



**CITY OF NAPAVINE PLANNING COMMISSION MEETING
Tuesday– September 3, 2024 – 6:00 PM**

Deborah Graham,
Position 1

Amy Hollinger
Position 2

Arnold Haberstroh,
Position 3

Amy Morris
Position 4

Kacey Torgerson
Position 5

Bryan Morris
PW/CD Director

I. PLEDGE OF ALLEGIANCE

II. INVOCATION

III. CALL TO ORDER

IV. ROLL CALL

V. APPROVAL OF AGENDA – As Presented

VI. APPROVAL OF MINUTES

1) Planning Commission Meeting– August 19, 2024

VII. OLD BUSINESS

**1) Napavine Development Code - Chapter 16.05 Definitions
- Final Version for Approval**

VIII. NEW BUSINESS

1) Napavine Development Code - Chapter 16.02 General Provisions

2) Napavine Development Code - Chapter 16.03 Administration

IX. CITIZEN COMMENT

X. GOOD OF THE ORDER

XI. ADJOURNMENT

**Planning Commission Meeting is held in person and via
Teleconference.**

Teleconference Information

Dial-in number (US): (720) 740-9753

Access code: 8460198

To join the online meeting:

<https://join.freeconferencecall.com/rdenham8>

City of Napavine
407 Birch Ave SW
P O Box 810
Napavine, WA 98565
360-262-3547

City Website
www.cityofnapavine.com



NAPAVINE PLANNING COMMISSION MINUTES
August 19, 2024 6:00 P.M.
Napavine City Hall, 407 Birch Ave SW, Napavine, WA

PLEDGE OF ALLEGIANCE:

INVOCATION: Invocation was led by **Director Morris**.

CALL TO ORDER:

Commissioner Graham opened the regular Planning Commission meeting to order at 6:03 PM

ROLL CALL:

Planning Commission present: **Commissioner Graham, Commissioner Haberstroh, Commissioner Hollinger, and Commissioner Morris**. **Commissioner Hollinger** motioned to excuse **Commissioner Torgerson**, seconded by **Commissioner Morris**. **Vote on Motion 3 aye, 0 nay.**

APPROVAL OF AGENDA – As presented:

Commissioner Morris motioned to approve the agenda as presented, seconded by **Commissioner Morris**. **Vote on motion 3 aye, 0 nay.**

APPROVAL OF MINUTES:

Commissioner Morris motioned to approve minutes from the **Planning Commission meeting on August 5, 2024**, seconded by **Commissioner Haberstroh**. **Vote on motion 3 aye and 0 nay.**

NEW BUSINESS:

1. Napavine Development Code – Chapter 16.05 Definitions

The Planning Commission reviewed the definitions presented. A summary is below.

1. Basement – Option 2 - Motions 1. Hollinger, 2. Haberstroh – 3 ayes
2. Boarding House – Option 2 – Motions 1. Morris, 2. Haberstroh – 3 ayes
3. Boundary Line Adjustment – Option 2 – Motions 1. Haberstroh, 2. Hollinger – 3 ayes
4. Building Height – Option 2 – Motions 1. Hollinger, 2. Haberstroh – 3 ayes
5. 1. Child day care. 2. Child day care center – Keep both definitions as is.
6. Family – Option 1 – Motions 1. Morris, 2. Hollinger – 3 ayes
7. 1. Floor 2. Floor area – Keep both – Motions 1. Morris, 2. Hollinger – 3 ayes
8. 1. Garage 2. Garage or carport, private 3. Garage, detached – Keep All – Motions 1. Haberstroh, 2. Hollinger – 3 ayes
9. Home Occupation – Option 1 – Motions 1. Hollinger, 2. Morris – 3 ayes
10. Lot Depth – Option 1 – Motions 1. Haberstroh, 2. Morris – 3 ayes
11. Lot Width – Option 2 – Motions 1. Haberstroh, 2. Morris – 3 ayes
12. Lot Corner – Combine definitions as one – Motions 1. Haberstroh, 2. Hollinger – 3 ayes
13. Mobile Home – Option 2 – Motions 1. Haberstroh, 2. Hollinger – 3 ayes
14. Motel – Option 2 – Motion 1. Hollinger, 2. Haberstroh – 3 ayes
15. Recreational Vehicle – Option 2 and strike section ~~“It will have a body width of no more than eight feet and a body length of not more than 35 feet when factory equipped for the road.”~~ – Motions 1. Hollinger, 2. Morris – 3 Ayes
16. Structure – Option 1 – Motion 1. Morris, 2. Haberstroh – 3 ayes

CONSIDERATION:

Commissioner Haberstroh reported a manufactured home on 2nd Ave has overgrown weeds. **Commissioner Hollinger** also brought up the house on the corner of Stella and 4th Avenue, and 215 Third Ave. **Director Morris**

stated he would turn them in for nuisance, **Assistant Lopez** stated it would mean more to the police department if it was coming from the individual reporting.

Director Morris requested to remove Consideration from the agenda.

CITIZEN COMMENT:

Jerry Graham stated he saw a bob cat in city limits.

GOOD OF THE ORDER:

Commissioner Graham will not be available at the September 16th meeting. **Commissioner Haberstroh** stated he will not be available for the October 7th and 21st meetings.

ADJOURNMENT 7:11 pm

Commissioner Morris motioned to adjourn, seconded by **Commissioner Haberstroh**. Vote 3 aye, 0 nay.

These minutes are not verbatim. If so desired, a recording of this meeting is available online at <https://fccdl.in/HUDNmcW8Bz>.

Respectfully submitted,

Bryan Morris, Community Development/Public Works Director

Planning Commission Chairperson

CHAPTER 16.05 DEFINITIONS.

Sections:

16.05.010 Definitions.

16.05.010 Definitions.

Unless the context clearly requires otherwise, the definitions in this section shall apply to terms in this title. In addition to definitions provided below, there are chapter-specific or section-specific definitions in this Title.

Accessory Storage Building	An “accessory storage building” is: 1. A building originally constructed for the use as an accessory building for the storage of materials and equipment accessory to a primary use on the property. 2. For the purpose of this title, cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for the purpose other than the storage of goods and materials are not accessory storage buildings.
Accessory Structure, Accessory Use	A structure or use incidental and subordinate to the main use of the property, and which is located on the same lot with the main use. Private garages and carports are accessory buildings when not attached to the main building.
Addition (to an existing building)	Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition that is connected by a fire wall or is separated by independent perimeter load-bearing walls is considered to be new construction.
Adjacent	“Adjacent” shall mean near, close; for example, an industrial district across the street or highway from a commercial district shall be considered as “adjacent”.
Adjoin	“Adjoin” shall mean the same as “abutting”.
Adult family home	<u>RCW 70.128.010(1), as it now exists or hereafter amended or recodified, is adopted by reference for the purposes of this definition.</u> 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 six adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of eight 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

	<u>(Ch. RCW 70.128.010 RCW, as it now exists or is hereafter amended).</u>
Aesthetics	A characteristic of development or the environment relating to physical beauty.
Affordable Housing	Decent, safe, quality housing that costs no more than 30 percent of a household's gross monthly income for rent/mortgage and utility payments.
Agricultural uses	The use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and wineries, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities; and provided further, that the above uses shall not include slaughterhouses and meat packing or commercial feeding of animals.
Alley	A public right-of-way not over 30 feet wide which affords, generally, a secondary means of access to abutting lots not intended for general use.
Amusement Park or Center	A group of amusement devices for children and/or adults and their accessory uses. Such a park or center may include miniature golf areas, bumper cars, batting cages, arcades, bumper boats, go-carts and other such activities.
Apartment	A room or suite of rooms within an apartment house or apartment hotel, used as a dwelling unit for one family with facilities that function or are intended to function for living, sleeping, and cooking.
Apartment Hotel	An apartment house that furnishes services for the use of its tenants which are ordinarily furnished by hotels, but the privileges of which are not primarily available to the general public.
Apartment house	Shall have the same meaning as "Multiple-family dwelling."
Applicant	Any person or his or her authorized agent or representative who has applied for a permit and who has a valid, existing legal interest in the property proposed to be developed.
Appropriate Area, Minimum	The smallest total area of property that is allowed in a particular zone.
Area of special flood hazard	The land in the flood plain subject to a one percent chance or greater of flooding in any given year as shown on flood insurance rate maps (FIRM) or except as otherwise determined by the Federal Emergency Management Agency (FEMA).
Assessment	An estimation or determination of the significance, importance, or value of land, buildings, or a proposed development activity.
Automobile Sales and Service Establishments, New or Used	An establishment that provides for the sale of motorized vehicles as its primary use, and allows for minor or major repairs, or paint and body work.

Automobile Service Station	A building or structure designed or used for the retail sale or supply of fuels (stored only as prescribed by existing legal regulations), lubricants, air, water, and other operating commodities for motor vehicles or boats. The cross-section areas of service station canopy supports where they meet the ground shall be measured as coverage for the purposes of determining maximum lot coverage, and also shall be used for measurement of setback requirements. Automobile Service Stations may include the following: customary space and facilities to the installation of such commodities on or in such vehicles: space for facilities for the storage, minor repair, or servicing of such vehicle, and space for care washing.
Automotive Repair Establishment	A retail sales and service establishment that includes; brake repair, engine tune-ups, oil changes, lubrications, front end alignments, major mechanical repairs and adjustments such as engine overhauls, transmission overhauls and the like. It can also include painting, repainting or retouching services.
Awning	Any movable roof-like structure cantilevered, or otherwise entirely supported from a building, so constructed and erected as to permit its being readily and easily moved within a few minutes time to close an opening or rolled or folded back to a position flat against the building or a cantilevered projection thereof, or which is detachable.
Bakery	An establishment where products such as breads, cakes, pies, pastries, etc. are baked or produced and sold on premises for wholesale and/or retail sale.
Bar and/or cocktail lounge	Any premises wherein alcoholic beverages are sold at retail for consumption on the premises. A Class H Retailer's License is required for serving liquor by the bottle or by the drink.
Base Flood	The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year" flood.
Basement	The lowest floor of any building when the main entrance to the building is on the floor above. When a building has its main entrance on the third actual story, it may be said to have a basement and a subbasement.
Basement	Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.
Bed and breakfast house	A hotel in what was built as a single-family dwelling, and which offers up to six (6) bedrooms for transient guests.
Best available science	Means scientific information or information meeting the criteria set forth in WAC 365-195-900 through 365-195-925, <u>as it now exists or is hereafter amended.</u>

Commented [MJ1]: NMC 17.08.030

Commented [KW2]: PC picked this one.

