

~~**18.10.070 Hierarchy of plans and regulations.**~~

~~(1) 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 La Center comprehensive plan (LCCP) for guidance above all other city texts or maps.~~

~~(a) The LCCP is the highest authority. Plan text supersedes plan designation maps.~~

~~(b) The La Center Capital Facilities Plan (CFP) element of the LCCP is the next level of authority and must be interpreted to be consistent with the LCCP.~~

~~(c) The La Center Development Code (LCDC) text and zoning maps are the next level of authority. LCDC text supersedes zoning maps. Interpretations of LCDC text and zoning maps must be consistent with the LCCP and CFP.~~

~~(d) 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 LCCP and CFP and with the LCDC text and zoning maps.~~

~~(e) The review authority shall not interpret general language in the LCCP so as to supersede specific or numeric standards in the LCDC or adopted engineering standards. [Ord. 2006-17 § 1, 2006.]~~

18.40.010 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.

Abutting	“Abutting” shall mean adjoining with a common boundary line; except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures not less than eight feet in a single direction.
Accent lighting or accent luminaire	“Accent lighting” or “accent luminaire” means any luminaire that emphasizes a particular object or draws attention to a particular area for aesthetic purposes.
Access, accessway	“Access” or “accessway” shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use, as required by this title.
Accessory structure, accessory use	“Accessory structure or use” shall mean 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)	“Addition (to an existing building)” means 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 day care facility	“Adult day care facility” means home, place, or institution which provides care and services to a nonresident individual for a period of time not to exceed 10 continuous hours, and does not involve an overnight stay.
Adult entertainment	“Adult entertainment” shall include the following: (1) Any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance involves a person who is unclothed or in such costume, attire, or clothing as to

	<p>expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals, or human male genitals in a discernibly turgid state, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals, or human male genitals in a discernibly turgid state, even if completely opaquely covered; or</p> <p>(2) Any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation of, or relation to the following specified sexual activities:</p> <p>(a) Human genitals in a state of sexual stimulation or arousal;</p> <p>(b) Acts of human masturbation, sexual intercourse, or sodomy; or</p> <p>(c) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; provided, adult entertainment and specifically the depiction, description, simulation of, or relation to sexual activities described above shall not be construed to include any form of actual sexual conduct as defined in this section; or</p> <p>(3) Any exhibition, performance, or dance intended to sexually stimulate any patron and conducted in a premises where such exhibition, performance, or dance is performed for, arranged with, or engaged in with fewer than all patrons on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance exhibition or dance. For purposes of example and not limitation, such exhibitions, performances, or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing, or straddle dancing.</p>
<p>Adult foster care or adult family home</p>	<p>“Adult foster care” or “adult family home” means a home, place or institution which provides room and board and special care for two to six adults who are not related by blood or marriage to the person or persons providing the services. Washington State DSHS and Chapter 70.128 RCW.</p>
<p>Adult-oriented business</p>	<p>“Adult-oriented business” shall mean the following businesses:</p> <p>(1) Adult Arcade. An establishment containing any individual viewing areas or booths, where, for any form of consideration, including a membership fee, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines are</p>

	<p>used to show films, motion pictures, video cassettes, slides, or other photographic reproduction of sexual conduct, or adult entertainment.</p> <p>(2) Adult Cabaret. A night club, bar, restaurant, theater, or auditorium, or similar commercial establishment, whether or not alcoholic beverages are served, which presents adult entertainment.</p> <p>(3) Adult Motel. A hotel, motel, or similar commercial establishment which:</p> <p>(a) Offers sleeping accommodation to the public for any form of consideration and, as a significant purpose of its business, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction of or description of sexual conduct or adult entertainment and are not rated G, PG, PG-13, NC-13, NC-17, or R by the Motion Picture Association of America; or</p> <p>(b) Offers a sleeping room for rent for a period of time that is less than 10 hours; or</p> <p>(c) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.</p> <p>(4) Adult Motion Picture Theater. A commercial establishment or drive-in theater where a significant portion of the films, motion pictures, video cassettes, slides, or similar photographic reproductions are characterized by the depiction or description of adult entertainment or sexual conduct and are not rated G, PG, PG-13, NC-13, NC-17, or R by the Motion Picture Association of America and are shown for any form of consideration.</p> <p>(5) Adult Bookstore. A business having as a significant portion of its volume of trade the display, barter, rental and/or sale of books, printed matter, video tapes, discs or cassettes, films, pictures or other material or paraphernalia distinguished or characterized by an emphasis on matters depicting, describing or relating to sexual conduct or adult entertainment, as defined herein. For purposes of this definition, "portion of its volume of trade" means that portion of the store's display space devoted to such material, or that portion of its gross receipts received from the sale of such material, whichever is greater.</p> <p>(6) Other Adult Entertainment Facility. Any commercial establishment to which any patron is invited or admitted and where adult entertainment is presented as a substantial part of the premises' activity, including but not limited to escort agencies, seminude or nude modeling studios, or similar establishments.</p>
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Aesthetics	“Aesthetics” means a characteristic of development or the environment relating to physical beauty.
Affordable housing	“Affordable housing” means 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	“Agricultural uses” shall mean 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	“Alley” shall mean 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	“Amusement park or center” means 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	“Apartment” means 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	“Apartment hotel” means 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.
Applicant	“Applicant” means 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	“Minimum appropriate area” means the smallest total area of property that is allowed in a particular zone.
Area of special flood hazard	“Area of special flood hazard” shall mean the land in the floodplain 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	“Assessment” means an estimation or determination of the significance, importance, or value of land, buildings, or a proposed development activity.
Assisted living facility	“Assisted living facility” means any home, place or institution which offers private rooms or apartments and assistance with the activities of daily living to seven or more residents. Services may include meals, personal care, medication assistance, limited supervision, organized activities, and limited nursing services.
Automobile sales and service establishment, new or used	“Automobile sales and service establishment, new or used” means 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	“Automobile service station” means 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 car washing.
Automotive repair establishment	“Automotive repair establishment” means 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	“Awning” means 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.
Backlight	“Backlight” means for an exterior luminaire, the lumens emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be the same as front light.

Bakery	“Bakery” means 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	“Bar” and/or “cocktail lounge” means 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	“Base flood” shall mean 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	“Basement” means 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 “bed and breakfast house” is a hotel in what was built as a single-family dwelling and which offers up to six bedrooms for transient guests.
Best available science	“Best available science” means scientific information or information meeting the criteria set forth in WAC 365-195-900 through 365-195-925.
Best management practice (BMP)	“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 prevent containment for underground storage tanks.
Billboard	“Billboard” means 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	“Binding site plan” means 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 La Center; and (2) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of land; and (3) contains provisions for making any development be in conformity with the site plan.

Blight	“Blight” means 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	“Block” means a group of lots, tracts, or parcels within well defined and fixed boundaries.
Boarding house	“Boarding house” means a dwelling where meals or lodging and meals are provided for compensation to at least one person and no more than 20 persons by prearrangement for definite periods of at least one week’s duration. A boarding house is to be distinguished from a hotel.
Bollard	“Bollard” means a post permanently affixed into the ground or pavement, at least two feet and no more than four feet in height after installation, whose purpose is to segregate automotive traffic from certain areas.
Border lots	“Border lots” are 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	“Boundary line adjustment” means 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	“Buffer area” means a landscaped area intended to separate and partially obstruct the view of two 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.
BUG rating or BUG	“BUG rating” or “BUG” means the Illuminating Engineering Society’s (IES) luminaire rating system that quantifies how well a luminaire controls backlight (B), uplight (U), and glare (G).
Buildable area	“Buildable area” means the space remaining after the minimum open space and yard setback requirements of this title have been complied with.

Buildable land	“Buildable land” means lands not constrained by critical areas and public rights-of-way.
Building	“Building” shall mean a combination of materials to form a structure that is adapted to a permanent or continued occupancy. It is a structure having a roof supported by columns or walls for the housing or enclosure of person, animals, or chattel.
Building coverage	“Building coverage” means that percentage of the total lot area of a lot which is covered by the principal an accessory building.
Building height	<p>“Building height” shall mean 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.</p> <p>(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.</p> <p>(2) The base point shall be 10 feet above the lowest grade adjoining the building when the sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building is more than 10 feet above lowest grade.</p> <p>(3) The height of a steeped or terraced building shall be the height of any segment of the building.</p>
Building, nonconforming	“Nonconforming building” means a legally existing building that fails to comply with this title (for height, number or stories, size, area, yards, location, or use) applicable to the district in which the building is located.
Building permit	“Building permit” means the document or certificate issued by the city of La Center 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	“Building setback line” shall mean 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	“Building site” means 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.
Bulk	“Bulk” means 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	“Business services” means 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	“Camper” shall mean 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	“Camping trailer” shall mean a structure mounted on wheels and designed for travel, recreational, and/or vacation uses.
Canopy	“Canopy” means a roof-like structure made of any material that projects from the wall of a building and overhangs a sidewalk.
Car wash	“Car wash” means a building, or portion thereof, containing facilities for washing automobiles utilizing mechanical devices.
Carport	“Carport” shall mean a building designed to cover, but not enclose, automobile parking spaces.
Cemetery	“Cemetery” means a place for the burial or interment of dead persons or household pets.
Certificate of occupancy (occupancy permit)	“Certificate of occupancy (occupancy permit)” means the official certification that a premises conforms to the provisions of this title (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.

Clearing	“Clearing” means the act of removing existing vegetations, structures or other items from a site prior to undertaking land improvements.
Clinic	“Clinic” means an establishment where patients who are not lodged overnight are admitted for examination and treatment by one person or group of persons licensed as a physician, dentist, chiropractor, therapist, or other similar health-related professional.
Club	“Club” means 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	“Cluster development” means 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.
Commission or planning commission	“Commission” or “planning commission” shall mean the planning commission of the city.
Common area	“Common area” means 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.
Common outdoor area	“Common outdoor area” means one or more of the following: a parking lot; a parking structure or covered vehicular entrance; a common entrance or public space shared by all occupants of the domiciles.
Compatible use	“Compatible use” means a use that is capable of existing in harmony with other uses situated in its immediate vicinity.
Comprehensive plan	“Comprehensive plan” means the 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	“Concession stand, agricultural or produce” means an open air structure, not to exceed 20 feet by 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	“Concrete slab” means 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 UBC standards.
Conditional use	“Conditional use” shall mean 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	“Condominium” means 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	“Confectionery” means an establishment engaged solely in the preparation and production of candy products for direct retail sale to the consumer on the premises.
Construction	“Construction” means 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 actually adjoin each other and share a common boundary.
Convenience store	“Convenience store” means 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	“Conversion” means the change of use or purpose to which a structure or building is put.
Council, city council	“Council” or “city council” shall mean the city council of the city.
Cul-de-sac	“Cul-de-sac” means a local street having only one 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	“Curb cut” means 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 grade immediately adjacent to a building shall be considered the “curb level.”
Day care	<p>“Day care” means 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.</p> <p>(1) “Family day care home” means a home which regularly provides care during part of the 24-hour day for six or fewer children.</p> <p>(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.</p> <p>(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.</p>
Dedication	“Dedication” means 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	“Density” means the number of permitted dwelling units allowed on each acre of land or fraction thereof. <u>See also “net density.”</u>
Density, net	“Net density” means the number of dwelling units or persons per net-acre covering only the land devoted to building lots.
Design storm	“Design storm” means 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

