannabis excludes stems, stalks, leaves, seeds, and roots. For purposes of this subsection, "dried" means containing less than fifteen percent moisture content by weight. The term "useable cannabis" does not include cannabis products.

"Valid documentation" means:

1. A statement signed and dated by a qualifying patient's health care professional written on tamper-resistant paper, which states that, in the health care professional's professional opinion, the patient may benefit from the medical use of cannabis;

2. Proof of identity such as a Washington state driver's license or identicard, as defined in RCW 46.20.035; and
3. In the case of a designated provider, the signed and dated document valid for one year from the date of signature executed by the qualifying patient who has designated the provider.

"Youth-oriented facility" means elementary school, middle school, high school, public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. This shall not include a day care or preschool facility.

(Ord. No. 2012-2, § 3.10.110, 5-29-12)

17.72.030 Medical marijuana collective garden land use permit.

In order to site and operate a collective garden, the owner of the property must obtain approval from the city a collective garden land use permit. This requires the submission of a complete application (as described in subsection E herein), and conformance with the following requirements:

- A. Zoning Districts. Collective Gardens, as defined in Section 17.72.020 of this chapter shall be allowed, subject to the locational criteria set forth herein.
- B. Location and Distance Restrictions. No collective garden, defined in Section 17.72.020 of this chapter shall be permitted:
 1. Within seven hundred fifty (750) feet of schools, churches, youth-oriented facilities, libraries or residential treatment facility as measured from edge of property line to edge of property line. See attached Exhibit B.

Editor's note(s)—Exhibit B was not included in the codification of this ordinance and can be found on file in the office of the city clerk.

2. Outdoors within one hundred feet of any occupied legal residential structure located on a separate legal parcel.
3. In any location where the marijuana plants are visible from a public place.
- C. Ownership and Limitation on Numbers. No more than one collective garden may be located on a legal lot of record, and the legal lot must be owned or leased to one of the members of the collective garden. A qualifying patient cannot be a member of more than one collective garden, and must be a member of one collective garden for at least thirty (30) days before transferring their membership to another garden. The collective garden must maintain records of its membership for no less than three years.
- D. Collective Garden Land Use Permit Application for License. A complete application for a collective garden land use permit shall consist of the following:
 1. The full name, residential address, telephone number, date and place of birth, race, gender, description, two complete sets of fingerprints, and signature of the applicant, and the applicant's driver's license number or state identification card number is used for identification in applying for a license. A signed application shall constitute a waiver of confidentiality and a written request that federal, state, and local agencies release information relevant to the applicant's eligibility for a collective cannabis garden license to an inquiring court or law enforcement agency.
 - a. The two complete sets of fingerprints shall be forwarded to the Washington State Patrol.

- b. The city license that is issued to the applicant shall include the following printed statement and the application for the license shall require the individual applicant to acknowledge the following warning:

CAUTION: Although state and local laws do not differ, federal and state laws on the cultivation of cannabis and possession of harvested cannabis and cannabis products differ. In the absence of a federal license, federal law prohibits the cultivation and possession of cannabis and cannabis products even pursuant to a state license. If you are in violation of federal law, you may be prosecuted in federal court, imprisoned, required to pay a fine and restitution and your real and person property deemed related to the cultivation or violation may be forfeited. A state or city license is not a defense to a federal prosecution and forfeiture.

2. Address of all qualifying patients applying for the permit and acknowledgement that they are responsible to possess proof of their qualifying status and a unique identifying number from the state of Washington Driver's License or Identification Card for all qualifying patient members of the collective gardens on the premises at all times, available for law enforcement.
3. A statement acknowledging that the permit applied for will be issued in conformance with the laws of the state of Washington and that such issuance does not confer upon the members of the collective garden immunity from prosecution under federal law.
4. The location of the legal lot where the cultivation collective garden will be located, by street address and tax parcel number.
5. Collective garden are not to be located outdoors.
6. The application shall contain the name and address of the record owner of the property on which the collective cannabis garden shall be located or, in the event that the record owner is a partnership, joint venture, corporation, limited liability entity, or another association, the names and addresses of all persons having an interest in the entity, together with a description of that interest.