Best management practice (BMP)	When associated with stormwater management means physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water; when associated with groundwater protection means a written plan outlining accepted practices, such as liquid containment, transfer practices, and emergency procedures whose purpose is to provide containment for underground storage tanks.
Billboard	A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to the premises or any use of the premises wherein it is displayed or posted.
Binding site plan	A drawing to scale which (1) Identifies and shows the locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by the City of Napavine, and (2) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of land; and Contains provisions for making any development be in conformity with the site plan.
Blight	The concentration of forces which puts a building or neighborhood on its way to becoming a slum. A “blighted” area is one that has deteriorated or has been arrested in its development by physical, economic, or social forces.
Block	A group of lots, tracts, or parcels within well-defined and fixed boundaries.
Boarding house	A building or portion thereof, other than a hotel or motel, where lodging and/or meals for five or more persons, but not more than twenty persons, are provided for compensation and without individual cooking facilities.
Boarding house	A dwelling where meals or lodging and meals are provided for compensation to at least one (1) person and no more than sixteen (16) persons by prearrangement for definite periods of at least one (1) week’s duration. A boarding house is to be distinguished from a hotel.
Bollard	A post permanently affixed into the ground or pavement, at least two (2) feet and no more than four (4) feet in height after installation, whose purpose is to segregate automotive traffic from certain areas.
Border lots	Residential lots abutting the urban growth area boundary which may be larger in size than most urban lots to allow for a smoother transition to larger rural lots lying outside the boundary.
Boundary line adjustment	A division of land 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, tract, parcel, site, or division which contains insufficient area and dimensions to meet

Commented [MJ3]: NMC 17.08.040

Commented [KW4]: PC picked this one.

	minimum requirements for width and area for a building site and may be accomplished in nonconforming situations when the degree of nonconformity is not increased.
Boundary line adjustment	The adjustment of boundary lines that does not create any additional lot, tract, parcel, site, or division, nor creates any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.
Buffer area	A landscaped or natural area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another or intended to reduce the impact of noise levels generated on one property from the surrounding properties and intended to enhance the level of safety and promote the aesthetic qualities of the area.
Buildable area	The space remaining after the minimum open space and yard setback requirements of this Ordinance have been complied with.
Buildable Land	Lands not constrained by critical areas and public rights-of-way.
Building	A combination of materials to form a structure that is adapted to any use or occupancy. It is a structure having a roof supported by columns or walls for the housing or enclosure of person, animals, or chattel.
Building code	The State Building Code as adopted by the City.
Building coverage	That percentage of the total lot area of a lot which is covered by the principal and accessory buildings.
Building height	The vertical distance from the average elevation of the proposed finished grade at the front structure line to the highest point of the building excluding chimneys, antennas, belfries, steeples, water tanks, ventilators, and other generally noninhabitable vertical appurtenances measuring under six feet in any horizontal dimension; provided that no such vertical appurtenance shall be over ten feet in height above the building height.
Building height	The vertical distance from a point as determined in this section to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hip roof. "Building height" does not include such accessory elements as utilities, rooftop mechanical equipment and enclosures for it, chimneys, church spires, water towers and accessory radio antennas. (1) The base point shall be the elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade adjoining the building. (2) The base point shall be 10 feet above the lowest grade adjoining the building when the sidewalk or ground surface

Commented [MJ5]: NMC 16.06.030

Commented [KW6]: PC picked this one.

Commented [MJ7]: NMC 17.08.065

	within a five-foot horizontal distance of the exterior wall of the building is more than 10 feet above lowest grade. (3) The height of a steeped or terraced building shall be the height of any segment of the building.
Building inspector	The duly appointed building inspector.
Building permit	The document or certificate issued by the City of Napavine that sanctions adherence to all applicable building and development regulations and gives permission to the applicant to proceed with the actions for which the permit was requested.
Building setback line	A line parallel to the front lot line and passing through the most forward point or plane of the building closest to the front lot line.
Building site	A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.
Building, nonconforming	A legally existing building that fails to comply with this Ordinance (for height, number or stories, size, area, yards, location, or use) applicable to the district in which the building is located.
Building, principal	A building in which is conducted the main use of the lot on which the building is located.
Bulk	The term used to describe the size of buildings or other structures, and their relationship to each other and to open areas and lot lines.
Business services	An establishment primarily engaged in rendering services to other business establishments on a fee or contract basis, not involving the sale of any goods or commodities available on the premises, and not dispensing a personal service. Business service establishments may include but are not necessarily limited to, activities such as real estate, insurance, accounting or bookkeeping, financial institutions, management or consulting firms, or other similar uses.
Camper	A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreational, and/or vacation use.
Camping trailer	A structure mounted on wheels and designed for travel, recreational, and/or vacation uses.
Canopy	A roof-like structure made of any material that projects from the wall of a building and overhangs a sidewalk.
Car Wash	A building, or portion thereof, containing facilities for washing automobiles utilizing mechanical devices.
Carport	A building designed to cover, but not enclose, automobile parking spaces.
Cemetery	A place for the burial or interment of dead persons or household pets.

Commented [KW8]: PC picked this one.

Certificate of occupancy (occupancy permit)	The official certification that a premise conforms to the provisions of this Ordinance (and the Building Code) and may legally be used or occupied. Such a certificate is required for new construction or for alteration or additions to existing structures. Unless such a certificate is issued for new construction, a structure cannot be occupied.
Chart	The official zone regulations chart of the city.
Child day care	A. "Child day care" means the provision of supplemental parental care and supervision. 1. For a non-related child or children; 2. On a regular basis; 3. For less than twenty-four hours a day; and 4. Under license by the Washington State Department of Social and Health Services. B. As used in this title, the term is not intended to include babysitting services of a casual, non-recurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocative child care by a group of parents in their respective homes.
Child day care center, <u>child care center, or child care facility</u>	A building or structure in which an agency, person, or persons, <u>firm, partnership, association, corporation, or facility that regularly provide early childhood education and early learning services</u> care for a group of six or more children for periods of less than twenty-four hours a day. Child day care centers include family day care homes, out-of-home child mini-day care centers, and child day care centers regulated by the Washington State Department of Social and Health Services, as presently defined and hereafter amended (Ch. 74.15 RCW <u>and Ch. 35.63.170, WAC 388-73-422), RCW 35.63.170 and RCW 43.216.010 as it now exists or is hereafter amended or recodified, is adopted by reference for the purposes of this definition.</u>
City	The City of Napavine, Washington.
Clearing	The act of removing existing vegetations, structures or other items from a site prior to undertaking land improvements.
Clinic	An establishment where patients who are not lodged overnight are admitted for examination and treatment by one (1) person or group of persons licensed as a physician, dentist, chiropractor, therapist, or other similar health related professional.
Club	Buildings or facilities owned or operated by a corporation, association, person or persons for a social, educational, fraternal, civic, religious, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.
Cluster development	Grouping or, concentrating physical structures (buildings) on lots smaller than permitted by the existing zoning to preserve open space without increasing the allowable density of the development.

Commented [KW9]: PC picked both definitions?? Not sure how to approach that?

Commission or planning commission	“Commission” or “planning commission” shall mean the planning commission of the city.
Common area	The total area not designed for rental or sale to tenants and that is available for common use by all tenants or groups of tenants and their guests, including such areas as parking lots and their appurtenances, lobbies, malls, sidewalks, landscaped areas, public rest rooms, truck and service facilities, etc.
Compatible use	A use that is capable of existing in harmony with other uses situated in its immediate vicinity.
Comprehensive plan	The official city comprehensive plan as adopted by the council. he goals, objectives and policies, documents and maps adopted by motion by the Council to guide the physical development of the City; to coordinate City programs, services and controls, and to promote the general welfare.
Concession stand, agricultural or produce	An open-air structure, not to exceed twenty (20) feet by thirty (30) feet in its dimensions, and at which fresh eggs, fruits, vegetables; and/or other agricultural products may be sold from local farms to the public.
Concrete slab	A broad, flat, somewhat thick concrete surface extending under a manufactured home or built in-place to the extent of the structure which rests upon it. Must meet all IBC standards.
Conditional use	A use allowed in one or more zones as defined by this title but which, because of characteristics peculiar to such use, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone.
Condominium	A development in which each dwelling unit is owned individually but all other common elements are jointly owned on a specified basis - most often in a multifamily structure.
Confectionery	An establishment engaged solely in the preparation and production of candy products for direct retail sale to the consumer on the premises.
Construction	The building of, or substantial improvement to, any structure or the clearing, filling, or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, “construction” refers to the act of construction or the result of construction.
Contiguous	Lands are contiguous if they adjoin each other and share a common boundary.
Convenience Store	A retail establishment that is usually open for extended daily hours of business, normally located as a single entity or in a strip