	<p>hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs).</p>
Detention facility	<p>“Detention facility” means 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.</p>
Developer	<p>“Developer” means any person, firm, or corporation undertaking the dividing of any parcel of land by short subdivision or subdivision; also known as the “applicant.”</p>
Development	<p>“Development” means 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.</p>
Development right	<p>“Development right” means a legal claim to convert a tract of land to a specific purpose by construction, installation, or alteration of a building or other structure.</p>
Development, substantial	<p>“Substantial development,” with regard to projects that have been initiated, shall constitute at least 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.</p>
Discontinue	<p>“Discontinue” means to cease doing or providing (something), typically something provided on a regular basis, for a continuous period of six months.</p>
District, zoning	<p>“Zoning district” means 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</p>

	title 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	“Domestic animal” means 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	“Drainage” means 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	“Drainage basin” means a geographic and hydrologic subunit of a watershed.
Drive-in or drive-through facility	“Drive-in or drive-through facility” means 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	“Driveway” means 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	“Dwelling” shall mean a building or portion thereof, designed or used as the residence or sleeping place of one or more persons.
Dwelling, attached	“Attached dwelling” means a dwelling having any portion of a wall in common with adjoining dwellings.
Dwelling, detached	“Detached dwelling” means a dwelling that is entirely surrounded by open space on the same lot.
Dwelling, duplex	“Duplex dwelling” means a detached building, designed for or occupied exclusively by two families living independently of each other, and shall not include a manufactured home.
Dwelling, multiple-family	“Multiple-family dwelling” shall mean 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	<p>“Single-family dwelling” shall mean a building designed or used for residence purposes by not more than one family, and containing one dwelling unit only.</p> <p>(1) “Attached” shall mean sharing common walls.</p> <p>(2) “Detached” shall mean physically separated.</p>
Dwelling unit	<p>“Dwelling unit” shall mean 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.”</p>
Easement	<p>“Easement” means a right which one person has to use the land of another for a specific purpose.</p>
Elevation	<p>“Elevation” shall mean:</p> <p>(1) The vertical distance above or below a fixed reference level; or</p> <p>(2) A flat scale drawing of the front, rear, or side of a building or structure.</p>
Emergency shelter	<p>“Emergency shelter” means a facility whose primary purpose is to provide housing for individuals and families in the event of an emergency or an emergency hazardous situation.</p>
Eminent domain	<p>“Eminent domain” means the authority of the city of La Center or other government agency to take, or to authorize the taking of, private property for public use with just compensation to the owner.</p>
Employees	<p>“Employees” shall mean all persons, including proprietors, working on the premises during the largest shift at peak season.</p>
Energy-efficient structure	<p>“Energy-efficient structure” shall mean 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.</p>
Engineer	<p>“Engineer” means the city public works director or his or her designee as determined by the city council.</p>
Enlargement	<p>“Enlargement” means 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.</p>

Environment	“Environment” means the physical, social and economic conditions that exist within the area which will be affected by a proposed project.
Environmentally sensitive lands, potential	“Potential environmentally sensitive lands” are 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	“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	“Erosion” means the detachment and movement of soil or rock fragments by water, wind, and/or gravity.
Establishment	“Establishment” means an economic unit, generally at a single physical location, where business is conducted or services are offered.
Facade	“Facade” means the front of a building, particularly that part of a building facing a street or courtyard.
Family	“Family” shall mean 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, or other group of unrelated individuals not exceeding six in number.
Fence	“Fence” means 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	“Sight-obscuring fence” shall mean a fence or evergreen planting, or combination of fence and planting, arranged in such a way as to obstruct vision.
Fill	“Fill” means earth or any other approved substance or material.
Final plat	“Final plat” or “plat, final” means the final drawing of a land division and/or 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.

Financial institutions	“Financial institutions” means 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	“Flag lot” means 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 Chapter 18.210 LCMC.
Flea market	“Flea market” means 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.
Flood	For the definition of “flood,” see LCMC 18.300.030.
Floor	“Floor” means 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	“Floor area” means 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 centerline 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 multifamily dwelling, except that portion of said custodian’s dwelling unit which is in excess of 50 percent of the total basement area.
Footcandle	“Footcandle” is the standard imperial unit used to measure illuminance, or the amount of light falling onto a surface, such as a roadway or athletic field. One footcandle equals one lumen per square foot. One footcandle equals approximately 10 lux.
Foster home	“Foster home” means 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 unrelated juveniles, adults or both.

Frontage	“Frontage” shall mean 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	“Corner lot frontage” means all the property on two sides of a street between two intersecting streets, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on two 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	“Fuel storage facility” means an area that is used or planned to be used for the storage of petroleum. The facilities may be aboveground or underground storage tanks.
Full cutoff	“Full cutoff” means a shielded luminaire where zero luminous flux is emitted above the horizontal (90 degrees above nadir) and not more than 10 percent of lamp lumens are emitted at or above 80 degrees above the nadir.
Garage	“Garage” means 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.
Garage, detached	“Detached garage” shall mean 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	“Geologically hazardous areas” means 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.
Glare	“Glare” means light entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility. The IES BUG rating defines glare as luminous flux emitted from the spherical wedge between 60 and 90 degrees from the nadir.
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	“Greenhouse” means an enclosed building, permanent or portable, that is used for the growth of plants.
Gross Area	<u>The total area within the boundaries of a property or properties. See also “net area.”</u>
Ground floor area	“Ground floor area” means 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	“Groundwater” means 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	“Groundwater management” means the management and coordination of groundwater regulations, strategies, policies, and technical information for the protection and use of groundwater resources.
Group care facility	“Group care facility” means a facility licensed by the state to provide, on a 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.
Group home	“Group home” means any home, place or institution for children or adults who cannot live with their families. These homes are often established in typical residential neighborhoods and often contain the typical features of a household. Many different kinds of residents can live at group homes including physically disabled individuals, mentally disabled individuals, individuals in substance rehabilitation programs, children in foster care, individuals with chronic disabilities, or juvenile offenders/troubled teens.
Gutter	“Gutter” means a constructed waterway, usually along a street curb, installed to collect and conduct street surface water.
Habitable floor	“Habitable floor” shall mean 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."
Hardscape	"Hardscape" means permanent improvements to a site including (but not limited to) parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and nonvegetated landscaping that is 10 feet or less in extent measured away from edges of structures. Hardscape materials may include concrete, asphalt, stone, brick, gravel and similar substances.
Hardscape area	"Hardscape area" means the area measured in square feet of all hardscape. It is used to calculate the total site lumen limit.
Hazardous waste	"Hazardous waste" shall mean all dangerous and extremely hazardous waste as defined in RCW 70.105.010 except for moderate-risk waste. RCW 70.105.010 is adopted by reference for the purposes of this definition.
Hazardous waste storage	"Hazardous waste storage" shall mean 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	"Hazardous waste treatment" shall mean the physical, chemical, or biological processing of dangerous waste to make wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.
Hazardous waste treatment and storage facility, off-site	"Off-site hazardous waste treatment and storage facility" shall mean 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	"On-site hazardous waste treatment and storage facility" shall mean treatment and storage facilities that treat and store waste from generators on properties on the same geographically contiguous or bordering property.
Health care facility	"Health care facility" means 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; outpatient care facilities; blood banks; and oxygen and miscellaneous types of medical supplies and services.

Health club	“Health club” means gymnasiums (except those associated with educational institutions), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.
Hearings examiner	“Hearings examiner” shall mean the person(s) appointed hearings examiner by the city council of La Center pursuant to Chapter 2.35 LCMC.
Historic property	“Historic property” means a building, structure, object, area or site that is significant in the history, architecture, archaeology or culture of La Center, the region or the nation.
Home occupation	“Home occupation” shall mean 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.
Homeowner’s association	<p>“Homeowner’s association” shall mean a nonprofit organization operating under recorded land agreements through which the following take place:</p> <p>(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.</p> <p>(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.</p> <p>(3) Construction and maintenance responsibilities for any undivided property are identified and assigned.</p>
Hospital	“Hospital” shall mean an establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.
Hotel	“Hotel” shall mean 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	“House of worship/church” means 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.
Illuminance	“Illuminance” means the quantity of light striking a surface, which varies with distance and angle. Also known as luminous flux density.

Illuminated sign	“Illuminated sign” means any sign that has characters, letters, figures, designs or outlines illuminated by electric lights, or from a remote position.
Immediate vicinity	“Immediate vicinity,” with regard to the built or manmade environment, refers to all development that is within 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	“Impervious surfaces” means 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	“Improvement” means 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	“Improvement plans” means the technical drawings of the design and proposed construction of such items as streets, water and sewer systems, and drainage detention systems.
Incompatible use	“Incompatible use” means a use that is incapable of existing in harmony with the natural environment or with other uses situated in its immediate vicinity.
Indoor amusement	“Indoor amusement” means 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 or more coin- or token-operated devices, such as pinball and video games.
Indoor storage	“Indoor storage” means the keeping of any goods, materials, merchandise, or supplies as an accessory use to any retail, office, or service use.
Industrial park	“Industrial park” means a planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site circulation, parking, utility needs, building design and orientation, and open space.
Industry, heavy	“Heavy industry” means 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	“Light industry” means 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	“Infiltration” means the downward movement of water from the surface to the subsoil.
Initial lumens	“Initial lumens” means the total luminous flux of a luminaire assuming it is new and not subject to diminution of light output due to age or condition.
Irregular lot	“Irregular lot” means 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	<p>“Kennel” shall mean either:</p> <p>(1) Any premises used to conduct a commercial business involving breeding, buying, selling or letting dogs for hire, boarding or training dogs; or</p> <p>(2) Any premises at which four or more dogs which are five 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.</p>
Land clearing	“Land clearing” means the exposure of earth by the removal of vegetative cover of any kind.
Land-disturbing activity	“Land-disturbing activity” means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, demolition, construction, clearing, grading, filling and excavation.
Land division	“Land division” means a short subdivision or subdivision.
Landscape plan	“Landscape plan” means 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	“Landscaping” shall mean 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	“Laundromat” means an establishment providing washing and drying machines on the premises for rental use to the general public for family laundering purposes.
LED	“LED” means light emitting diode.
Light trespass	“Light trespass” means any light that falls beyond the legal boundaries of the property it is intended to illuminate.
Livestock	“Livestock” means farm animals, such as horses, cattle, pigs, goats, or poultry, kept for their services or raised for food and other products.
Loading space	“Loading space” means 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.
Lodging house	“Lodging house” means a building other than a hotel where lodging is provided for five 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	“Lot” shall mean a parcel of land used or which is capable of being used under the regulations of this title, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation. “Lot” shall also mean the individual leaseholds within an approved manufactured home park.
Lot area	“Lot area” shall mean the computed area contained within the lot lines, said area to be exclusive of street or alley rights-of-way.
Lot, building	“Building lot” means land occupied or to be occupied by a building and its accessory buildings.
Lot, corner	“Corner lot” shall mean 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 coverage	“Lot coverage” shall mean that percentage of the total lot area covered by structures, including decks and all other projections except eaves.
Lot depth	“Lot depth” shall mean 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	“Lot dimensions, minimum standards” means the smallest width or depth permitted on a lot within a zone.
Lot, interior	“Interior lot” shall mean a lot or parcel of land other than a corner lot.
Lot line	“Lot line” shall mean the property line bounding a lot.
Lot line, front	“Front lot line” shall mean 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 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	“Rear lot line” shall mean a lot line which is opposite and most distant from the front lot line; and in the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot, parallel to and at a maximum distance from the front lot line.
Lot line, side	“Side lot line” shall mean any lot line which is not a front or rear lot line.
Lot line, street side	“Street side lot line” shall mean any side lot line that abuts a public street right-of-way or public or private access easement.
Lot of record	“Lot of record” shall mean 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, through	“Through lot” shall mean an interior lot having a frontage on two streets and/or highways.