The application shall require the signed, verified and authorized statement of the record owner(s) of the property acknowledging the following warning:

CAUTION: Although state and local laws do not differ, federal and state laws on the cultivation of cannabis and possession of harvested cannabis and cannabis products differ. In the absence of a federal license, federal law prohibits the cultivation and possession of cannabis and cannabis products even pursuant to a state license. If you are in violation of federal law, you may be prosecuted in federal court, imprisoned, required to pay a fine and restitution and your real and person property deemed related to the cultivation or violation may be forfeited. A state or city license is not a defense to a federal prosecution and forfeiture.

The statement shall be signed, verified and authorized by all of the persons having an interest in the entity that is the record owner of the property if that entity is a partnership, joint venture, corporation, association or limited liability entity.

The application shall require the applicant to provide proof of registration pursuant to RCW 69.51A or a copy of valid documentation as defined by RCW 69.51A establishing his or her status as a qualifying patient or, in the case of a designated provider, a true and correct copy of current documentation establishing his or her status as a designated provider for purposes of RCW 69.51A.

The applicant for a city license to establish a collective cannabis garden for the production of cannabis and cannabis products under RCW 69.51A.085 and 69.51A.140 shall not be issued

such a license if:

- a. He or she has not been issued a permit or license by the federal drug enforcement agency to establish and operate a marijuana or cannabis garden under the provisions of applicable federal law;
 - b. He or she is not a qualifying patient or designated provider as defined under RCW 69.51A.101 or cannot establish such status;
 - c. The applicant's permit or license to establish and operate and cannabis garden is in a revoked status;
 - d. He or she is under eighteen (18) years of age;
 - e. He or she is subject to a court order or injunction prohibiting cultivation, possession or use of marijuana, cannabis or cannabis products, or any controlled substance;
 - f. He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a criminal offense;
 - g. He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction within the United States for a felony or misdemeanor; or
 - h. He or she is supervised for a criminal conviction by a corrections agency or department, including local governments or jails, that has determined that licensure is inconsistent with and contrary to his or her supervision.
7. A statement describing the proposed security measures for the facility that shall be sufficient to ensure the safety of the members and protect the premises from theft.
 8. A statement describing the proposed source of power, if any, for the collective garden, the size of any such electrical service or system, and the total demand to be placed on the system by all proposed uses on site. The statement shall be forwarded to the Washington State Department of Labor and Industry for electrical permit review. The intent is to ensure sufficient electrical system exists to accommodate the new demand.
 9. One reproducible copy (eight and one-half inches by eleven (11) inches or eleven (11) inches by seventeen (17) inches) or seven oversized copies of a floor plan showing:
 - a. The collective garden must be located inside a structure, submit a floor plan including all existing and proposed walls.
 - b. Disability Access. Show how area of renovation/improvement complies with disabled access requirements, including paths of travel to point of ingress/egress, restrooms, drinking fountains and public telephones.
 - c. Doors. Show all door locations, fire-rating (if applicable), direction of swing, self-closing mechanism, required exit signage and lighting, etc.
 - d. Cross-connection control and backflow prevention devices are required in accordance with CRMC 13.06.045. Please show plumbing specifications, such as types and locations of fixtures, drains, and backflow prevention devices.
 - e. Lighting type and location of fixtures.
 - f. Ventilation equipment and fixtures.
 10. One reproducible copy (eight and one-half inches by eleven (11) inches or eleven (11) inches by seventeen (17) inches) or seven oversize copies of a plot plan showing:

- a. All property lines, labeled with dimensions;
 - b. All existing structures;
 - c. Accessible path of travel from public sidewalks and/or parking space to collective garden.
11. Submission of payment of a permit fee sufficient to cover the cost of all city departments investigating and processing the application in an amount that shall be set by the city council in accordance with applicable laws and regulations.
- E. Requirement. The approval of an application for a city license to establish and operate a cannabis garden shall be conditioned upon compliance with the following conditions in establishing and operating a cannabis garden:
 1. The cannabis garden must be located within the city limits or the established urban growth area;
 2. The cannabis garden must be fully contained inside of a building compliant with the city code and the requirements of this section ("garden building");
 3. The garden building shall be equipped with an air filtration system that prevents the release of cannabis pollen, fumes, and odors to the outside;
 4. The garden building shall be equipped with a "roll-up" or garage-type door, barricades shall be installed to prevent a vehicle from driving through the door(s);
 5. All doors to the garden building shall be kept locked at all times and made inaccessible to the public;
 6. The garden building shall be surrounded by a fence of at least ten (10) feet in height and topped with razor-type wire;
 7. Each fence surrounding a garden building shall be placed at least ten feet from the inside perimeter of the fence to the outside perimeter of the garden building and a permit shall be obtained for each such fence as required by city code;
 8. Access through the fence surrounding a garden building shall be secured at all times and unlocked only to allow an authorized person in or out the facility;
 9. The garden building shall be monitored at all times by video surveillance sufficient in coverage to include the exterior and interior fence lines of the facility and all of the interiors of the garden building, excluding any bathrooms. Video records shall be maintained by the licensees for a period of twenty-four (24) months. The video records shall be maintained at a location in the city identified by the licensees on the applications for an original or renewal license as applicable and the licensees shall advise the Morton police department and Morton planning commission any change of location in writing within seventy-two (72) hours of the change being made;
 10. The licensees shall maintain a log of all people entering and exiting the garden building. The log shall include the name, address and telephone number of the persons entering the garden building and a statement of the reason for such entry. The log shall also record the times of entry and exit from the garden building;
 11. The garden building shall be patrolled by on-site security at all times. On-site security personnel may be armed, provided security personnel (i) have the legal right (under both federal and state laws) to possess firearms, (ii) are not medical marijuana users, and (iii) are not a designated provider of cannabis under state law;
 12. All windows and doors of the garden building must be secured by monitored alarm. The interiors of the garden building must be monitored by motion detectors that are able to detect motion

from the floor of the building to a maximum height of eight feet;

13. A license permits a licensee to participate in only one collective garden. The collective garden must at all times comply with the requirements of RCW 69.51A.085, including but not limited to number of plants, number of qualifying patients participating in the garden, and amount of useable cannabis per qualifying patient;
 14. Only growing marijuana plants may be kept at the collective garden site. Harvested marijuana plants must be dried and stored at a separate location. Harvested/drying plants from any other location shall not be kept on site;
 15. No other business may be housed in a garden building, whether for-profit or not for profit, nor shall there be any items that can be obtained for "donation", "trade" or as gifts;
 16. Garden buildings may not be located within one mile of any other garden building;
 17. Garden buildings may not be located within seven hundred fifty (750) feet of a school, senior center, public park, public building, or public recreational facility;
 18. Garden building may not be located within one hundred (100) feet of a county/state road, highway or right-of-way;
 19. All structures shall be fully permitted by Morton and/or their designee and shall conform to applicable building codes and development requirements;
 20. The licensees participating in a collective garden shall at all times maintain general liability insurance for the establishment and operation of the collective garden and related risks with a single occurrence limit of one million dollars (\$1,000,000.00) and an aggregate limit of three million dollars (\$3,000,000.00), proof of which shall be available to the Morton police department office at all times;
 21. All participants of the collective garden must be residents of the City limits.
- F. Collective Garden Land Use Permit Procedure:
1. Within ten (10) working days of receipt of a complete application, the city clerk/treasurer's office shall transmit a copy of the application to the development review committee members for their department's review.
 2. Within ten (10) working days of receipt of department comments as to the completeness of satisfying the requirements of Section 17.72.030(A)—(D), the building official shall provide a written decision whether to issue the permit.
 3. The property owner must sign an acknowledgment agreeing that the building official, or designee thereof, may enter the property to perform an inspection at any time. The intent is to ensure compliance of the permit regulations.
- G. Expiration of Collective Garden Land Use Permit.
1. A medical marijuana collective garden land use permit shall expire three hundred sixty-four (364) days from the issuance. Property owners wishing to continue the land use permit must submit for the permit on an annual basis. The intent is to ensure continued compliance with the conditions of permit issuance and to also ensure that the members of the collective garden are not members of any other collective.

(Ord. No. 2012-2, § 3.10.120, 5-29-12)