	building configuration along major roadways, is typically a self-service facility not dependent upon comparison shopping, and by its manner of display and merchandising.
Conversion	The change of use or purpose to which a structure or building is put.
Council	“Council” or “city council” shall mean the city council of the city.
County	The county of Lewis, Washington.
Cul-de-sac	A local street having only one (1) means of vehicular access to another street and terminating at its other in a circular-shaped turn around. This definition of cul-de-sac shall in no way be interpreted to include a dead-end street.
Curb Cut	The level of the established curb in front of a building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished top grade immediately adjacent to a building shall be considered the “curb level”.
Day care	A person, group, or agency which regularly provides care for a group of children for periods of less than 24 hours a day in accordance with Washington State laws and standards. (1) “Family day care home” means a home which regularly provides care during part of the 24-hour day for six or fewer children. (2) “Mini day care center” means a day care facility for the care of 12 or fewer children either in a home or a separate facility not associated with a home. (3) “Day care center” means a center providing for the care of 13 or more children in a facility other than a private residence or in a portion of a private residence which is used exclusively for the children during the hours the center is in operation, and which is usually separate from the living quarters. RCW 35.63.170, as it now exists or is hereafter amended or recodified, is adopted by reference for the purposes of this definition.
Dedication	The deliberate appropriation of land by the owner for any general and public uses, reserving to himself no other rights than such as one compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing.
Density	The number of permitted dwelling units allowed on each acre of land or fraction thereof.
Density, Net	The number of dwelling units or persons per net acre covering only the land devoted to building lots.
Design Storm	A prescribed hyetograph and total precipitation amount (for a specific duration recurrence frequency) used to estimate runoff

	for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities or assessing other impacts of a proposed project on the flow of surface water. (A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs).
Detention Facility	An above- or below-ground facility, such as a pond or tank, that temporarily stores stormwater runoff and subsequently releases it at a slower rate than it is collected by the drainage facility system. There is little or no infiltration of stored stormwater.
Developer	Any person, firm, or corporation undertaking the dividing of any parcel of land by short subdivision or subdivision; also known as the “applicant”.
Development	The placement, erection, or removal of any fill, solid material, or structure on land, in or under the water, discharge or disposal of any dredged material or of any liquid or solid waste; or the grading, removing, dredging, mining, or extraction of any materials, including mineral resources; the construction, reconstruction, removal, demolition or alteration of the size of any structure; or the removal or harvesting of vegetation. Development shall not be defined or interpreted to include activities related to or undertaken in conjunction with the cultivation, use, or subdivision of land for agricultural purposes or any improvement made in the interior of any structure.
Development Right	A legal claim to convert a tract of land to a specific purpose by construction, installation, or alteration of a building or other structure.
Development, Substantial	With regard to projects that have been initiated, substantial development shall constitute at least ten (10) percent of the total expected cost (including architectural and engineering fees) to complete the project as it was approved. Development shall also be considered to be substantial if the developer of an approved project has secured financing for the project and can demonstrate, in writing, his or her financial commitments to the project in question.
District, Zoning	Any portion of the City within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this Ordinance and within which certain yards and other open spaces are required, certain lot areas are established, and a combination of such aforesaid conditions are applied.
Domestic Animal	An animal normally kept incidental to a single-family dwelling. Included are dogs and cats; excluded are wild or exotic animals, horses and cows, chickens, goats, or other similar animals.
Drainage	The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control

	of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation, prevention, or alleviation of flooding.
Drainage Basin	A geographic and hydrologic subunit of a watershed.
Drive-in or Drive-Through Facility	An establishment that, by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.
Driveway	That space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.
Dwelling	A building or portion thereof, designed or used as the residence or sleeping place of one or more persons.
Dwelling unit	One or more rooms designed for occupancy by one family, and not having more than one cooking facility. For the purpose of this title, the term “dwelling unit” does not include the term “travel trailer” or “mobile manufactured home”.
Dwelling, Attached	A dwelling having any portion of a wall in common with adjoining dwellings.
Dwelling, Detached	A dwelling that is surrounded by open space on the same lot.
Dwelling, Duplex	A detached building, designed for or occupied exclusively by two (2) families living independently of each other, and shall not include a manufactured home.
Dwelling, multiple-family	A building or portion thereof designed or used as a residence by two or more families and containing two or more dwelling units.
Dwelling, single-family	A building designed or used for residence purposes by not more than one family and containing one dwelling unit only.
Easement	A grant by a property owner to specific person(s) or to the public of the right to use certain property for a specific use/purpose.
Elevation	(1) The vertical distance above or below a fixed reference level; or, (2) A flat scale drawing of the front, rear, or side of a building or structure.
Emergency Shelter	A facility whose primary purpose is to provide housing for individuals and families in the event of an emergency or an emergency hazardous situation.
Eminent Domain	The authority of the City of Napavine or other government agency to take, or to authorize the taking of, private property for public use with just compensation to the owner.
Employees	All persons, including proprietors, working on the premises during the largest shift at peak season.
Energy-efficient structure	A structure designed and built to comply with the annual thermal performance standards established by the Northwest Power Planning Council as the Model Conservation Standards.
Engineer	The city engineer of the city.

Enlargement	An addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.
Environment	The physical, social and economic conditions that exist within the area which will be affected by a proposed project.
Environmentally sensitive lands, potential	Lands shown on the city zoning map as an overlay to demonstrate areas which may contain wetlands, steep slopes, or other similar environmentally critical features which may limit or prevent construction.
Erected	Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill; drainage, paving, and the like shall be considered within the definition of “erected”.
Erosion	The detachment and-movement of soil or rock fragments by water, wind, and/or gravity.
Essential public facilities	Facilities meeting the requirements of RCW 36.70A.200, <u>as it now exists or is hereafter amended</u> , such as airports, state education facilities, state and regional transportation facilities, state and local correctional facilities, solid waste handling facilities and inpatient facilities including substance abuse facilities, mental health facilities, group homes and other as determined by the Washington State Office of Financial Management.
Establishment	An economic unit, generally at a single physical location, where business is conducted, or services are offered.
Façade	The front of a building, particularly that part of a building facing a street or courtyard.
Family	An individual or two or more persons related by blood or marriage, living together as a single housekeeping unit and occupying a dwelling unit; provided that occupants of a boarding house, hotel, club, shall not be regarded as a family.
Family	Two or more persons customarily living together as a single housekeeping unit and using common cooking facilities, as distinguished from a group occupying a hotel, club, boarding, or lodging house.
Fence	Any artificially constructed barrier or any material or combination of materials erected to enclose or screen areas of land, and is six feet or less.
Fence, sight-obscuring	A fence or evergreen planting, or combination of fence and planting, arranged in such a way as to obstruct vision.
Fill	Earth or any other approved substance or material.
Final plat	The final drawing of the subdivision and dedication, prepared for filing for record with the county auditor and containing all elements and requirements set forth in this title and in state law.

Commented [MJ11R10]: NMC 17.08.135

Commented [KW10]: PC picked this one.

Financial Institutions	Establishments such as, but not limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, and other similar uses.
Flag lot	A lot the developable portion of which is separated from the public right-of-way to which the lot has direct access by a narrow strip of land often used as a driveway. Creation of a flag lot is subject to additional standards in this code.
Flea Market	An occasional sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, but not to include private garage sales.
Floor	The top surface of an enclosed area in a building (including basement), i.e., the top of a slab in concrete slab construction or the top of wood flooring in wood frame construction. The term does not include the floor of a garage used primarily for the parking of vehicles and where openings are installed to allow the free passage of water.
Floor Area	The sum of the gross horizontal areas of all of the floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. Floor area shall include the area of basements when used for residential, commercial or industrial purposes, but need not include a basement or portion of a basement used for storage or housing of mechanical equipment, or the basement apartment of a custodian in a multi-family dwelling, except that portion of said custodian's dwelling unit which is in excess of fifty (50) percent of the total basement area.
Foster Home	A home licensed and regulated by the State and classified by the State as a foster home, providing care and guidance for not more than five (5) unrelated juveniles, adults or both.
Frontage	That portion of a parcel of property which abuts a dedicated public street or highway, or private road or driveway approved by the city.
Frontage, Corner Lot	All the property on two (2) sides of a street between two (2) intersecting streets, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on two (2) sides between an intersecting street and the dead-end of the street. This definition also includes ingress-egress easements when used as the only means of access.
Fuel Storage Facility	An area that is used or planned to be used for the storage of petroleum. The facilities may be above-ground or underground storage tanks.
Garage	A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, or storing motor vehicles internally and enclosed within the building.

Commented [KW12]: They picked both definitions

Garage or carport, private	“Private garage” or “private carport” means an accessory building or an accessory portion of the principal building designed and/or used primarily for shelter or storage of automobiles, boats, and/or any other vehicles.
Garage, detached	An accessory building intended and primarily used for the storage of motor vehicles, which is separate from and secondary to the main structure of the occupants.
Geologically hazardous areas	Areas that, because of their susceptibility to erosion, sliding, earthquake or other geological events, are not suited to the siting of commercial, residential or industrial development consistent with public health or safety.
Grade	“Grade” (ground level) shall mean the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.
Greenhouse	An enclosed building, permanent or portable, that is used for the growth of plants.
Ground Floor Area	The square footage area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, patios, swimming pools, parking areas, driveways, garages, exterior stairways, secondary stairways, and drive-through teller lanes or walk-up windows of financial institutions only. Ground floor area is the total building area used in determining the percentage of lot coverage.
Groundwater	The portion of water contained in interconnected pores or fractures in a saturated zone or stratum located beneath the surface of the earth or below a surface water body.
Groundwater Management	The management and coordination of groundwater regulations, strategies, polities, and technical information for the protection and use of groundwater resources.
Group Care Facility	A facility licensed by the State to provide, on a twenty-four (24) hour basis, training, care, custody, correction or control, or any combination of those functions, to one or more persons who may be children, the aged, disabled, underprivileged, indigent, handicapped or other special class of persons, either by governmental unit or agency or by a person or organization devoted to such functions. This term shall not include schools, hospitals, prisons or other social service facilities.
Gutter	A constructed waterway, usually along a street curb, installed to collect and conduct street surface water.
Habitable floor	Any floor usable for living purposes including working, sleeping, eating, cooking, or recreating uses, or any combination of these uses. A floor used only for storage purposes is not a “habitable floor”.

Commented [KW13]: Keep all definitions.