Lot width	“Lot width” shall mean 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.
Lounge	“Lounge” means a building, or portion of a building, wherein alcoholic beverages are sold by the drink and consumed on premises.
Lumen	“Lumen” (lm) means a unit of luminous flux used to quantify the amount of light produced by a lamp or emitted from a luminaire that is independent of the distance between the lamp and the viewer.
Luminaire	“Luminaire” means the complete lighting unit (fixture), consisting of a lamp, or lamps, ballasts (when applicable), electrical and electronic components, the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output; see “Initial lumens.”
Maintain	“Maintain” shall mean to cause or allow to continue in existence. When the context indicates, the word means to preserve and care for a structure; 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	“Manufactured home” shall mean a designated manufactured home as defined by RCW 35.63.160.
Mini-storage or mini-warehouse	“Mini-storage” or “mini-warehouse” means a building or group of buildings consisting of individual storage units not exceeding 400 square feet per storage unit 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	“Mixed-use zoning” means 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 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	<p>“Mobile home” means 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 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).)</p>
Modular home/prefabricated home	<p>“Modular home/prefabricated home” shall mean a residential structure consisting of many components which meets the requirements of the Uniform 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.</p>
Motel	<p>“Motel” shall mean 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.</p>
Motor home	<p>“Motor home” shall mean a portable, temporary dwelling to be used for travel, recreational, and/or vacation use constructed as an integral part of a self-propelled vehicle.</p>
Nadir	<p>“Nadir” means the local direction corresponding to the vector between any point on the surface on the Earth and the center of the Earth, which may be visualized with the use of a plumb bob.</p>
National Register of Historic Places	<p>“National Register of Historic Places” means 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.</p>
Neighborhood	<p>“Neighborhood” means 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.</p>
Net developable area acres— or area	<p>“Net developable acres or area” means the gross area <u>of a site expressed in acres</u> of the development property minus public rights-of-way, <u>private streets, public utilities easements, public parks, and undeveloped</u> critical areas and <u>their adjoining required</u> buffers. <u>Otherwise unbuildable areas,</u></p>

	<u>such as critical areas and buffers and public utility easements, that are either developed or counted toward meeting minimum residential lot sizes, cannot be deducted from gross area to calculate net area.</u>
Net density	<u>The number of dwelling units per net area.</u>
New construction	“New construction” means structures for which the “start of construction” commenced on or after the effective date of the ordinance codified in this title.
Night club	“Night club” means an establishment that has a capacity for at least 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	“Nonconforming development” shall mean one or more elements of a development, such as setbacks, screening, height or parking area requirements that were created in conformance with the development regulations but which subsequently, due to a change in the zone or zoning regulations, do not conform to the current regulations imposed by this title or amendments thereto.
Nonconforming lot	“Nonconforming lot” means a lot as defined in this section that does not comply with currently applicable city regulations.
Nonconforming use	“Nonconforming use” shall mean a use of land which lawfully existed at the time the ordinance codified in this title, or any amendment thereto, becomes effective, but which does not conform to the current regulations imposed by this title or such amendment thereto.
Nuisance	“Nuisance” shall include those definitions contained in Chapters 7.48 and 9.66 RCW. Any violation of this title shall constitute a nuisance, per se.
Nursery school	“Nursery school” means 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	“Nursing home” means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of 24 consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity are unable properly to care for themselves. Chapter 18.51 RCW.

Occupancy	“Occupancy” means 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 title that do not have authorization by virtue of a valid permit issued.
Office	“Office” means a building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.
Off-street parking	“Off-street parking” means the minimum off-street, on-site parking of vehicles that shall be provided under the terms of this title.
Open space	“Open space” means 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	“Common open space” means 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	“Ordinance” means a law set forth by governmental authority; a municipal regulation adopted by the legislative branch of the locality.
Overlay zone	“Overlay zone” means a zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond that required by the underlying zones.
Owner	“Owner” shall mean 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	“Parcel” means 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	“Public park” means 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 lot and/or garage	“Parking lot and/or garage” means an off-street facility used for the storage or parking of four or more motor vehicles to provide an accessory service to a commercial, industrial, public or residential use.
Parking space	“Parking space” shall mean 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	“Parking space, compact” shall mean 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 structure	“Parking structure” means 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.
Pedestrian-oriented space	“Pedestrian-oriented space” means an outdoor space intended to feature a concentration of commercial and pedestrian activity. Such spaces have a pedestrian scale and feature multiple pedestrian amenities such as benches and tables, artwork, drinking fountains, decorative waste receptacles, bicycle racks, landscaping, and fountains. Pedestrian-oriented spaces may include plazas, court yards, or parkways. A pedestrian-oriented space shall be specifically designated by the review authority.
Pedestrian-oriented street	“Pedestrian-oriented street” means a street intended to feature a concentration of commercial and pedestrian activity. Such streets feature multiple pedestrian amenities, pedestrian-scale features, slow-moving traffic, narrow travel lanes, limited on-street parking, wide sidewalks. A pedestrian-oriented street shall be specifically designated by the review authority.

Pedestrian scale	“Pedestrian scale” means the use of human-proportioned architectural features and site design elements clearly oriented to pedestrian activity. Such elements are typically smaller in scale and more proportional to the human body, rather than monumental or large scale, and include surface texture and patterns, lighting, colors, materials, and architectural details.
Permit	“Permit” means any license, certificate, approval, or other entitlement for use granted by any public agency.
Permittee	“Permittee” shall be the person who is proposing to use or who is using the land pursuant to any permit required herein.
Personal service	“Personal service” means beauty parlors, shops or salons; barbershops; reducing or slenderizing studios; electrolysis services; manicurists; and the like.
Plant nursery	“Plant nursery” means 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	“Plat” means 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, preliminary	“Preliminary plat” means a neat and approximate drawing of either 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 the preliminary plat.
Plot	“Plot” means a parcel of ground containing more than one lot upon which a building and its accessory buildings have been or may be erected.
Premises	“Premises” means land and all buildings and structures thereon.
Preschool facility	“Preschool facility” means an educational center or establishment, including a kindergarten, that provides primarily instruction, supplemented by daytime care, for four or more children between the ages of two and five years, and which operates on a regular basis.

Private clubs	“Private clubs” means 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	“Private parking” means 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	“Private road” or “road, private” means an easement or parcel created to provide access from a public right-of-way to or through a lot, the maintenance of which shall be the responsibility of the lot owners having access thereto.
Prohibited use	“Prohibited use” shall mean any use which is not specifically enumerated or interpreted as allowable in that district.
Professional office	“Professional office” means 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	“Professional service” means 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.
Public assembly, place of	“Place of public assembly” means 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	“Public building” shall mean 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	“Public improvement” means 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	“Public use” means the use of any land, water, or building by a public agency for the general public, or by the public itself.
Public utility	“Public utility” means 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 space	“Recreational space” shall mean 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	“Recreational vehicle” shall mean 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.
Rehabilitation center	“Rehabilitation center” means a home, place, or institution where patients and former patients go for physical and occupational therapy, speech therapy, psychological rehabilitation, or any other treatment designed to restore their well-being after an illness, surgery, or trauma involving loss of function. It may include room and board and/or may include outpatient services.
Residential treatment facility	“Residential treatment facility” means 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	“Residential use” means use of land or structure thereon, or portion thereof, as a dwelling place for one or more families or households, but

	not including occupancy of a transient nature such as in hotels, motels, or time-sharing condominium uses.
Retail food establishment	“Retail food establishment” means 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 title.
Retail trade	“Retail trade” means establishments primarily engaged in providing finished products to individual consumers. Retail trade establishments may include, but are not limited to, apparel, books, groceries, camera shops, convenience stores and automobile service stations.
Retirement home	“Retirement home” means 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 authority	“Review authority” means the officer designated by the city of La Center to enforce and administer this title, or his or her duly authorized representative.
Right-of-way	“Right-of-way” means 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.
Rooming house	“Rooming house” shall mean a building wherein furnished rooms without cooking facilities are rented for compensation to three or more nontransient persons, not included in the family unit of the owner or tenant of the premises.
Screening	“Screening” means 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 12 months. The screen shall be maintained or constructed at such a density as to block the view to adjacent properties.
Setback	“Setback” shall mean 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.
Shared access facility	“Shared access facility” shall mean 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	“Shopping center” means 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	“Short plat” means the map or representation of a short subdivision showing thereon the proposed division of a tract or parcel of land into lots, blocks, streets and alleys, or other land divisions.
Short subdivision	“Short subdivision” means the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.
Sidewalk	“Sidewalk” means that portion of a transition strip improved for pedestrian traffic in accordance with standards fixed by the review authority.
Sign	“Sign” means 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	“Site” shall mean 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	“Site plan” shall mean 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.
Skyglow	“Skyglow” means the brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere and has the effect of reducing one’s ability to view the night sky.

Small animal husbandry (commercial)	“Small animal husbandry (commercial)” means the raising of mink, fox, nutria, rabbits, pigs, sheep, goats, chickens, turkeys, guinea hens and similar small animals and fowl not for the primary consumption of or used by the occupants of the premises.
Soil	“Soil” means the surface layer of the earth supporting plant life.
Soil removal	“Soil removal” means removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials or combination thereof, except common household gardening.
Solar access	“Solar access” shall mean the availability of direct sunlight to solar energy systems.
Solar access easement	“Solar access easement” shall mean 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	<p>“Solar energy system” shall mean 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:</p> <ul style="list-style-type: none"> (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. <p>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.</p>
Storage, open	“Open storage” means the safekeeping of any goods or products in an unoccupied space, open to the sky, for eventual removal not expected within 72 hours or for continuous replacement by same or similar goods or products.
Stormwater	“Stormwater” means 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	“Story” shall mean 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	“Street” shall mean all roads, streets, highways, freeways, easements, and public rights-of-way used for or designed for vehicular access or use including private roads but not including private driveways.
Street line	“Street line” means the dividing line between any street, road or other thoroughfare and the adjacent lots.
Street, public	“Public street” means a street affording the principal means of access to abutting property, and dedicated to or maintained by the city of La Center, Clark County, or the state of Washington affording the principal means of access to abutting property and with a right-of-way or easement.
Structural alteration	“Structural alteration” or “alteration, structural” means any material or dimensional changes in the structural elements of a building such as bearing walls, columns, beams, and roofs.
Structure	“Structure” shall mean 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.
Subdivision	“Subdivision” means the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.
Substantial improvement	“Substantial improvement” means any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during the life of a structure, in which the cumulative cost equals or exceeds 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.
Surface water	“Surface water” means waters that flow over the land surface and frequently interact with groundwater.
Swale	“Swale” means a shallow drainage conveyance with relatively gentle side slopes, generally with flow depths less than one foot.
Tavern	“Tavern” means 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	“Telecommunications facilities” shall mean 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	“Temporary building or structure” means 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	“Toe of slope” means 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	“Topography” means 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	“Townhouse” or “rowhouse” means 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 or more other dwelling units by common walls which may be located on side lot lines.
Tract	“Tract” means 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	“Trailer” means 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, snowmobiles, and the like, not included in other definitions.
Travel trailer	“Travel trailer” means 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	“Treatment best management practice” means 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	“Units per acre” means the number of dwelling units allowed on one acre. For example, a maximum of four units/acre would mean that no more than four dwelling units on one acre are allowed in a particular zone.
Unstable slopes	“Unstable slopes” means those sloping areas of land which have in the past exhibited, are currently exhibiting, or will likely in the future exhibit, movement of earth.
Uplight	“Uplight” means the luminous flux radiated in the hemisphere at or above the horizontal plane defined perpendicular to the nadir direction at the photometric center of an exterior luminaire.
Use	“Use” means the purpose that land or structures now serve or for which it is occupied, maintained, arranged, designed or intended.
Use, principal	“Principal use” means the main use of land or buildings as distinguished from a subordinate or accessory use.
Use, temporary	“Temporary use” means 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.

<p>Utilities easements</p>	<p>“Utilities easements” means rights-of-way that may be 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.</p>
<p>Utility substation facilities</p>	<p>“Utility substation facilities” shall mean 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:</p> <ul style="list-style-type: none"> (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.
<p>Variance</p>	<p>“Variance” means a modification of the terms of this title 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.</p>
<p>Vertical mixed use</p>	<p>“Vertical mixed use” means a multi-story building that includes both nonresidential and residential uses. Residential uses are generally on the upper floors.</p>
<p>Veterinary hospital or clinic</p>	<p>“Veterinary hospital or clinic” means a building used to provide health care services to animals.</p>
<p>Video sales and rentals</p>	<p>“Video sales and rentals” means commercial establishments engaged in the sale and rental of video equipment, tapes and accessories for home entertainment.</p>
<p>Vision clearance area</p>	<p>“Vision clearance area” shall mean 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</p>

	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	“Visual obstruction” shall mean 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.
Warehouse	“Warehouse” means a building used primarily for the storage of goods and materials.
Watershed	“Watershed” means 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	“Wetlands” shall mean 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 LCMC.
Wholesale (trade)	“Wholesale (trade)” means 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	“Yard” shall mean an open space on a lot which is unobstructed from the ground upward except as specified elsewhere in this title.
Yard, front	“Front yard” shall mean a yard between side lot lines from the front lot line to the nearest point of the building.
Yard, rear	“Rear yard” shall mean a yard between side lot lines from the rear lot line to the nearest point of the building.

Yard, side	“Side yard” shall mean 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	“Zero lot line home” means a residential development approach in which a building is sited on one or more lot lines with no yard area along these lot lines. Conceivably, three of the four 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 units of zero lot line housing constitute such a development.
Zone	“Zone” means an 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	“Zone district” shall mean the same as “zoning district” or “zone.”
Zoning	“Zoning” means the legislative division of a community into segments reserved for specific uses and also the minimum required size for such use.

[Ord. 2019-20 § 3 (Exh. B), 2019; Ord. 2018-10 § 3 (Exh. A), 2018; Ord. 2006-17 § 1, 2006.]

Chapter 18.130

LOW DENSITY RESIDENTIAL DISTRICT (LDR-7.5)

Sections:

- 18.130.010 Purpose.
- 18.130.020 Locational criteria.
- 18.130.030 Permitted uses.
- 18.130.070 Height regulations.
- 18.130.080 Density requirements.
- 18.130.090 Lot coverage and dimensions.
- 18.130.100 Street trees.
- 18.130.110 Active open space – Family parks.

18.130.010 Purpose.

The LDR district is intended to implement the provisions of the La Center comprehensive plan. In addition, this district is intended to:

- (1) Recognize and maintain established low density residential areas, while encouraging appropriate infill and redevelopment;
- (2) Establish higher densities close to employment centers and transit corridors and lower densities in areas without urban services;
- (3) Create efficient residential areas which provide community services in a more economical manner, and facilitate utility-efficient design;
- (4) Provide for additional related uses such as schools, parks and utility uses necessary to serve immediate residential areas;
- (5) Maintain and enhance sensitive lands;
- (6) Encourage traditional pedestrian-oriented neighborhoods. [Ord. 2007-09 § 4, 2007; Ord. 2006-17 § 1, 2006.]

18.130.020 Locational criteria.

(1) The City shall zone land as LDR-7.5 that generally has the following characteristics:

(a) The city shall zone land as Urban Residential for low density residential use on the La Center comprehensive plan map ~~within the La Center corporate limits as follows:~~

(b) Located in areas characterized by a predominance of existing low-density (less than 8 units per net acre) single-family residential development or undeveloped land. A predominance means land that is surrounded by 50 percent or more by low density residential uses and/or undeveloped land.

(c) Areas with hilly topography adjacent to or containing a high proportion of critical areas where large building footprints and higher impervious surface areas required for medium or high density residential buildings and commercial uses would result in significant critical area impacts.

(a)(d) Areas separated and protected from commercial areas by medium or high density housing, parks, schools, or critical areas.

~~(1) LDR-7.5 (7,500-square-foot lots). Ninety percent of all new parcels in this district must average within 10 percent of 7,500 square feet as a total development and any phase within the development. The remaining 10 percent of lots may be reduced to 6,000 square feet as a result of density transfer per LCMC 18.300.130. Individual parcels may not be smaller than 6,000 square feet nor larger than 11,000 square feet.~~

- (2) Zoning of Residential Land Upon Annexation to the City. Newly annexed lands shall be incorporated into the city consistent with the comprehensive plan land use map.
- (3) The city shall zone lands within the city limits, but which have identified capital facilities deficiencies, with an urban holding overlay. The UH-10 overlay shall limit residential densities to one unit per lot, or one unit per 10 acres, whichever is greater, until capital facilities deficiencies are resolved. [Ord. 2007-09 § 4, 2007; Ord. 2006-17 § 1, 2006.]

18.130.030 Permitted uses.

The following uses are permitted within the LDR-7.5 district subject to the applicable provisions of this and other applicable La Center Municipal Code titles:

Table 18.130.030 – Permitted, Conditional, and Prohibited Uses

Use	LDR-7.5
(1) Single-family detached dwelling units	P
(2) Duplexes	P
(3) Manufactured homes ¹	P
(4) Accessory buildings and uses including, but not limited to, the following:	
(a) Private garages and carports designed to accommodate no more than four vehicles	P
(b) Greenhouses, gardens, and orchards for private, noncommercial propagation and culture of plants, fruits, and vegetables	P
(c) Swimming pools and other recreational facilities for the private use of the occupants. Swimming pools other than children’s temporary wading pools shall not be located in front yards, shall be enclosed by a five-foot fence, and shall be set back at least three feet from all property lines	P

Use	LDR-7.5
(d) Covered patio, freestanding or attached	P
(e) Solar energy systems and structures solely designed to support solar energy systems	P
(5) Home occupations	L ²
(6) Art galleries and museums not exceeding two gross acres	L ²
(7) Nursery schools, when located on the same site with a public or private school or church	C ³
(8) Public utilities such as electrical substations	L ²
(9) Publicly owned parks, trails, open spaces or recreational areas	L ²
(10) Family day care homes and mini day care centers	L ²
(11) Foster care homes	L ²
(12) Churches	C ³
(13) Public schools ⁴	P
(14) Community clubs	P
(15) Day care centers	C ³
(16) Public buildings and uses not otherwise listed as permitted in the LCMC	C ³
(17) Bed and breakfast house	L ²
(18) Manufactured home parks and subdivisions and related uses/structures	C ³
(19) Telecommunication facilities	C ³
(20) All manufacturing and commercial uses or services, except permitted home occupations	X
(21) Kennels	X
(22) Temporary sales offices in conjunction with a subdivision	P

⁴Subject to the installation standards of LCMC 18.180.070.

²Limited uses are subject to Type II site plan review procedures.

³Conditional uses are subject to a Type III process consistent with the applicable standards of this chapter.

⁴Public schools (grades 7 – 12) require a conditional use permit.

[Ord. 2010-05 § 3, 2010; Ord. 2007-09 § 4, 2007; Ord. 2006-17 § 1, 2006.]

18.130.070 Height regulations.

The maximum building height in all LDR districts shall be 35 feet measured from the lowest finished grade level to the highest point on the roof. Detached garages shall not exceed 18 feet in height. The maximum building height for a detached accessory structure is 12 feet; 14-1/2 feet for a solar energy system on a detached accessory structure. The maximum building height for a solar energy system on a primary structure is 39-1/2 feet. Where these standards conflict with the standards in Chapter 15.05 LCMC, the more stringent standards shall apply. [Ord. 2007-09 § 4, 2007; Ord. 2006-17 § 1, 2006.]

18.130.080 Density and dimensional requirements.

(1) New lots and structures and additions to structures subject to this chapter shall provide a minimum density of no less than four (4) dwelling units per net acre. ~~comply with the applicable standards for minimum and maximum density in Table 18.130.080.~~

(2) Lot size requirements. Minimum size for individual lots in a subdivision without a density transfer pursuant to LCMC 18.300 is 7,500 square feet. With an approved density transfer, 10 percent of the individual lots may be as small as 6,000 square feet. Maximum lot size is 11,000 square feet.

(e) Lots created for drainage facilities, parks, open space, wetlands, critical areas and buffers or utilities shall not be subject to minimum or maximum lot size requirements.

(f) 1Duplexes (structures containing two separate dwelling units) require a minimum lot area of 10,000 square feet.

(g) 3The maximum lot area of a lot abutting the urban growth area boundary may exceed 11,000 square feet pursuant to this section. A border lot also is subject to different setbacks. The maximum lot area also can be exceeded for multifamily development.

~~(2)~~(3) Developed critical areas or critical areas used for density transfer purposes shall not be deducted to calculate net acres.

~~(3)~~(4) An accessory building or structure shall not be erected unless there exists a residence and/or other primary and permissible use on the lot.

~~Table 18.130.080—Density Requirements~~

Zoning District	Minimum Lot Area¹ (sq. ft.)	Minimum Lot Area When Critical Areas Are Present (sq. ft.)²	Maximum Lot Area (sq. ft.)³	Minimum Net Density per Acre⁴
LDR-7.5	7,500	6,000	11,000	4

~~¹Duplexes (structures containing two separate dwelling units) require a minimum lot area of 10,000 square feet.~~

~~²The city may permit a minimum lot area of 6,000 square feet when critical areas are present and a transfer of density is proposed per LCMC 18.300.130. Under no circumstances may lots of less than 6,000 square feet be permitted.~~

~~³The maximum lot area of a lot abutting the urban growth area boundary may exceed 11,000 square feet pursuant to this section. A border lot also is subject to different setbacks. The maximum lot area also can be exceeded for multifamily development.~~

~~⁴Densities shall be calculated based on the gross area of the site minus any public rights-of-way.~~

[Ord. 2010-05 § 16, 2010; Ord. 2007-09 § 4, 2007; Ord. 2006-17 § 1, 2006.]

18.130.090 – Lot coverage and dimensions.

~~(4)~~(5) Maximum building lot coverage shall not exceed 35 percent. Maximum impervious surface area shall not exceed 50 percent.

~~(5)~~(6) Setbacks shall be measured from the nearest edge of the applicable property line to the nearest vertical wall or other element of the building or structure.

~~(6)~~(7) Side yard setbacks shall be consistent with Table 18.130.08090, unless otherwise expressly allowed by this title.