Hazardous waste	All dangerous and extremely hazardous waste as defined in RCW 70A.300.01070-105.010 except for moderate-risk waste. RCW <u>70A.300.010, as it now exists or is hereafter amended or recodified,70.105.010</u> is adopted by reference for the purposes of this definition.
Hazardous waste storage	The holding of dangerous waste for a temporary period as regulated by State Dangerous Waste Regulations, Chapter 173-303 WAC. For purposes of this title, Chapter 173-303 WAC as existing and hereafter amended is adopted by reference.
Hazardous waste treatment	The physical, chemical, or biological processing of dangerous waste to make wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, as regulated by the state Dangerous Waste Regulations, Chapter 173-303 WAC.
Hazardous waste treatment and storage facility, off-site	Treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.
Hazardous waste treatment and storage facility, on-site	Treatment and storage facilities that treat and store waste from generators on properties on the same geographically contiguous or bordering property.
Health Care Facility	An establishment primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners; medical and dental laboratories; out-patient care facilities; blood banks; and oxygen and miscellaneous types of medical supplies and services.
Health club	Gymnasiums (except those associated with educational institutions), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.
Hearings examiner	The person(s) appointed hearings examiner by the city council of Napavine pursuant to Chapter 2.35 NDC.
Historic property	A building, structure, object, area or site that is significant in the history, architecture, archaeology or culture of Napavine, the region or the nation.
Home occupation	Any lawful profession, craft, or service activity customarily and historically conducted within a dwelling unit by its inhabitants without the involvement of any servant, employee or other person. Such activity is clearly incidental to the use of the building for dwelling purposes and does not include any display of merchandise which can be seen from the exterior of the dwelling unit.
Home occupation	An occupation, profession, or craft secondary to the use of a dwelling unit for residential purposes, is carried on by a member of the family residing within the residence, and requires no structural alterations or changes in the dwelling unit.

Commented [MJ15R14]: NMC 17.68.040

Commented [KW14]: PC Picked this one.

Homeowners' association	A nonprofit organization operating under recorded land agreements through which the following take place: (1) Each person owning or purchasing a lot in a planned unit or other described land area is automatically a member by such ownership or purchase. (2) Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property. (3) Construction and maintenance responsibilities for any undivided property are identified and assigned.
Hospital	An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.
Hotel	A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests.
House of worship/church	A building or structure wherein persons regularly assemble for religious worship, is specifically designed and used primarily for such purpose, and is maintained and controlled by a religious body organized to sustain public worship.
Housing for people with functional disabilities	Housing used, or intended for use, by persons with functional disabilities. The term includes, but is not limited to, adult family homes, residential care facilities, and housing for any supported living arrangement, as herein defined.
Illuminated sign	Any sign that has characters, letters, figures, designs or outlines illuminated by electric lights, or from a remote position.
Immediate vicinity	With regard to the built-or man-made environment, this refers to all development that is within five hundred (500) linear feet of any proposed development, measured in a straight line from the property line that is closest to any existing development.
Impervious surfaces	Those surfaces that do not absorb water and consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt on a lot.
Improvement	Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.
Improvement plans	The technical drawings of the design and proposed construction of such items as streets, water and sewer systems, and drainage detention systems.
Incompatible use	A use that is incapable of existing in harmony with the natural environment or with other uses situated in its immediate vicinity.
Indoor amusement	Establishments engaged in providing entertainment indoors for a fee or admission charge, including such activities as theaters, bowling, pool, billiards, or arcades, that feature three (3) or more coin or token operated devices, such as pinball and video games.

Indoor storage	The keeping of any goods, materials, merchandise, or supplies as an accessory use to any retail, office, or service use.
Industrial park	A planned, coordinated development of a tract of land with two (2) or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to onsite circulation, parking, utility needs, building design and orientation, and open space.
Industry, heavy	A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
Industry, light	A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including process, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.
Infiltration	The downward movement of water from the surface to the subsoil.
Irregular Lot	A lot which is shaped so that application of setback requirements is difficult. Examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line.
Kennel	Either: (1) Any premises used to conduct a commercial business involving the breeding, buying, selling or letting dogs or cats for hire, boarding or training dogs or cats; or (2) Any premises at which three or more dogs or cats which are six months old or older are kept for any purpose, including animal shelters, but excluding veterinary clinics and animal hospitals where dogs are kept only for treatment by licensed veterinarians.
Land clearing	The exposure of earth by the removal of vegetative cover of any kind.
Land division	A short subdivision or subdivision.
Land-disturbing activity	Any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to demolition, construction, clearing, grading, filling and excavation.
Landscape plan	A detailed sketch to scale illustrating the type, size, location and number of plants and other landscape elements to be placed in a development.
Landscaping	Not only trees, grass, bushes, shrubs, flowers, and garden areas, but also the arrangement of fountains, patios, decks, street furniture, and ornamental concrete or stonework areas and

	artificial turf or carpeting, but excluding artificial plants, shrubs, bushes, flowers, and materials in movable containers.
Laundromat	An establishment providing washing and drying machines on the premises for rental use to the general public for family laundering purposes.
Livestock	Farm animals, such as horses, cattle; pigs, goats, or poultry, kept for their services or raised for food-and other products.
Loading space	An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
Loading, off-street	An off-street space or berth which is located on the same lot with a principal building for the parking of a vehicle while loading or unloading merchandise, and which has direct access from a public street or alley.
Lodging house	A building other than a hotel where lodging is provided for five (5) or more persons for compensation pursuant to previous arrangements, but not open to the public or transients, and meals and drinks are not served.
Lot	A fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels. "Lot" shall also mean the individual leaseholds within an approved manufactured home park.
Lot area	The computed area contained within the lot lines; said area to be exclusive of street or alley rights-of-way.
Lot cover	As used in the text of this title the percentage of the total area of a lot which is covered by principal and accessory buildings as well as driveways, parking lots and patios.
Lot coverage	That percentage of the total lot area covered by structures, including decks and all other projections except eaves.
Lot depth	The perpendicular distance measured from the midpoint of the front lot line to the rear lot line or, if necessary, to the extension of the rear lot line.
Lot depth	The horizontal distance between the midpoint of the front lot line and opposite lot line, usually the rear lot line. In the case of a corner lot, the depth shall be the length of the street side lot line.
Lot Dimensions, Minimum Standards	The smallest width or depth permitted on a lot within a zone.
Lot frontage	The side of a lot adjoining a street right-of-way.
Lot line	The property line bounding a lot as defined in this title.
Lot line, front	The property line abutting a street or approved private road or easements. For corner lots, the front lot line is the property line abutting a street with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the

Commented [MJ17R16]: NMC 17.08.195

Commented [KW16]: PC picked this one.

	front lot line is the lot line closest to and most parallel with the street, excluding the unbuildable portion of the pole.
Lot line, rear	Means, for an interior lot, a line separating one lot from an alley or another lot on the opposite side of the lot from the front lot line; in the case of an irregular or triangular shaped lot, the rear lot line shall be a straight line ten feet in length that is parallel to and at the maximum distance from the front lot line. In case of a corner lot, the building inspector shall specify which of the lot lines other than the front lot lines shall be considered a rear lot line and which a side lot line.
Lot line, side	Any lot line which is not a front or rear lot line.
Lot line, street side	Any side lot line that abuts a public street right-of-way or public or private access easement.
Lot of record	A lot as shown on the records of the county assessor or county auditor at the time of the passage of this title; provided, however, this shall not include lots that may appear on the records of the county assessor which were created contrary to the provisions of laws and regulations in effect prior to the passage of this title. Any lots created after the adoption of this title shall comply with the standards contained within.
Lot width	The mean width of the lot measured at right angles to its depth.
Lot width	The horizontal distance measured at the building setback line between the two opposite side lot lines. Average lot width shall be the average of the front and rear lot lines.
Lot, Building	Land occupied or to be occupied by a building and its accessory buildings.
Lot, Corner	A lot situated at the intersection of two <u>or more</u> streets, <u>or upon two parts of the same street</u> , or if on a curved street, where the angle of intersection of curve tangents is less than one hundred thirty-five degrees; <u>such street or parts of the same street forming an interior angle of less than one hundred thirty-five degrees within the lot lines.</u>
Lot, Corner	A lot abutting upon two or more streets at their intersection, or upon two parts of the same street; such street or parts of the same street forming an interior angle of less than 130 degrees within the lot lines.
Lot, Interior	A lot or parcel of land other than a corner lot.
Lot, Through	An interior lot having a frontage on two streets and/or highways.
Lot—Double frontage	A lot with street frontage along opposite boundaries.
Lot—Key	The first lot to the rear of a corner lot, the front line of which is an approximate continuation of the side lot lines of the adjacent corner lot.
Lounge	A building or portion of a building, wherein alcoholic beverages are sold by the drink and consumed on premises.
Maintain	To cause or allow to continue in existence. When the context indicates, the word means to preserve and care for a structure;

Commented [MJ18]: NMC 17.08.230

Commented [KW19]: PC picked this one.

Commented [KW21R20]: But need to keep the 135 degrees per Paul.

Commented [KW20]: Combine into one.

	improve or condition an area to such an extent that it remains attractive, safe, presentable, and carries out the purpose for which it was installed, constructed, or required.
Manufactured home	A designated manufactured home as defined by RCW 35.63.160, <u>as it exists now or is hereafter amended.</u>
Map	The official zoning map of the city.
Marijuana concentrates	Products consisting wholly or in part of the resin extracted from any part of the plant cannabis and having a THC concentration greater than sixty percent. The term “marijuana concentrates” does not include useable marijuana or marijuana infused products.
Marijuana or marihuana	“Marijuana” or all parts of the plant cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; 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. The term 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.
Marijuana processing	A business, licensed by the Washington State Liquor Control Board, processing marijuana into useable marijuana and/or marijuana-infused products, and/or packaging and labeling useable marijuana and/or marijuana-infused products for sale in retail outlets, and/or selling useable marijuana and marijuana-infused products at wholesale to marijuana retailers.
Marijuana producing	A business, licensed by the Washington State Liquor Control Board, producing and/or selling marijuana at wholesale to marijuana processors and other marijuana producers.
Marijuana retailing or marijuana retailer	“Marijuana retailing” or a business, licensed by the Washington State Liquor Control Board, selling useable marijuana, marijuana concentrates, and/or marijuana-infused products in a retail outlet.
Marijuana, useable	Dried marijuana flowers. The term “marijuana, useable” does not include either marijuana concentrates or marijuana-infused products.
Marijuana-infused products	Products that contain marijuana or marijuana extracts, are intended for human use, and have a THC concentration greater than 0.3 percent and no greater than sixty percent. The term “marijuana-infused products” does not include useable marijuana or marijuana concentrates.
Mayor	The mayor of the city.
Mini-storage or Mini-warehouse	A building or group of buildings consisting of individual storage units that are leased or owned for the storage of business and

	household goods or contractor's supplies. These facilities shall not be used for any wholesale or retail operations.
Mixed Use Zoning	Zoning that permits a combination of typically separated uses within a single development. A planned unit development is an example of mixed-use zoning. Mixed use in an urban context refers to usually a single building with more than one (1) type of activity taking place within its confines. An example of such a type of development could have commercial uses on the ground floor, office above them, and residential units above the office. Other combinations of uses may also occur in this type of setting.
Mobile home	A structure having a combined width of at least twelve feet and length of at least fifty feet; or a structure which has a combined width of at least twenty feet and length of at least twenty-eight feet, either of which is designed and built to comply with the state Department of Labor and Industries, Rules and Regulations for Mobile Homes and Commercial Coaches. A unit which is classified by the department as a factory built house or commercial structure and bears the official state insignia to this effect, shall not be considered a mobile home regardless of manufacturer, but instead shall be treated as a regular residential or commercial structure. Any unit having a combined width less than twelve feet and length less than fifty feet or combined width of less than twenty feet and length less than twenty-eight feet, but classified by the department as a mobile home, shall for the purpose of this title only, be considered a recreational vehicle.
Mobile home	A single-family dwelling constructed in accordance with the requirements prescribed under RCW 43.22.340, as amended, and bearing the "mobile home" insignia of the Washington State Department of Labor and Industries; It is a dwelling transportable in one or more sections that are eight feet or more in width and thirty-two (32) feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976; (Note: Manufactured Homes were formerly called "Mobile Homes" before the federal government assumed control of the construction standards for the industry by way of the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S. Code, Section 5401). A factory-built dwelling built prior to June 15, 1976, to standards other than the United States department of housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the United States department

Commented [MJ22]: NMC 17.08.240

	of housing and urban development manufactured home construction and safety act.
Mobile home park	A residential use in which a tract of land is rented for the placement and use of one or more mobile homes to be occupied as dwelling units.
Modular home/prefabricated home	A residential structure consisting of many components which meets the requirements of the International Building Code and is constructed in a factory, transported to the building site, and then partially constructed at the site. The construction requirements are to be the same as for a site-built home. A factory-assembled structure designed primarily for use as a dwelling when connected to the required utilities that include plumbing, heating, and electrical systems contained therein, does not contain its own running gear, and must be mounted on a permanent foundation. A modular home does not include a mobile home or manufactured home.
Motel	An individual building or group of attached or detached buildings containing guest rooms together with conveniently located parking spaces which are designed, used or intended to be used for the accommodation of transients. The term includes auto courts, motor lodges, tourist courts and hotels.
Motel	A building or group of buildings on the same lot containing guest units with separate entrances directly to the exterior, and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities for rental to transients.
Motor home	A portable, temporary dwelling to be used for travel, recreational, and/or vacation use constructed as an integral part of a self-propelled vehicle.
National register of historic places	A list of properties that have been formally judged to have historic significance and which have been accepted by the keeper of the National Register.
Neighborhood	An identifiable geographic area of relatively small size; a collection of units and other land uses that provide a relationship between dwellings, school, religious facilities, minor retail and/or other local facilities.
New construction	Structures for which the “start of construction” commenced on or after the effective date of this Ordinance.
Night club	An establishment that has a capacity for at least thirty (30) persons seated at tables and the bar employs a bartender and maintains table service, dancing, and/or live entertainment for the guests.
Nonconforming development	One or more elements of a development, such as setbacks, screening, height or parking area requirements that was created in conformance with the development regulations but which subsequently, due to a change in the zone or zoning regulations,

Commented [KW23]: PC Picked this one.

Commented [MJ24]: NMC 17.08.250

Commented [KW25]: PC Picked this one.

	does not conform to the current regulations imposed by this title or amendments thereto.
<u>Nonconforming lot</u>	<u>A lot that, at the time of its establishment, met the minimum lots size requirements for the zone in which it is located but which, because of subsequent changes to the minimum lot size applicable to that zone, is now smaller than that minimum lot size.</u>
Nonconforming lot <u>of record</u>	<u>A nonconforming lot of record is one which is smaller in area or narrower in width than one permitted by this title. In any zone in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this title, provided it complies with all other provisions of this title. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. A lot as defined in Section 18.030.040 NDC that does not comply with currently applicable city regulations.</u>
<u>Nonconforming lots of record, multiple</u>	<u>If two or more lots or combinations of lots or portions of lots with continuous frontage and single ownership are of record at the time of passage or amendment of the ordinance codified in this title and if all or part of the lots do not meet the requirements of this title, the lot or combination of lots shall be considered an undivided parcel for the purposes of this title. No portion of such parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this title, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this title.</u>
Nonconforming use(s)	The use of a structure or land, or a structure of a size or location which does not conform to the regulations of the zone in which it is located, but which was lawfully in existence prior to the effective date of the ordinance codified in this title or such amendment thereto.
Nuisance	“Nuisance” shall include those definitions contained in Chapters 7.48 and 9.66 RCW, <u>as amended</u> , as well as Chapter 8.12 NMC, <u>as amended</u> , or any other provision of the Napavine Municipal Code that includes nuisances. Any violation of this title shall constitute a nuisance, per se.
Nursery School	A separately organized and administered school for groups of children during the year or years preceding kindergarten, which provides educational experiences under the direction of professionally qualified teachers.
Nursing home	A building or part of a building where sick or infirm persons are cared for in a residential setting at prescribed rates.
Occupancy	The physical placement of a structure on land, or the utilization of land on a temporary or permanent basis. This includes

	existing structures built prior to the enactment of this Ordinance that do not have authorization by virtue of a valid permit issued.
Office	A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.
Off-street parking	The minimum off-street, on-site parking of vehicles that shall be provided under the terms of this Ordinance.
Open space	An area that is intended to provide light and air, and is designed for environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, golf courses, playgrounds, fountains, swimming pools, wooded areas, water courses, driveways, and other surfaces designed or intended for vehicular travel, but shall not include any required off -street parking areas.
Open space, common	An area within or related to a development, not in individually owned lots or dedicated for public use, but that is designed and intended for the common use and enjoyment of the residents of a development.
Ordinance	A law set forth by governmental authority; a Development regulation adopted by the legislative branch of the locality.
Overlay zone	A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements beyond that required by the underlying zones.
Owner	The owner of record of real property as shown on the tax rolls of the county, or person purchasing a piece of property under contract. For the purposes of this title, in terms of violations and binding agreements between the county and the owner, "owner" shall also mean a leaseholder, tenant, or other person in possession or control of the premises or property at the time of agreement, violations of agreement, or the provisions of this title. For the purpose of processing an application for a land use approval or permit under this title, where such application or permit must be filed by an owner, the term "owner" also includes a governmental entity contemplating acquisition of a parcel for a use which would require such permit or approval.
Parcel	A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.
Park, public	An area that may be improved for the purpose of providing public access in a manner consistent with the preservation of its recreational, educational, cultural, historical, or aesthetic qualities.
Parking area, public	A structure or an open space, other than a public street or alley, designed or used for the temporary parking of vehicles and available for public use, whether free, for compensation, or as an accommodation to customers or clients.

Parking lot and/or garage	Off-street facility used for the storage or parking of four (4) or more motor vehicles to provide an accessory service to a commercial, industrial, public or residential use.
Parking space	A rectangle not less than 20 feet long and nine feet wide, together with access and maneuvering space, sufficient to permit a standard automobile to be parked within the rectangle without the necessity of moving other vehicles; said rectangle to be located off the street right-of-way.
Parking space – compact	A rectangle not less than seven feet five inches wide and 15 feet long, together with access and maneuvering space, sufficient to permit a compact automobile to be parked within the rectangle without the necessity of moving other vehicles; said rectangle to be located off the street right-of-way.
Parking space, off-street	A space for temporary parking of a vehicle, located off any public right-of-way, which is adequate in size for parking a vehicle with room to get out on either side of the vehicle, with adequate maneuvering space, and with access to a public right-of-way.
Parking Structure	A stand-alone structure used for the storage or parking of motor vehicles. The footprint of a parking structure will be included in the calculation of lot coverage.
People with functional disabilities	A. A person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of: 1. Needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living; 2. Needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible; 3. Having a physical or mental impairment which substantially limits one or more of such person's major life activities; or 4. Having a record of having such an impairment. B. Being regarded as having such an impairment, but such term does not include current, illegal use of or active addiction to a controlled substance.
Permit	Any license, certificate, approval, or other entitlement for use granted by any public agency.
Permitted use	A use which may legally be constructed or developed in the zone in which it is located, subject to regulations specified in this title and other city ordinances.
Permittee	The person who is proposing to use or who is using the land pursuant to any permit required herein.
Personal Service	Beauty parlors, shops or salons; barbershops; reducing or slenderizing studios; electrolysis services; manicurists; and the like.
Planned unit development	A development designed to allow realization of certain requirements of this title where a relatively large area is to be developed in accordance with an approved plan.