Table 18.130.08090 – Lot Coverage and Dimensions

District	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Front Yard Setback (feet) ^{1,2}	Minimum Side Yard Setback (feet) ²	Minimum Street Side Yard Setback (feet) ²	Minimum Rear Yard (feet) ^{2,3}
LDR-7.5	60	90	20	7.5	10	20

¹If there are dwellings on both adjoining lots with front yard setbacks less than the required depth for the district, the minimum front setback for the lot is the average of the front setbacks of the adjoining dwellings. If there is a dwelling on only one adjoining lot with a front yard setback less than the required depth for the district, the minimum front setback for the lot in question is the average of the adjoining front yard setback and 15 feet.

²Cornices, eaves, belt courses, sills, canopies, or other similar architectural features (not including bay windows or vertical projections) may extend or project into a required yard not more than 30 inches. Chimneys may not project into a required yard more than 24 inches. A deck not more than 30 inches in height (measured from the lowest grade in the setback to the deck surface) and not covered by a roof or canopy may extend up to 10 feet into a front yard setback, seven and one-half feet into a street side yard setback and is permitted in a side or rear yard regardless of the setback requirements.

³A detached accessory structure, other than a garage or carport, may be situated in a rear and/or side yard provided it is at least six feet from the primary structure on a lot or parcel and it is set back from interior side and rear lot lines by at least five feet and from street side lot lines by at least 10 feet. A garage or carport may be situated in a rear and/or side yard provided it is at least 20 feet from the front and street side lot lines, seven and one-half feet from an interior side lot line, 15 feet from a rear lot line; provided, further, if there is direct vehicular access from a garage or carport to the street abutting the street side lot line, then the garage or carport shall be set back at least 20 feet from that street side lot line.

[Ord. 2009-17 § 1, 2009; Ord. 2007-09 § 4, 2007; Ord. 2006-17 § 1, 2006.]

18.130.090100 Street trees.

(1) New residential developments shall provide street trees in planter strips subject to approval by the public works director.

(2) Planter strips shall contain trees at a minimum of 30-foot intervals along each street frontage.

(3) The public works director shall approve the type, location, and planting method of street trees. [Ord. 2007-09 § 4, 2007; Ord. 2006-17 § 1, 2006.]

18.130.10010 Active open space – Family parks.

If a low density residential (LDR-7.5) development meets the applicable criteria of LCMC 18.147.020, the new development shall provide parks and open space pursuant to the applicable requirements of Chapter 18.147 LCMC (Parks and Open Spaces). [Ord. 2017-07 § 3, 2017.]

Chapter 18.140

MEDIUM DENSITY RESIDENTIAL DISTRICT (MDR-16)

Sections:

- 18.140.010 Purpose.
- 18.140.015 Location.
- 18.140.020 Permitted and conditional uses.
- 18.140.030 Density and dimensional requirements.
- 18.140.040 General standards for developments within the MDR-16 district.
- 18.140.050 Requirements of single-family attached housing.
- 18.140.060 Requirements of multifamily attached housing – Apartments.
- 18.140.070 Requirements of single-family detached housing.
- 18.140.080 Requirements of single-family detached manufactured home subdivisions.

18.140.010 Purpose.

The medium density residential (MDR-16) district is intended to provide for residential development opportunities with a minimum density of eight units per net acre, and a maximum density of 16 units per net acre consistent with the La Center comprehensive plan. The district is further intended to facilitate use of public transit, reduce the burdens of automobile-related problems, and encourage efficient use of commercial services and public open space. For purposes of this chapter, the terms “manufactured home park” and “manufactured home subdivision” are interchangeable. [Ord. 2015-05 § 2 (Exh. A), 2015; Ord. 2006-17 § 1, 2006.]

18.140.015 Location.

The city council, with the recommendation of the planning commission, generally, shall assign MDR-16 zoning districts in close proximity to collector or arterial roadways, current or proposed transit routes, near employment centers, and with good access to local public schools. [Ord. 2015-05 § 2 (Exh. A), 2015; Ord. 2006-17 § 1, 2006.]

18.140.020 Permitted and conditional uses.

(1) Permitted Uses. The city permits the following primary uses on buildable lands (outside of sensitive lands), subject to compliance with the requirements of Chapter 18.215 LCMC and compliance with concurrency and level of service standards of the La Center capital facilities plan:

- (a) Existing lawful residential uses;
- (b) One new single-family residence per lot of record, lawfully created prior to December 31, 2001;
- (c) Multiple-family dwellings, including but not limited to attached single-family dwellings, such as townhouses, duplexes, triplexes, and detached multifamily dwellings such as apartments;
- (d) Single-family detached dwelling units consistent with the general standards and single-family detached standards in this chapter;
- (e) Manufactured home subdivisions or parks created prior to December 31, 2015;
- (f) Accessory buildings and uses normal and incidental to the buildings and uses permitted in this chapter;
- (g) Public parks and recreational facilities; and
- (h) Cottage housing compliant with the requirements of Chapter 18.185 LCMC, Cottage Housing.

(2) Conditional uses allowed in an MDR-16 district are described in Table 18.130.030, single-family permitted, conditional and prohibited uses. The city shall apply the applicable lot area, dimension and density standards in this chapter and Chapter 18.215 LCMC, Site Plan Review, to applications for conditional use. Minimum density standards shall be met. [Ord. 2018-10 § 4 (Exh. B), 2018; Ord. 2015-05 § 2 (Exh. A), 2015; Ord. 2006-17 § 1, 2006.]

18.140.030 Density and dimensional requirements.

(1) All developments within the MDR-16 zoning district shall comply with the density and dimensional requirements of Table 18.140.030.

Table 18.140.030

MDR-16 Density and Dimensional Requirements

Standard	Multifamily	Single-Family		
		Attached	Detached	Manufactured Home Park/Subdivision
Net Density ¹	8 – 14	8 – 14	8 – 12	4 – 12
Minimum Project Area ⁵	2.5 ac.	2.5 ac.	5 ac.	10 ac.
Minimum Lot Width	20 feet	20 feet	30 feet	20 feet ⁴
Minimum Lot Depth	60 feet	60 feet	60 feet	60 feet ⁴
Minimum Area	1,400 SF	1,400 SF	3,000 SF	3,000 SF ⁴
Maximum Area	N/A	N/A	15,000 SF	5,000 SF ⁴
Maximum Lot Coverage	85%	60%	60%	85% ⁴
Maximum Height ⁶	45 feet	35 feet	35 feet	20 feet
Setbacks²				
Minimum Front Setback ³	10 feet	10 feet	10 feet	5 feet ⁴
Minimum Garage Setback from Public Street	5 feet	18 feet	18 feet	5 feet ⁴
Minimum Garage Setback from Alley	3 feet	3 feet	3 feet	5 feet
Minimum Side Setback	0 feet attached or 10 feet abutting single-family	0 feet attached/4 feet nonattached	4 feet	5 feet ⁴
Minimum Street Side Setback	0 feet	10 feet	10 feet	5 feet ⁴
Minimum Rear Setback	20 feet	10 feet	10 feet	3 feet ⁴

¹In a phased project, each phase of the project shall meet the density requirements.

²Setbacks and building envelopes shall be identified for each lot on the face of the plat or binding site plan.

³Minimum front yard setback shall be 25 feet from arterial and collector streets.

⁴In a manufactured home subdivision the lot area and setback standards represent an average within the subdivision.

⁵The minimum project area requirements do not apply when legal lots in the RP zone develop multifamily housing.

⁶The maximum height of a dwelling is depicted in this table; the maximum height of a garage or accessory building is 20 feet.

(2) Beveling. New lots used for medium density residential purposes created adjacent to low density residential (LDR) districts shall employ a “beveling” technique at the perimeter of the project. New perimeter MDR-16 lots abutting LDR districts, not including public rights-of-way or dedicated public open space, shall be no less than 890 percent of the lot area of the minimum lot size of the abutting LDR district. Setbacks from the property lines of abutting LDR land shall be no less than 80 percent of the setback requirement of the abutting LDR district. For example, if the abutting property is zoned LDR-7.5, a 7,500-square-foot minimum lot size, the MDR-16 lots

abutting the LDR district may not be less than 6,750 square feet. The beveling standard does not apply to manufactured home subdivisions.

(3) Density Transfer. A project subject to the beveling requirement described in subsection (2) of this section may transfer density to interior lots, on an acre-per-acre basis, to achieve a density of no greater than 16 units per net acre. For example, if the cumulative area of all beveled perimeter lots is two acres, a maximum of two acres of interior lots may reach a density of 16 units per net acre. The balance of the nonbeveled areas may not exceed the maximum density allowed for project type described in Table 18.140.030.

(4) Product Types. The city desires to foster an opportunity for the creation of a variety of MDR-16 housing products so as to promote housing affordability, architectural variety and unique neighborhood character. An MDR-16 project, proposed after December 31, 2015, which consists of five gross acres or more, including abutting lands under common ownership, may not include more than 75 percent of one housing type, i.e., multifamily, single-family attached or single-family detached. [Ord. 2015-12 § 2 (Exh. A), 2015; Ord. 2015-05 § 2 (Exh. A), 2015; Ord. 2006-17 § 1, 2006.]

18.140.040 General standards for developments within the MDR-16 district.

The standards of this section apply to all development in the MDR-16 zone, excluding single-family, detached, manufactured home subdivisions regulated by LCMC 18.140.080.

(1) Design Requirements.

(a) MDR-16 projects shall create a unifying design theme for each cluster of units or less (a housing complex). The design theme can be created by the use of stone, wooden lap siding, or other natural material.

(b) MDR-16 projects shall avoid repetitive building massing and facade designs. Variety of scale and articulation is encouraged and can be accomplished by the use of design elements such as porches, balconies, bay windows, covered entries, and garages set back from the primary facade.

(c) MDR-16 projects shall avoid monotonous rooflines and shall employ devices such as various elevations, gables, dormers, and chimneys, etc.

(d) Where single-family attached units are paired, the review authority may require the paired units to share a common driveway.

(2) Active Open Space – Family Parks. If a medium density residential (MDR-16) development meets the applicable criteria of LCMC 18.147.020, the new development shall provide parks and open space pursuant to the applicable requirements of Chapter 18.147 LCMC (Parks and Open Spaces).

(3) Landscaping and Open Storage.

(a) Landscaping. On-site plantings, with individual character, are encouraged to provide multiple layers of plantings, including canopy trees, understory trees, shrubs and groundcover. Seasonal interest is encouraged to be enhanced through the use of blooming sequence, fragrance, fall color, and specimen plant materials. Introduction of other landscape architectural hardscape elements such as: use of natural stone, sculpture, water features, enhanced paving, accent lighting, site furnishings, recreational facilities, and the like are strongly encouraged. Preservation of environmentally constrained areas as natural areas and the restoration of buffer areas with native plant materials and recreational opportunities are priorities.

(b) All landscape plantings shall be irrigated with an automatic, underground irrigation system designed with water conservation in mind. Use of techniques, such as separate water zones based on soil type, sun exposure, and plant water requirements is encouraged. All required plant materials shall meet or exceed specifications established by the American Association of Nurserymen for nursery stock.

(c) At least 15 percent of the ~~net gross square footage~~acreage of the project site must be landscaped.

(d) All setback areas shall be landscaped and maintained with live vegetation.

(e) Street trees, if required by the director of public works, shall be planted on all street frontages and within all median planting strips. In addition, street trees shall be placed a minimum of two feet from the curb as measured from the center of the tree to the planter side of the curb, unless otherwise specified by the city's public works director. Street trees shall be a minimum of two-inch caliper, fully branched, and staked at the time of planting. Minimum spacing shall be 30 feet on center of planter length. Trees selected for use as street trees shall be long-lived species possessing qualities suitable for an urban streetscape including branching characteristics, rooting characteristics, disease resistance, drought resistance and nonfruiting. Planter strips abutting a public street shall be planted with live vegetation and irrigated, unless if otherwise specified by the city's public works director.