Planner, City	The planning director of the city.
Plant Nursery	An enterprise, establishment, or portion thereof that conducts the retailing or wholesaling of plants grown on the site, as well as accessory items (but not farm implements) directly related to their care and maintenance. The accessory items normally sold include items such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels.
Plat	A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys, or other divisions and dedications.
Plat, Final	That map, plan, or layout of a subdivision of land which is filed after completing the improvements, accompanied by certifications that the improvements have been satisfactorily completed and are recorded with the auditor, and showing all elements required by the Subdivision Ordinance.
Platter	See Section 16.08.240.
Plot	A parcel of ground containing more than one (1) lot upon which a building and its accessory buildings have been or may be erected.
Preliminary plat	A neat and approximate drawing of a proposed subdivision showing the general layout of rights-of-way and easements, streets and alleys, lots, blocks, and tracts in the subdivision or short subdivision, and other elements of a subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.
Premises	Land and all buildings and structures thereon.
Pre-school facility	An educational center or establishment, including a kindergarten, that provides primarily instruction, supplemented by daytime care, for four (4) or more children between the ages of two (2) and five (5) years, and which operates on a regular basis.
Private clubs	Organizations that are, privately owned and operated by their members and not operated for profit, and which maintain recreational, dining, and/or athletic facilities for the exclusive use of the members and their guests and uses accessory or incidental thereto.
Private parking	Parking facilities for the noncommercial use of the occupant and guests of the occupant, which includes garages and carports as long as dimensional requirements of off-street parking are met.
Private road	That easement or Parcel created to provide the access from a City road to short platted lots, the maintenance of this is to be the responsibility of the lot owners.
Profession	An occupation or calling requiring the practice of an art or science through specialized knowledge and requiring specialized licensing.

Professional office	The office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an art founded thereon.
Professional service	The conduct of business in any of the following related categories: advertising, architecture, landscape architecture, engineering, planning, law, medicine, music, art, interior design, dentistry, accounting, insurance, real estate, finance and securities investments, and any similar type business.
Prohibited use	Any use of land or a building upon the land in a particular zoning classification that is: 1) listed as a prohibited use for that zoning classification; or 2) is not a use qualifying as a conditional use, either by listing or administrative interpretation, and is not otherwise listed as a permitted use or an accessory use in the particular zoning classification.
Public assembly, place of	Any area, building or structure where large numbers of individuals meet or collect to participate or to observe programs of participation. Places of public assembly shall include theaters, auditoriums, gymnasiums, stadiums, houses of worship, or comparable facilities.
Public building	Buildings which are owned, operated, and maintained by a public agency such as City Hall, police and fire stations, educational institutions, zoos, museums, and the like.
Public improvement	Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility, and energy services.
Public use	The use of any land, water, or building by a public agency for the general public, or by the public itself.
Public utility	Any person, firm, corporation, governmental department, or board, duly authorized to furnish under government regulations to the public, electricity, gas, communications, transportation, or water.
Recreational vehicle park <u>or</u> RV park	A residential use in which a tract of land is rented temporarily, for a period of one hundred twenty days or less, for the use of two or more recreational vehicles occupied and used as a dwelling unit.
Recreational space	An area that shall be improved and maintained for its intended use. Exterior as well as interior areas can constitute recreation space. Examples of usable recreation space include swimming pools, community buildings, interior gyms, picnic areas, tennis

	courts, community gardens, improved playgrounds, paths and passive seating areas.
Recreational vehicle	A vehicle self-propelled or otherwise designed for temporary sheltering of persons; any such vehicle having a combined body width of less than twelve feet and length of less than fifty feet; or a combined body width of less than twenty feet and length of less than twenty-eight feet respectively. Recreational vehicles include a truck-mounted camper or self-propelled travel van, and units classified and commonly referred to as recreational vehicles by the state Department of Labor and Industries if they are smaller than the combined width of twelve feet and length of fifty feet or the combined width of twenty feet and length of twenty-eight feet.
Recreational vehicle or RV	A vehicular type unit designed as temporary living quarters for travel, recreational, and/or camping use which either has its own mode of power or is mounted on or drawn by another vehicle. It will have a body width of no more than eight feet and a body length of not more than 35 feet when factory-equipped for the road. This term shall include but not be limited to travel trailer, camper, motor home, and camping trailer.
Residential care facility	A licensed establishment operated with twenty-four hour supervision for the purpose of serving those persons, who by reason of their circumstances require care while living as a single housekeeping unit and/or in a supportive “family” environment. Residential care facilities for the purpose of this title may include group homes, foster homes, congregate care facilities, rest homes, convalescent homes and the like but shall not include correctional facilities. For purpose of this title, residential care facility shall also include facilities providing room, board, and counseling services to homeless persons for periods up to forty-five days per family. For purposes of this title, residential care facilities shall also include any facility licensed by the state of Washington that cares for at least three but not more than fifteen people with functional disabilities that has not been licensed as an Adult Family Home pursuant to RCW Ch. 70.128 RCW-175.
Residential treatment facility	A facility that provides both a residence (for varying periods of time) and a care component. Among such facilities are group care homes, emergency or homeless shelters (including victims of violence), recovery homes, and nursing homes, rest and convalescent homes, and orphanages.
Residential use	Use of land or structure thereon, or portion thereof, as a dwelling place for one (1) or more families or households, but not including occupancy of a transient nature such as in hotels, motels, or time-sharing condominium uses.

Commented [MJ26]: NMC 17.08.300

Commented [KW27]: PC Picked this one, with redlined changes.

Residential zone	Any R-1, R-2 or R-3 zone as set forth in Chapters 17.16, 17.20 and 17.24 of this title.
Retail food establishment	Any, fixed or mobile place or facility at or in which food or beverages are offered or prepared for retail sale or for service. The definition includes restaurants, fast food restaurants, carry out restaurants and drive-in restaurants. A cafeteria shall be deemed a restaurant for purposes of this Ordinance.
Retail trade	Establishments primarily engaged in providing finished products to individual consumers. Retail trade establishments may include, but is not limited to, apparel, books, groceries, camera shops, convenience stores and automobile service stations.
Retirement home	A place of residence for several families or individuals in apartment-like quarters, which may feature services such as limited nursing facilities, minimum maintenance living accommodations and recreation programs and facilities.
Review official	The officer designated by the City of Napavine to enforce and administer this Ordinance, or his or her duly authorized representative.
Right-of-way	A street, alley, or other thoroughfare or easement, whether physically accessible or not, that has been permanently established or dedicated for the passage of persons or vehicles. Title to this land remains with the public or private agency until the need no longer exists.
Road, Private	An easement or parcel created to provide access from a right-of-way to a lot, the maintenance of which shall be the responsibility of the lot owners having access thereto.
Roadway	That portion of a street or alley right-of-way that is improved for vehicular traffic.
Rooming house	A building wherein furnished rooms without cooking facilities are rented for compensation to three or more non-transient persons, not included in the family unit of the owner or tenant of the premises.
Salvage yard	A place where waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baked, cleaned, packed, disassembled, or handled, including auto wrecking yards, structure wrecking yards, and used lumber yards.
Screened	Concealed or cut off from visual access.
Screening	A device or materials used to conceal adjacent land or development. Screening may include walls, berms, or vegetation that must be of sufficient density to block the view of adjacent land or development from either side of the screen. The screen, if vegetative, shall be planted and maintained to completely block the view of adjacent land or development after twelve (12) month. The screen shall be maintained or

	constructed at such a density as to block the view to adjacent properties.
Setback	The minimum allowable horizontal distance from a property line to the nearest vertical wall or other element of a building or structure as defined herein. Setback is not measured from the curb unless the curb also is the property line.
Setback, rear	The space extending across the full width of the lot between the respective structure line and rear lot line.
Setback, side	The space between the side structure line and a side line of a lot, running from the street setback to the rear setback.
Setback, street	The space extending across the full width of the lot between the front structure line and the front lot line. See illustration in appendix on file in the office of the city clerk-treasurer.
Shared access facility	A frontage or service road generally parallel to an arterial or connecting parcels to an arterial; alternately, a common accessway serving businesses with one or more ownerships.
Shopping Center	A group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed as an operating unit related in its location, size and type of shops to the trade area which the unit serves.
Short Plat	The map or representation of a short subdivision showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions.
Short Subdivision	The division or re-division of land into four (4) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.
Sidewalk	That portion of a transition strip improved for pedestrian traffic in accordance with standards fixed by the Review Official.
Sign	Anything whatsoever placed, erected, constructed, posted, or affixed in any manner on the ground or to any post, fence, building, or structure for out-of-doors advertising, but not including devices, structures or representations installed by any governmental authority.
Site	The lot(s), parcel(s) and tract(s) included in a proposed subdivision or short subdivision and contiguous lots, parcels or tracts in which the owner of the site has a greater than possessory interest.
Site plan	A plan prepared to scale, showing accurately and with complete dimensions all proposed and existing buildings, landscaping, open space, structures and features on abutting properties, and parking proposed for a specific parcel of land.
Small Animal Husbandry (Commercial)	The raising of mink, fox, nutria, rabbits, pigs, sheep, goats, chickens, turkey, guinea hens and similar small animals and fowl not for the primary consumption of or used by the occupants of the premises.
Soil	The surface layer of the earth, supporting plant life.

Soil Removal	Removal of any kind of soil or earth matter, including top soil, sand, gravel, clay, rock or similar materials or combination thereof, except common household gardening.
Solar access	The availability of direct sunlight to solar energy systems.
Solar access easement	A right expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring solar access to solar energy systems.
Solar energy system	Any structural element, device, or combination of devices or elements which rely upon direct sunlight as an energy source, including, but not limited to, any substance or device which collects, stores, or distributes sunlight for use in the following: (1) The heating or cooling of a structure or building; (2) The heating or pumping of water; (3) Industrial, commercial, or agricultural processes; or (4) The generation of electricity. Use of this term includes passive, active and hybrid systems. Attached solar energy systems shall be considered as a part of the structure or building to which they are attached. Detached solar energy systems shall be considered accessory uses.
State siting criteria	Criteria for the siting of hazardous waste treatment and storage facilities adopted pursuant to the requirements of RCW 70A.300.32070.105.210.
Storage, open	The safekeeping of any goods or products in an unoccupied space, open to the sky, for eventual removal not expected within seventy-two (72) hours or for continuous replacement by same or similar goods or products.
Stormwater	That portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel, or a constructed infiltration facility.
Story	That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such basement or unused under-floor space shall be considered as a story.
Street	A public right-of-way which affords the principle of access to abutting property, including avenue, place, drive, lane, boulevard, highway, road, or any other thoroughfare except an alley or private driveways.
Street Line	The dividing line between any street, road or other thoroughfare and the adjacent lots.

Street, Public	A street affording the principal means of access to abutting property, and dedicated to or maintained by the City of Napavine, Lewis County, or the State of Washington affording the principal-means of access to abutting property and with a right of-way or easement.
Street—Cul-de-sac	A discontinuous minor street of limited length having an opening on one side of a block or other parcel of land in a vehicular turn-around.
Street—Loop	A minor street of limited length which has two openings on the same side of a block or other parcel of land.
Street—Major	Major arterials within the boundaries of a dedicated plat or subdivision in the city, shall be defined as follows: A major arterial is one that is classified as being an arterial road or street for conveyance of through traffic and for the use of the general public.
Street—Marginal access	A minor street which is generally parallel and adjacent to a limited access or major street or railroad right-of-way and which provides access to abutting properties and protection from through traffic.
Street—Minor	A “minor roadway” is one that serves primarily to provide access to abutting properties only and should be designed to discourage through traffic.
Structural alteration	Any change, including but not limited to material or dimensional changes, to the supporting members of a structure, including foundations, bearing walls or partitions, columns, beams or girders, or the roof.
Structure	Anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground.
Structure	That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground, or which is attached to something having a location on the ground.
Structure line	The edge or side of a structure nearest a lot line. The line facing the front lot line is the front structure line, the lines facing the side of a lot are the side structure lines, and the line facing the rear of a lot is the rear structure line.
Subdivider	Any person, firm or corporation undertaking the subdividing or resubdividing of a lot, block or other parcel of land.
Subdivision	The division or re-division of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.
Subdivision—Short	A subdivision of four or fewer lots and not containing any dedications.
Substantial Improvement	Any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during the life of a

Commented [MJ29R28]: NMC 17.08.355

Commented [KW28]: PC Picked this one.

	structure, in which the cumulative cost equals or exceeds fifty (50) percent of the assessed value of the structure. For the purposes of this definition, “Substantial Improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
Supported living arrangement	A living unit owned or rented by one or more persons with functional disabilities who receive assistance with activities of daily living, and/or medical care from an individual or agency licensed and/or reimbursed by a public agency to provide such assistance.
Surface Water	Waters that flow over the land surface and frequently interact with groundwater.
Swale	A shallow drainage conveyance with relatively gentle side slopes, generally with flow depths less than one foot.
Swimming pool	And includes either outdoor or indoor private pools, portable or permanently constructed, above or below ground, which are artificially constructed to provide recreational facilities for swimming, bathing, or wading, and which are intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it without payment of any fee. The term shall not include public and semi-public swimming pools as regulated by Washington Administrative Code, Chapter 248246-98-260 et seq. Nothing in this chapter shall be deemed to regulate public and semi-public swimming pools as defined in the Washington Administrative Code.
Tavern	A building where beer and/or wine is served to the public, which holds a class “A” or “B” license from the Washington State Liquor Control Board.
Telecommunications facilities	A land use that sends and/or receives radio frequency signals, including antennas, microwave dishes or horns, structures or towers to support receiving and/or transmitting devices, accessory development and structures, and the land on which they all are situated.
Temporary building or structure	A building or structure not having or requiring permanent attachment to the ground or to other structures which have no required permanent attachment to the ground.
Toe of slope	A point or line on the upper surface of a slope where it changes to horizontal or meets the original surface. The outermost inclined surface at the base of a hill; part of a foot slope.
Topography	The drawing accurately on a map lines that represent particular and consistent elevation levels on the land area depicted on said drawing; also, the actual physical surface’s relief characteristics.
Townhouse or rowhouse	A dwelling unit designed exclusively for occupancy by one family, no portion of which lies vertically under or over any

	portion of any adjacent unit, and which is attached to one (1) or more other dwelling units by common walls which may be located on side lot lines.
Tract	A fractional part of divided lands having fixed boundaries that is intended for and limited to use for purposes other than development as a lot. A tract may be for open space, drainage, access or other purposes authorized by the city.
Trailer	A separate vehicle, not driven or propelled by its own power, but drawn by some independent power; to include any portable or movable structure or vehicle including trailers designed for living quarters, offices, storage, or for moving or hauling freight, equipment, animals, or merchandise of any kind, including boats, boat trailers, jet skis, half tracks, snowmobile, and the like, not included in other definitions.
Travel Trailer	A vehicle with or without motor power primarily designed as temporary living quarters for recreational, camping, or travel use, and in which the plumbing, heating, and electrical systems, contained therein may be operated without connection to outside utilities, being of such size or weight as not to require a special highway movement permit. The term shall include truck campers.
Treatment Best Management Practice	A BMP that is intended to remove pollutants from stormwater. A few examples of treatment BMPs are: detention ponds, oil/water separators, biofiltration swales and constructed wetlands.
Units per acre	The number of dwelling units allowed on one acre. For example, a maximum of 4 units/acre would mean that no more than 4 dwelling units on one acre are allowed in a particular zone.
Unstable slopes	Those sloping areas of land which have in the-past exhibited, are currently exhibiting, or will likely in the future exhibit, movement of earth.
Use	The purpose that land or structures are designed, arranged, or intended, or for which it is occupied or maintained, let, or leased.
Use, principal	The main use of land or buildings as distinguished from a subordinate or accessory use.
Use, temporary	A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.
Utilities easements	Right-of-way that maybe used by public utilities, including, but not limited to, electricity, water, natural gas, sewer, telephone, and television cable for the construction, operation, maintenance, alteration, and repair of their respective facilities.
Utility substation facilities	A subsidiary or branch facility utilizing aboveground structures, which is necessary to provide or facilitate distribution,

	transmission, or metering of water, gas, sewage, radio signals and/or electric energy and telecommunication signals. Such facilities have a local impact on surrounding properties and may consist of, but are not limited to, the following:(1) Water, gas, telecommunication and electrical distribution or metering sites; (2) Water or sewage pumping stations; (3) Water towers and reservoirs; (4) Public wells and any accessory treatment facilities; (5) Transmission towers and accessory equipment to provide radio and data communications service, radio paging, or cellular communications service; (6) Telecommunication facilities.
Variance	A modification of the terms of this ordinance to a particular piece of property which, because of special circumstances, is deprived of privileges enjoyed by other properties of the same zone and which modification remedies the disparity in privileges.
Vehicle	Any contrivance in or on which persons or things may be carried or conveyed, whether in motion or standing, including mobile homes or recreational vehicles as defined in this chapter whether or not fixed or fitted with wheels or runners.
Veterinary hospital or clinic	A building used to provide health care services to animals.
Video sales and rental	Commercial establishments engaged in the sale and rental of video equipment, tapes and accessories for home entertainment.
Vision clearance area	A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines or intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.
Visual obstruction	Any fence, hedge, tree, shrub, device, wall, or structure exceeding three and one-half feet in height above the elevation of the top of the curb, and so located on a street or alley intersection as to dangerously limit the visibility of persons in motor vehicles on said streets or alleys. This does not include trees kept trimmed of branches to a minimum height of at least six feet.
Wading pool	And includes artificially constructed pools not designated or used for swimming with a maximum area not exceeding one hundred twenty square feet and a maximum water depth not exceeding twelve inches.
Warehouse	A building used primarily for the storage of goods and materials.
Watershed	A geographic region within which water drains into a particular river, stream, or body of water as identified and numbered by

	the State of Washington Water Resource Inventory Areas (WRIAs) as defined in Chapter 173-500 WAC.
Wetlands	Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands also include streams as defined by Chapter 18.300 <u>14.10</u> NMC. RCW 36.70A.030(23) Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands. <u>RCW 36.70A.030(48), as it now exists or is hereafter amended or recodified, is adopted by reference for the purposes of this definition.</u>
Wholesale (Trade)	The sale of goods or commodities usually in bulk or large quantities and usually at a lower cost to a retailer for resale. Such sales activity takes place in establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
Yard	An open space on a lot which is unobstructed from the ground upward except as specified elsewhere in this title.
Yard, front	A yard between side lot lines from the front lot line to the nearest point of the building.
Yard, rear	A yard between side lot lines from the rear lot line to the nearest point of the building.
Yard, side	A yard between the front and rear yard from a side lot line or street side lot line to the nearest point of a building.
Zero lot line home	A residential development approach in which a building is sited on one (1) or more lot lines with no yard area along these lot lines. Conceivably, three (3) of the four (4) sides of the building could be on the lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot. Zero lot line homes may only be built within the context of a zero-lot line development. It shall be required that a minimum of eight (8) units of zero lot line housing constitute such a development.

Zone	Area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established.
Zone district	The same as “district” or “zone”.
Zoning	The legislative division of a community into segments reserved for specific uses and also the minimum required size for such use.

Chapter 16.02 GENERAL PROVISIONS.

Sections:

16.02.010.	Title.
16.02.020.	Applicability.
16.02.030	Standards designated.
16.02.040	Purpose.
16.02.050	Term construction.
16.02.060	Hierarchy of plans and regulations.
16.02.070	Timing of regulations.
16.02.080	Concurrency.
16.02.090	More restrictive provisions govern.
16.02.100	Severability.
16.02.110	Enforcement.
16.02.120	Liability.

16.02.010. Title.

This Title shall be known as “The Napavine Development Code (NDC).”

16.02.020. Applicability.

No building or other structure shall be constructed, improved, altered, enlarged, or moved; nor shall any use or occupancy of premises within the city be commenced or changed; nor shall any condition of or upon real property be caused or maintained; nor shall vegetation be removed, or excavation be undertaken; after the effective date of the ordinance codified in this title, except in conformity with conditions prescribed by this title. Where the NDC imposes greater restrictions than those imposed or required by other rules, regulations, or ordinances, the provisions of the NDC shall control.