(f) Only under the following conditions may freestanding walls, fences and hedges be permitted along public or private streets or sidewalks:

(i) The maximum height of any wall, fence, or hedge shall be six feet so long as the fence height does not interfere with safe line of sight as determined by the city engineer.

(ii) Barbed wire, razor wire, electric and other dangerous fences are prohibited.

(g) Open Storage. Open storage is prohibited. Trash and recycling containers located outside of a building shall be screened by a six-foot solid (100 percent opaque) fence or a combination of fence and vegetation.

(4) Parking. Required parking shall be provided either on the same lot as the dwelling, or in shared parking areas located primarily to the rear of or beneath the units.

(a) Parking is encouraged to locate behind the dwelling unit with access from an alley. When an alley is provided, pedestrian access from the alley to the dwelling shall be provided for each lot.

(b) Each MDR-16 dwelling unit shall provide 1.75 off-street parking spaces per individual dwelling unit.

(5) Garages.

(a) Where the primary garage entrance faces a right-of-way, the garage must be set back a minimum of 18 feet from the right-of-way.

(b) No more than 40 percent of the total wall area of a housing complex facing a public right-of-way shall be dedicated to garage door space.

(c) Twenty-five percent of the garage wall area facing a public right-of-way shall contain windows or doors placed to create the impression of habitable residential space.

(d) In each cluster of single-family attached units, no more than 50 percent of the garages within the cluster may extend beyond the front plane of the primary facade of the dwelling unit.

(e) Garages that take vehicle access from an alley shall be set back a minimum of three feet from the alley right-of-way.

(f) Detached garages are allowed, provided they are accessed from an alley or driveway and do not exceed 18 feet in height.

(6) Pedestrian Access.

(a) An on-site pedestrian circulation system that links public and private streets and the primary entrance(s) of all the structure(s) on the site shall be provided. Sidewalks or pedestrian ways must connect the required pedestrian system to existing pedestrian systems on adjoining developments if adequate safety and security can be maintained. Convenient delineated pedestrian access to transit stops shall be provided.

(b) Public sidewalks shall be required and constructed according to the city's road standards.

(c) Where the pedestrian system crosses driveways, parking areas and loading areas, it must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method approved by the reviewing authority. Striping may be permitted only in conjunction with at least one of the preceding methods.

(d) Lighting for parking lots and pedestrian ways shall be provided to ensure personal safety and shall be shielded downward to prevent upward and off-site glare.

(e) Lighting shall be integrated into the architectural character both in terms of illumination and fixtures. Lighting shall not produce glare or negatively impact off-site uses or traffic on adjacent streets. On-site lighting shall utilize cutoff fixtures designed to orient light downward and contribute toward a dark sky.

(7) Impact Fees. School and park impact fees for attached housing shall be assessed at the multifamily rate while impact fees for detached housing shall be assessed at single-family rates. [Ord. 2017-07 § 3, 2017; Ord. 2015-05 § 2 (Exh. A), 2015; Ord. 2006-17 § 1, 2006.]

18.140.050 Requirements of single-family attached housing.

In addition to the requirements of LCMC 18.140.040, a single-family attached proposal shall meet the requirements of this section. Where a conflict exists between general and specific standards the director shall apply the more specific standard.

- (1) Land divisions shall be reviewed according to Chapter 18.205 or 18.210 LCMC and Chapter 58.17 RCW. Building permits for attached developments may only be approved where fully consistent with the approved land division.
- (2) Notations on the plat and/or covenants running with the land, approved by the city attorney, shall guarantee that required side setbacks shall be kept perpetually free of obstructions.
- (3) Single-family attached housing shall not be permitted in housing clusters of greater than six units.
- (4) Only one dwelling unit may occupy an individual lot. Each attached dwelling may occupy no more than one lot.
- (5) No portion of a unit may occupy space above or below any other unit, except underground shared parking.
- (6) Landscaping. Single-family attached development projects may satisfy the minimum landscaping requirement by:
 - (a) Providing 200 square feet of enclosed private outdoor living area per bedroom for each individual dwelling unit, to be located in the rear or side yard of each individual lot; or
 - (b) Providing 200 square feet of common indoor or outdoor recreation area per bedroom for each individual dwelling unit. [Ord. 2015-05 § 2 (Exh. A), 2015; Ord. 2006-17 § 1, 2006.]

18.140.060 Requirements of multifamily attached housing – Apartments.

In addition to the requirements of LCMC 18.140.040, a multifamily attached proposal shall meet the requirements of this section. Where a conflict exists between general and specific standards the director shall apply the more specific standard.

- (1) Multifamily attached housing shall not be permitted in clusters of greater than 10 dwelling units.
- (2) Outdoor Recreation Area Standards. Multifamily developments containing 12 or more residential dwelling units shall provide outdoor recreation areas as follows:
 - (a) Private Residential Outdoor Areas.
 - (i) Each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, porch, yard) containing at least 48 square feet and a width of at least four feet. A balcony used for an entrance or

exit shall be considered an open space only if it is for the exclusive use of the dwelling unit in question and it contains at least 48 square feet and a width of at least four feet.

(ii) Private outdoor areas for multifamily residential dwelling units shall be screened from view from other residential units, abutting land uses, and public or private streets to the extent practicable using the orientation and location of structures, windows, and private outdoor spaces, landscaping and screening, natural features such as topography and open space, and built features such as windowless walls.

(b) Shared Recreation Areas for Multifamily Residential Uses.

(i) The requirements of this subsection shall apply to multifamily attached projects with fewer than 35 dwelling units. Developments containing 35 or more units shall satisfy the family park requirements in LCMC 18.140.040(2).

(ii) Usable recreation space shall be provided in residential development for the shared or common use of all residents in the following amounts:

(A) Studio size up to and including two-bedroom units, 200 square feet per unit; and

(B) Three or more bedroom units, 300 square feet per unit.

(iii) The required recreation space may be all outdoor space or part outdoor space and part indoor space and all public or common space or part common space and part private; provided, all public and common outdoor recreation spaces shall be readily observable from residential units and/or public or private streets to allow for public safety surveillance.

(iv) The boundaries of public areas, such as streets or public gathering places, semipublic areas, such as transition areas between streets and dwelling units, and private outdoor areas shall be clearly defined so that a person can readily determine where the public space ends and the private space begins, such as by using one or more of the following:

(A) A deck, patio, low wall, fence or other suitable structures;

(B) Landscaping, such as a hedge or draping vine on a trellis or arbor;

(C) A change in the texture of the path material;

(D) Substantial natural features, such as a drainage way or tree grove. [Ord. 2015-05 § 2 (Exh. A), 2015; Ord. 2006-17 § 1, 2006.]

18.140.070 Requirements of single-family detached housing.

In addition to the requirements of LCMC 18.140.040, a single-family detached proposal, other than a single-family, detached, manufactured home subdivision regulated under LCMC 18.140.080, shall meet the requirements of this section. Where a conflict exists between general and specific standards the director shall apply the more specific standard.

(1) Garages facing a public street shall be set back a minimum of 18 feet from the front property line. The front plane of the garage door cannot extend beyond the front plane of the primary facade. Garages facing an alley shall be set back a minimum of three feet from the rear property line. Garage doors shall have a minimum of 50 percent of their area decorated with glazing, relief panels, or similar ornamentation.

(2) Porches, balconies or similar entry appendages may project into the front yard setback up to five feet. Porches shall be designed as functional spaces with a minimum depth of five feet.

- (a) Rooflines shall be a minimum of 6:12 for pitched roofs. Lower pitched roofs or parapet rooflines shall provide additional architectural detailing including but not limited to: cornice, cap, relief panels, bay windows, shade projections, rain protection, eaves, dormers, ledges or overhangs as approved by the planning director.
- (b) Rain protection shall be located at the primary entrance which is effectively designed to provide a minimum of 25 square feet of rain protection. This protection may utilize a single or combination of techniques such as: awning, eave, alcove, airlock, recessed entry or porte-cochere.
- (c) Finished surfaces on building elevations shall emphasize use of architectural-grade natural building products such as wood, masonry, metal, glass, stucco, fiber cement, cultured stone or other stone materials. Use of plywood, vinyl, plastic composites, fiberglass or similar are prohibited unless otherwise permitted by the director.
- (d) A diverse use of color is encouraged to display individuality within the community. Finished surfaces suitable for painting shall incorporate a color palette of at least two colors, consisting of a base color and an accent (trim color). Repetitive or predictable alternate color schemes are discouraged. [Ord. 2015-05 § 2 (Exh. A), 2015; Ord. 2006-17 § 1, 2006.]

18.140.080 Requirements of single-family detached manufactured home subdivisions.

A single-family detached manufactured home subdivision shall meet the requirements of this section.

(1) Setbacks.

- (a) Garages facing a public street shall be set back a minimum of five feet from the front property line.
- (b) Porches, balconies or similar entry appendages may project into the front yard setback up to three feet from the property line.

(2) Design Standards.

- (a) Rooflines of new or replacement dwellings shall be a minimum of 4:12 for pitched roofs. Lower pitched roofs or parapet rooflines shall provide additional architectural detailing including but not limited to: cornice, cap, relief panels, bay windows, shade projections, rain protection, eaves, dormers, ledges or overhangs as approved by the planning director.
- (b) Rain protection shall be located at the primary entrance which is effectively designed to provide a minimum of 25 square feet of rain protection. This protection may utilize a single or combination of techniques such as: awning, eave, alcove, airlock, or recessed entry.
- (c) Finished surfaces on new or replacement dwelling elevations shall emphasize use of architectural-grade natural building products such as wood, masonry, metal, glass, stucco, fiber cement, cultured stone or other stone materials. Use of plywood, vinyl, plastic composites, fiberglass or similar products shall reflect the surface character of natural building products.
- (d) New or replacement structures shall employ a diverse use of color to display individuality within the community. Finished surfaces suitable for painting shall incorporate a color palette of at least two colors, consisting of a base color and an accent (trim color). Repetitive or predictable alternate color schemes are discouraged.

(3) All manufactured home subdivision shall provide for a homeowner's association (HOA) which shall:

- (a) Provide for the ownership and perpetual maintenance of all common areas including, but not limited to:
 - (i) Stormwater facilities;
 - (ii) Public streets, private roads, alleyways, trails and other public or private accessways;
 - (iii) Common open space, parks and recreation areas, trails and/or indoor common areas; and

- (iv) Signs, monuments, and other forms of common identification.
 - (b) Promulgate, maintain and enforce CC&Rs particular to that subdivision.
 - (c) Provide the city clerk's office with notice of HOA activities on an ongoing basis.
- (4) All manufactured home subdivisions shall provide pedestrian and/or trails linkages across the subdivision, consistent with the city's adopted parks and recreation plan, or its successor; and shall provide pedestrian and trail links consistent with city standards from the subdivision to off-site, public parks or trails.
- (5) The city shall review proposals for manufactured home subdivision through a Type III public review process. [Ord. 2015-05 § 2 (Exh. A), 2015.]72

Chapter 18.150

COMMERCIAL DISTRICTS (C-1, C-3, AND MX)

Sections:

- 18.150.010 Purpose.
- 18.150.020 Uses.
- 18.150.030 Development standards.
- 18.150.040 *Repealed.*

18.150.010 Purpose.

(1) Downtown Commercial (C-1) District. These less intensive commercial areas are intended to provide for the convenience shopping needs for a limited trade area. Typical allowed uses include convenience food markets, beauty and barber shops, bakeries and limited service industries. They should occur as small centers, ideally at the junction of two public streets (collectors or arterials). These areas are held to a high standard of site plan review due to the close proximity of the residential zones. Development activity shall meet, to the maximum extent feasible and prudent, the design guidelines contained in this chapter.

(2) Cardroom Overlay (C-3) District. This overlay district is intended to provide for the location of cardrooms within other commercial districts. All uses in this district, except parking areas, shall be contained entirely within an enclosed building.

(3) Mixed-Use (MX) District. This district is restricted to the Timmen Road Mixed-Use area. This district provides for residential, office and commercial uses within a single district. [Ord. 2017-09 § 4 (Exh. B), 2017; Ord. 2006-17 § 1, 2006.]

18.150.020 Uses.

The uses set out in Table 18.150.020 are examples of uses allowable in the various zone districts. The appropriate review authority is mandatory.

“P” – Uses allowed subject to approval of applicable permits.

“C” – Conditional uses which may be permitted subject to the approval of a conditional use permit in Chapter 18.250 LCMC, Conditional Uses.

“X” – Uses specifically prohibited.

Where there are special use standards or restrictions for a listed use, the applicable code section(s) or other applicable chapter is noted in the “Special Standards” column.

Table 18.150.020 – Uses¹

Use		C-1	C-3	Special Standards	
I.	Residential.				
	a.	Medium density (integrated multifamily/commercial or mixed-use structure not to exceed 22 residential units per net acre)	C	X	
	b.	Existing residences without any increase in density	P	P	
	c.	Home business	P	P	Home Occ. Permit
	d.	Bed and breakfast establishments	P	X	

Use		C-1	C-3	Special Standards
	e. Temporary dwellings	P	P	
2.	Retail Sales – Food.			
	a. Markets in excess of 15,000 square feet gross floor area	X	X	
	b. Markets – under 15,000 square feet of gross floor area	P	X	
	c. Bakery – primarily retail outlet (> 10,000 square feet of gross floor area)	X	X	
	d. Bakery – primarily retail outlet (< 10,000 square feet of gross floor area)	C	X	
3.	Retail Sales – General.			
	a. General retailer (up to 200,000 square feet gross floor area)	X	X	
	b. General retailer (under 25,000 square feet gross floor area)	P	X	
	c. Single purpose/specialty retailers (less than 10,000 square feet gross floor area)	P	X	
	d. Single purpose/specialty retailers (greater than 10,000 square feet gross floor area)	X	X	
	e. Yard and garden supplies, including nurseries	X	X	
	f. Adult entertainment	X	X	
4.	Retail Sales – Restaurants, Drinking Places.			
	a. Restaurants	P	P	
	b. Restaurants, with associated drinking places, alcoholic beverages	C	C	
	c. Drive-through, drive-in, or drive-up facilities	X	X	
5.	Retail Sales and Services – Automotive and Related.			
	a. Motor vehicle dealers, new and used, including auto, truck trailer, boat, recreational vehicles and equipment	X	X	
	b. Quick vehicle servicing	X	X	
	c. Filling station	C	X	
	d. Manufactured home sales	X	X	
	e. Car washes	C	X	
	f. Vehicle rental or repair including auto, truck trailer, boat, and recreational vehicles	X	X	
	g. Commercial off-street parking facilities	C	C	

Use		C-1	C-3	Special Standards	
	h.	Vehicle towing and storage services	X	X	
	i.	Transportation terminals			
		(1) Freight	X	X	
		(2) People	P	P	
6.	Retail Sales – Building Material and Farm Equipment.				
	a.	Lumber and other building materials stores and yards, with only incidental cutting and planting of products sold	X	X	
	b.	Heating and plumbing equipment, including incidental fabrication (operated entirely within an enclosed building)	X	X	
	c.	Hardware, home repair and supply stores (over 100,000 square feet gross floor area)	X	X	
	d.	Hardware, home repair and supply stores (10,000 to 100,000 square feet gross floor area)	X	X	
	e.	Hardware, home repair and supply stores (under 10,000 square feet gross floor area)	P	X	
	f.	Farm equipment and implement dealer	X	X	
	g.	Hay, grain, and feed stores	X	X	
7.	Retail Sales – Products. (Finished product retailers with primary fabrication or assembly on site; within an entirely enclosed building)				
	a.	Uses of < 10,000 square feet gross floor area	C	X	
	b.	Uses of 10,000 square feet gross floor area or greater	X	X	
8.	Services – Personal.				
	a.	Self-service laundries, dry cleaning, including pressing, alteration, garment and accessory repair, excluding industrial cleaning services	C	X	
	b.	Barber and beauty shops	P	P	
	c.	Clothing rental establishments	P	X	
	d.	Mortuaries	C	X	
9.	Services – General.				
	a.	Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services (< 2,500 square feet)	P	X	

Use		C-1	C-3	Special Standards	
	b.	Office equipment and home appliance rental, service and repair agencies	P	X	
	c.	Printing, publishing and lithographic shops	P	X	
	d.	Services to buildings (including dwellings), cleaning and exterminating	P	X	
	e.	Moving and storage	X	X	
	f.	Mini-warehouse	X	X	
	g.	Branch banks	C	X	
	h.	Event facilities (< 10,000 square feet)	C	X	
	i.	Event facilities (> 10,000 square feet)	X	X	
	j.	RV storage	X	X	
10.	Services – Lodging Places.				
	a.	Hotels/motels	X	X	
	b.	Recreational vehicle parks and campgrounds	X	X	
11.	Services – Medical and Health.				
	a.	Hospitals	X	X	
	b.	Outpatient clinics	C	X	
	c.	Medical laboratories	X	X	
	d.	Sanitaria, convalescent and rest homes	C	X	
	e.	Orthopedic equipment and supplies, rental, sales and services	P	X	
	f.	Animal hospitals and veterinary clinics			
		(1) Outside animal activities	X	X	
		(2) Inside animal activities only	C	X	
	g.	Ambulance services	X	X	
	h.	Residential care homes	C	X	
	i.	Residential and congregate care facilities	C	X	
12.	Services – Professional Office.				
	a.	Professional offices (< 10,000 square feet gross floor area)	P	P	
	b.	Professional offices (> 10,000 square feet gross floor area)	C	X	
	c.	Artist/photographic studios	P	X	

Use		C-1	C-3	Special Standards
13.	Services – Amusement.			
	a.	Amusement centers	C	X
	b.	Bowling alleys, billiard and pool parlors, and video arcades	C	X
	c.	Skating rinks, ice and/or roller	X	X
	d.	Theaters, indoor	X	X
	e.	Drive-in theaters, stadium and arena facilities	C	X
	f.	Athletic, health and racket clubs (< 10,000 square feet of gross floor area)	P	X
	g.	Athletic, health and racket clubs (> 10,000 square feet of gross floor area)	X	X
	h.	Zoos, circuses, carnivals, or amusement rides, excluding temporary civic events endorsed by the city council	X	X
14.	Services – Educational.			
	a.	Nursery schools, preschools	C	X
	b.	Day care facilities consistent with Chapter 388-73 WAC	C	X
	c.	Libraries (< 10,000 square feet gross floor area)	P	X
	d.	Vocational schools	X	X
	e.	Artistic studios and schools including but not limited to dance, music and martial arts (< 10,000 square feet)	P	X
	f.	Artistic studios and schools including but not limited to dance, music and martial arts (> 10,000 square feet)	X	X
	g.	Public parks, parkways, recreation facilities, trails and related facilities	P	P
	h.	Public/private educational institutions	C	X
15.	Services – Membership Organizations.			
	a.	Business, professional and religious (not including churches)	C	X
	b.	Civic, social, fraternal, charitable, labor and political (< 5,000 square feet)	P	X
	c.	Civic, social, fraternal, charitable, labor and political (> 5,000 square feet)	C	X
	d.	Churches	C	X

Use		C-1	C-3	Special Standards	
16.	Distribution Facilities. (In conjunction with a permitted use, all activities, except vehicle storage, located entirely within an enclosed building)				
	a.	Distribution facilities of less than 25,000 square feet gross floor area	X	X	
	b.	Distribution facilities of between 50,000 and 25,000 square feet gross floor area	X	X	
17.	Public Services and Facilities.				
	a.	Buildings entirely dedicated to public services, such as City Hall, police and fire substations	C	C	
	b.	Sewer, water and utility transmission lines	P	P	
	c.	Wireless communications facilities	P	P	
	d.	Museums, historic and cultural exhibits and the like	P	P	
	e.	U.S. Post Offices	C	C	
	f.	Public transit facilities including park and ride facilities	P	P	
18.	Accessory Uses and Activities.				
	a.	On-site hazardous waste treatment and storage facilities, subject to state siting criteria (RCW 70.105.210)	C	C	
	b.	Drive-through, drive-in or drive-up facilities	C	C	
	c.	Open Air Activities.			
		(1) Open air display of plants and produce in conjunction with a permitted use	P	X	
		(2) Open air storage of materials	X	X	
		(3) Open air work activities such as restaurants, portable walk-up vendors (not including drive-through facilities) such as espresso carts, flower stands and food stands, plant nurseries and other uses generally conducted outside in conjunction with a permitted commercial use, unless otherwise prohibited by this title	C	X	
		(4) Open air storage of company vehicles, such as cars and light duty trucks, in conjunction with a permitted use	C	X	
19.	Other Uses.				
	a.	Temporary uses	P	P	

Use		C-1	C-3	Special Standards
b.	Solid waste handling and disposal sites	C	C	

¹The director may allow uses not described herein but similar as permitted or conditional pursuant to a Type I process.

[Ord. 2017-09 § 4 (Exh. B), 2017; Ord. 2006-17 § 1, 2006.]

18.150.030 Development standards.

(1) New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Tables 18.150.030(1) and 18.150.030(2). Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title.

(2) Landscaping.

(a) In the C-3 district, not less than 15 percent of the total lot area shall be landscaped. Pedestrian plazas, sidewalks over the minimum width and other pedestrian amenities may be used to meet the required landscaping at a one-to-one (1:1) ratio.

(b) In the C-1 district, where zero lot line development is proposed, not less than 10 percent of the site shall be landscaped. Hardscape surfaces, such as tables, plazas, and planting boxes, may be used to satisfy the landscaping requirement. Where zero lot line development is not proposed, not less than 15 percent of total lot area shall be landscaped.

(3) Site Plan Review Standards. In addition to the site plan approval criteria contained in Chapter 18.215 LCMC, the following shall apply to all development within the commercial districts unless expressly exempted. The review authority may modify these standards for the expansion of existing uses for site-specific issues:

(a) Primary pedestrian circulation routes connecting the street(s) to the primary building entry or entries shall be a minimum of 11 feet (eight feet of sidewalk/walkway with a minimum of three feet of landscaping on one side of the pedestrian route). The minimum three-foot landscaped area shall contain street trees planted at 30-foot intervals to provide for a continuous tree canopy. The required landscape area should function as a buffer between auto drives and the pedestrian routes. Where the pedestrian circulation route crosses vehicular accessways the landscape area is not required. Pedestrian awnings, with a minimum of eight feet of head clearance, shall be provided along the front building facade when abutting public rights-of-way. Awnings may not project over the parking area or street.

(b) Landscaping.