It is unlawful for any person, firm, or corporation to erect, construct, establish, move, move into, alter, enlarge, use, or cause to be used, any buildings, structures, improvements, or use of premises contrary to the provisions of this title.

16.02.030. Standards designated.

The standards established by this title are determined to be the minimum requirements in the interest of public health, safety, and general welfare. The City may impose conditions of approval beyond the standards identified herein in order to allow the use or activity being proposed.

16.02.040. Purpose.

The purposes of this development code are: to implement the Napavine Comprehensive Plan (NCP); to encourage appropriate use of land; to conserve and stabilize the value of property; to aid in rendering of fire and police protection; to provide adequate open space for all types of recreation; to lessen the congestion on streets; to create orderly growth within the City and UGA; to distribute population wisely; to improve the city’s appearance; to facilitate adequate provision of urban level

utilities and facilities such as water, sewage, electrical distribution, transportation, schools, parks, and other public requirements; and in general to promote and protect the public health, safety, and general welfare.

16.02.050. Term construction.

- A. Defining Words. All words used in this title unless otherwise defined in Chapter 16.05, Definitions, shall be defined by the latest version of Merriam Webster's Unabridged Dictionary.
- B. Tenses and Usage.
 - 1. Words used in the singular include the plural. The reverse is true.
 - 2. Words used in the present tense include the future tense. The reverse is true.
 - 3. The words "must," "shall," "will" and "will not" are mandatory.
 - 4. "May" is permissive.
 - 5. "Prohibited" means that the proposed use or improvement is not allowed. An adjustment, variance, conditional use or other land use review shall not be approved if the effect of the approval would circumvent a prohibition. This does not preclude the council from making legislative changes in accordance with state law.
- C. Conjunctions. Unless the context clearly indicates otherwise, the following conjunctions have the following meanings:
 - 1. "And" indicates that all connected items or provisions apply;
 - 2. "Or" indicates that the connected items or provisions may apply singly or in combination; and
 - 3. "Either...or" indicates that the connected items or provisions apply singly, but not in combination.
- D. Lists. Lists of items that state, "Including the following," "such as," or similar language are not limited to just those items. Lists provide examples, but do not exhaust all possibilities.

16.02.060. Hierarchy of plans and regulations.

- A. General hierarchy. When interpreting land use plans, policies, maps and standards, the city review authority shall apply the following general hierarchy of authority. In case of ambiguity or conflict, the review authority shall refer to and rely upon the Napavine Comprehensive Plan (NCP) for guidance above all other city texts or maps.
 - 1. The NCP is the highest authority. Plan text supersedes plan designation maps.
 - 2. The Napavine Capital Facilities Plan (CFP) element of the NCP is the next level of authority and must be interpreted to be consistent with the NCP.
 - 3. The Napavine Development Code (NDC) text and zoning maps are the next level of authority. NDC text supersedes zoning maps. Interpretations of NDC text and zoning maps must be consistent with the NCP and Napavine CFP.
 - 4. The city public works and engineering standards are the lowest authority. Interpretations of the city public works and engineering standards must be consistent with the NCP and Napavine CFP and with the NDC text and zoning maps.
 - 5. The review authority shall not interpret general language in the NCP so as to supersede specific or numeric standards in the NDC or adopted engineering standards.

16.02.070. Timing of regulations.

A. Land Use Approval and Building Permits.

1. The review authority shall not process an application until the review authority finds the application to be technically complete.
2. A technically complete application is an application that fully complies with the relevant portions of Chapter 16.04 (Procedures) and this Title.
3. The city will process technically complete applications for land use review relying upon the regulations in effect at the time the applicant submitted a complete application to the city.

B. Legislative Changes. Applications for legislative changes, such as a plan amendment or annexation, do not create a vested right to development regulations in effect at the time the legislative application was submitted.

16.02.080. Concurrency.

A. Transportation. The city shall not approve a land use action if the action proposed will cause the level of service (LOS) on a transportation facility to fall below the LOS adopted within the CFP for that roadway or intersection.

B. Other concurrency requirements. The city shall ensure that all public facilities and services identified in the adopted CFP are adequate to serve the development at the time it is available for occupancy and use without decreasing current service levels below the levels of service established in the Napavine CFP.

C. Approval.

1. Exception. The city may approve a land use action which would result in a reduction of LOS below adopted CFP standards if the transportation improvements or strategies necessary to accommodate the impacts of the land use action are made concurrent with the development. Such strategies might include: increased public transportation services, ride sharing programs, demand management or other transportation systems management strategies, proportional off-site improvements. (See, RCW 36.70A.070(6)).
2. For the purposes of this subsection, “concurrent with the development” means that improvements or strategies are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six years.
3. The burden is on the one requesting the land use action to demonstrate, by a preponderance of evidence, whether the proposed action would not result in a reduction in the LOS for a transportation facility to fall below the standards or LOS adopted within the CFP.

16.02.090. More restrictive provision governs.

Where the conditions imposed by any provision of this title upon the use of land or building or upon the size, location, coverage, or height of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this title or of any ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.

16.02.100. Severability.

The Napavine City Council hereby declares that should any section, paragraph, sentence, or word of this Title be declared or any reason to be void or unconstitutional, it is hereby provided that all other parts of the same which are not expressly held to be void or unconstitutional shall continue in full force and effect.

16.02.110. Enforcement.

The City of Napavine reserves the right and authority to pursue all legal means of enforcement of all parts of the Napavine (NDC).

16.02.120. 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.

Chapter 16.03 ADMINISTRATION.

Sections:

16.03.010	Planning Commission.
16.03.020	Planning Department.
16.03.030	Review Authority.
16.03.040	Interpretations.
16.03.050	Conditions of Approval.
16.03.060	Administrative Authority.
16.03.070	Enforcement.
16.03.080	Record Maintenance.
16.03.090	Application Fee Schedule.

16.03.010. Planning Commission.

Ordinance No. 78 as codified at Chapter 2.28 NMC created the Napavine Planning Commission (the “Commission”). The Commission is to consider and take actions consistent with Chapters 35.63 and 35A.63 RCW.

16.03.020. Planning Department.

The City Council may, at its discretion, create a Napavine Planning Department which shall have such duties, authority, and financing as the council deems appropriate. The Mayor shall assign a person with the responsibility of directing the activities of the Napavine Planning Department who shall be known as the Planning Director. In the absence of a Planning Department, the Community Development/Public Works Director shall assume the role of the Planning Director.

16.03.030. Review Authority.

The review authority shall be that individual or governing body delegated with the responsibility of issuing a final decision on a land use proposal. The review authority responsible for issuing final decision for land use proposals shall be as follows:

- A. Type I application, Planning Director,
- B. Type II application, Planning Director,
- C. Type III application, Hearing Examiner,
- D. Type IV application, City Council, upon receipt of the recommendation of the Hearing Examiner, and
- E. Type V application, City Council, upon receipt of the recommendation of the Planning Commission, where appropriate.

16.03.040. Interpretations.

- A. The review authority responsible for making a decision regarding a given application may interpret relevant ambiguous terms in this title in the course of or in advance of making a decision on the merits of the application.

1. If an interpretation is made in advance of a decision on the merits of an application, the interpretation shall be in writing and shall be included as part of the decision on the merits of the application.
 2. An interpretation may be appealed as part of an appeal of the decision on the merits of an application.
- B. A use that is not listed in any zone or district may be permitted by similar use determination pursuant to Type I process under Section 16.04.080 NDC.

16.03.050. Conditions of approval.

The Review Authority may impose conditions of development approval necessary to either ensure compliance with the purposes of this title, or to preserve and promote the general health, safety, and welfare of Napavine.

16.03.060. Administrative Authority.

- A. Designation of Review Authority and Responsible Official.
1. Unless otherwise noted, the Planning Director, or the Mayor's designee, shall be the primary review authority and shall interpret and apply the provisions of the NDC.
 2. The Hearing Examiner shall be the review authority for Type III quasi-judicial reviews.
 3. Where noted in the NDC, the city engineer shall interpret and apply the provisions of the NDC relating to transportation, water and sewer facilities and all other city infrastructure.
 4. The Napavine Building Official shall interpret and apply the building and construction provisions which the city has adopted.
 5. The Planning Director, or the Mayor's designee, shall be the Responsible Official for purpose of local administration of the State Environmental Policy (SEPA), Ch. 18.04 NMC.
 6. The Chief or chief of the city fire department shall be the responsible official for the purpose of administering the International Fire Code, 15.04.020 NDC.
- B. Review Authority. Unless otherwise noted, it shall be the duty of the responsible official to interpret and apply the provisions of the NDC. An interpretation shall be subject to appeal pursuant to Section 16.04.140 NDC. The review authority's response shall be in writing and kept on permanent file.

16.03.070. Enforcement.

It shall be the duty of the review authority to determine the applicability of the NDC for enforcement purposes. All departments, officials, and public employees of the city vested with the duty or authority to issue permits, shall conform to the provisions of the NDC and shall issue no permit, certificate, or license for any use, building, or purpose which violates or fails to comply with conditions or standards imposed by the NDC. Any permit, certificate, or license issued in conflict with the provisions of the NDC, intentionally or otherwise, shall be void. The review authority shall be responsible for carrying out the enforcement provisions of this Title.

16.03.080. Record Maintenance.

- A. The Planning Director, or Mayor's designee, shall maintain the official Napavine Comprehensive Plan Map, Zoning Map, Critical Areas maps, and other official land use maps and shall, from time to time, update these maps to reflect amendments by the City Council.

- B. The City Clerk shall maintain the complete record of all land use planning applications and decisions.

16.03.090. Fee Schedule.

- A. The City Council shall establish a schedule of fees, charges, and expenses, which should be reviewed on a yearly basis by resolution.
- B. The schedule of fees shall be posted in the office of community development and may be altered or amended only by the council through resolution. The city administrator and officials of the city shall be exempt from such fees, charges, or expenses when making applications or appeals on behalf of the city.
- C. No permit, certificate, conditional use permit, or variance shall be issued, nor shall any action be taken on any application, until the applicable fees or application fees have been paid in full.