(i) Landscaping is required along the side of all buildings in the C-3 district where the primary pedestrian access is provided. Minimum requirements shall be trees provided every 30 feet on center planted along the length of the parcel. Street trees may not be planted closer than 25 feet away from street corners to preserve intersection sight distance.

(ii) Landscape buffers required by LCMC 18.245.060 shall not apply between pad development sites and the remainder of the development site.

(iii) Landscaping required between commercial developments may be altered where parking lots are adjoining as follows: a single, shared five-foot buffer instead of five feet for each development; provided, that joint access is provided between parcels for auto and pedestrian access and trees are planted every 20 feet on center along the length of the buffer.

Table 18.150.030(1) – Lot Requirements

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
C-1	2,500	25	100
C-3	10,000	None	None

Table 18.150.030(2) – Setbacks, Lot Coverage and Building Height

Minimum setbacks	Pursuant to buffering and screening standards contained in Chapter 18.245 LCMC.
Minimum setbacks adjacent to residential district	Pursuant to the screening and buffering standards contained in Chapter 18.245 LCMC, plus an additional 1/2 foot for each foot the building exceeds 20 feet in height to a maximum setback requirement of 40 feet.
Maximum lot coverage	Maximum determined by compliance with screening and buffering standards contained in Chapters 18.245 and 18.320 LCMC, and all other applicable standards.
Maximum building height	60 feet.

[Ord. 2017-09 § 4 (Exh. B), 2017; Ord. 2006-17 § 1, 2006.]

18.150.040 Mixed-use (MX) district.

Repealed by Ord. 2018-10. [Ord. 2017-07 § 3, 2017; Ord. 2006-17 § 1, 2006.]

18.300.030 Definitions.

For the purposes of this chapter the definitions set forth in this chapter and Chapter 18.40 LCMC shall apply. Unless specifically defined in this chapter or Chapter 18.40 LCMC, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this title its most reasonable application.

- (1) "Alter" means to adjust, modify or rework a structure or parcel of land.
- (2) "Altered," when referring to wetlands, means any portion of a wetland that has been graded, channelized, drained, devegetated, excavated, compacted, replanted with non-wetland plants, or any other activity that changes the character of the wetland.
- (3) "Anadromous" means fish that migrate up rivers and streams from the ocean to breed in fresh water.
- (4) "Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designations on the flood insurance rate maps include the letter A.
- (5) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the "100-year flood"). Designations on the flood insurance rate maps include the letter A.
- (6) "Basement" means any area of the building, including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.
- (7) "Best available information" means data, other than official flood insurance rate map data, from federal, state, or other sources, provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience.
- (8) "Best available science (BAS)" means a valid scientific process or method of inquiry that is consistent with the criteria for establishing best available science as found in WAC 365-195-905, as amended.
- (9) "Buffer" means a vegetated area contiguous with a critical area that maintains the functions and/or structural stability of the critical area.
- (10) "City" means a Class 4 municipality governed by the mayor and La Center city council, or the city designee.
- (11) "Conservation covenant" means a signed and recorded agreement between a property owner and the city of La Center running with the land and stipulating that certain areas of the property be maintained in a natural state without disturbance to vegetation or other features unless otherwise approved by the city.
- (12) "Council" means the council of the city of La Center.
- (13) "Creation (establishment)" means the manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create wetland soils and support the growth of hydrophytic plant species. Creation results in a net gain of wetland acres.
- (14) "Critical areas" means any of the following areas or ecosystems: wetlands, critical aquifer recharge areas, streams, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas as defined by the Growth Management Act (RCW 36.70A.170).
- (15) "Critical aquifer recharge area" means an area with a critical recharging effect on an aquifer used for potable water, including an area where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge.
- (16) "Critical facility" means facilities including but not limited to schools, hospitals, police, fire and emergency response installations, nursing homes, and installations which produce, use, or store hazardous materials or hazardous waste.

- (17) “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.
- (18) “Elevation certificate” means the official form (FEMA Form 086-0-33) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by community officials.
- (19) “Emergent wetland” means a wetland with at least 30 percent of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative stratum.
- (20) “Endangered species” means any flora or fauna native to Washington that are seriously threatened with extinction throughout all or a significant part of their ranges within the state.
- (21) “Enhancement” means actions performed to improve the condition of an existing degraded wetland or buffer so that the functions provided are of a higher quality.
- (22) “Erosion hazard areas” means those areas containing soils that, according to the United States Department of Agriculture Natural Resources Conservation Service Soil Survey Program, may experience significant erosion.
- (23) “Exotic” means any species of plants or animals that are not native to the watershed.
- (24) “Fish and wildlife habitat conservation areas” means areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and that, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors, and areas with high relative population density or species richness. These areas may also include locally important habitats and species. Fish and wildlife habitat conservation areas do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.
- (25) “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:
- (a) The overflow of inland or tidal waters; and/or
 - (b) The unusual and rapid accumulation of runoff of surface waters from any source.
- (26) “Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (27) “Flood insurance study” means the official report provided by the Federal Insurance Administration that includes flood profiles and the water surface elevation of the base flood.
- (28) “Flood protection elevation” means one foot above the base flood elevation.
- (29) “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. For areas of special flood hazard studied in detail, the floodway boundary is delineated upon the flood insurance rate maps. In all other areas of special flood hazard, the floodway boundary shall be determined by the use of other base flood data.
- (30) “Floodway fringe” shall mean the land between the boundary of the floodway and the limits of the 100-year floodplain. In those special flood hazard areas where the floodway boundary is not delineated upon flood insurance study maps, the floodway fringe area shall be determined by the use of other base flood data, as described in LCMC 18.300.090(3)(p)(iii).

- (31) “Floor (lowest)” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title.
- (32) “Forested wetland” means a wetland with at least 30 percent of the surface area covered by a canopy of woody obligate, facultative wet, or facultative plants greater than 20 feet in height.
- (33) “Frequently flooded” means a flooding class in which flooding is likely to occur often under normal weather conditions (more than 50 percent chance of flooding in any year or more than 50 times in 100 years).
- (34) “Functions” means the beneficial roles served by wetlands including the control of flood waters, maintenance of summer stream flows, filtration of pollutants, recharge of groundwater, and provision of significant habitat areas for fish and wildlife.
- (35) “Geologically hazardous areas” means 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 without submission of a critical area report and approval of a critical areas permit consistent with public health or safety concerns.
- (36) “Habitat” means the environment occupied by individuals of a particular species, population or community.
- (37) “Hazardous materials” means those substances, debris, and waste that are a physical or health hazard, and chemical substances that are ignitable, corrosive, reactive or toxic, consistent with Chapter 173-303 WAC and the International Fire Code, as amended.
- (38) “Hazard tree” means any tree that in the opinion of the responsible official; an expert approved by the city (a professional forester, arborist, or landscape architect); or a similar expert employed by another public agency or utility, has a strong likelihood of causing a hazard to life or property.
- (39) “Headwaters” means springs, lakes, ponds, or wetlands providing significant sources of water to a stream.
- (40) “High intensity land use” means roadways, commercial, industrial, multifamily, and residential (more than one unit per gross acre) land uses.
- (41) “Hydric soil” means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the U.S. Army Corps of Engineers Wetlands Delineation Manual and Western Mountains, Valleys, and Coast regional supplement (2010).
- (42) “Hydrophytic vegetation” means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the wetlands delineation manual and regional supplement.
- (43) “Intermittent stream” means surface streams with no measurable flow during 30 consecutive days in a normal water year.
- (44) “JARPA” means Joint Aquatics Resource Permit Application.
- (45) “Landslide hazard areas” means areas at risk of mass movement due to a combination of geologic, topographic, and hydrologic factors. These factors include any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Landslide hazard areas include, at a minimum, the following:
- (a) Areas of historic failures, such as:
 - (i) Those areas delineated by the United States Department of Agriculture Natural Resources Conservation Service as having a significant limitation for developing a building on the site; or

- (ii) Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the United States Geological Survey or the Washington Department of Natural Resources.
 - (b) Areas with all three of the following characteristics:
 - (i) Slopes steeper than 15 percent;
 - (ii) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - (iii) Springs or groundwater seepage.
 - (c) Areas that have shown movement during the Holocene Epoch (from 10,000 years ago to the present), or which are underlain or covered by mass wastage debris of this epoch;
 - (d) Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;
 - (e) Slopes having gradients steeper than 80 percent subject to rockfall during seismic shaking;
 - (f) Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action, including stream channel migration zones;
 - (g) Areas that show evidence of, or are at risk for, snow avalanches;
 - (h) Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and
 - (i) Any area with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet except areas composed of bedrock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.
- (46) “Local habitat area” means an area that contains sufficient food, water, or cover for native terrestrial or aquatic species that the city of La Center has identified in this chapter as being of significant local concern.
- (47) “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title.
- (48) “Listed species” are state-listed species including native flora and fauna species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011) or sensitive (WAC 232-12-011); and include threatened and endangered species under the Federal Endangered Species Act, 50 CFR 17.11 and 17.12.
- (49) “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” does not include a recreational vehicle including park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.
- (50) “Minimizing impacts to wetlands or buffers” means:
- (a) Using appropriate and best available technology or best available science;
 - (b) Taking affirmative steps to avoid or reduce impacts;

(c) Sensitive site design and siting of facilities and construction staging areas away from regulated wetlands and their buffers;

(d) Providing protective measures such as siltation curtains, hay bales and other siltation prevention measures, scheduling the regulated activity to avoid interference with wildlife and fisheries rearing, resting, nesting or spawning activities;

(e) Not jeopardizing the continued existence of endangered, threatened, rare, sensitive, or monitor species as listed by the federal government or the state of Washington.

(51) "Mitigation area" is the land area used to compensate for impacts to critical areas and/or their attendant buffers. Compensation may be for loss of acreage and/or functions of the critical area and/or attendant buffers.

(52) "Mitigation sequence" is the order of action that the approving agency shall require so as to avoid or compensate for impacts to critical areas resulting from the proposed project activity. The type(s) of mitigation required shall be considered and implemented, where feasible, as determined by the city, in the following sequential order of preference:

(a) Avoiding the impact by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(e) Compensating for the impact by replacing or providing substitute resources or environments; or

(f) Monitoring the impact and taking appropriate corrective measures to achieve the identified goal.

(53) "Native," when referring to plants or plant communities, means those species or communities that are indigenous to the watershed, including extirpated species.

(54) "New construction" means structures for which the "start of construction" commenced on or after the effective date of this title.

(55) "Normal water year" means a 12-month period (October 1st through September 30th) with average precipitation based upon data from the past 50 years.

(56) "Obligate," "facultative wet," "facultative," and "facultative upland" refer to groupings of plants according to their frequency of occurrence in wetlands and uplands. Obligate (OBL) wetland plants almost always occur in wetlands under natural conditions. Facultative (FAC) plants are equally likely to occur in wetlands or non-wetlands. Facultative wet (FACW) plants usually occur in wetlands, but may occur in non-wetlands. Facultative upland (FACU) plants usually occur in non-wetlands, but may occur in wetlands. Such groupings are more fully defined in the wetlands delineation manual.

(57) "Open water," when not specifically defined by the rating criteria, means lacking trees, shrubs, persistent emergents, emergent mosses or lichens with greater than 30 percent areal coverage and the water depth exceeds two meters or six and six-tenths feet at low water.

(58) "Ordinary high water line" or "OHWL" means the mark on the shores of all water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years, as to mark upon the soil or vegetation a character distinct from the abutting upland. Provided that in any area where the ordinary high water line cannot be found, the ordinary high water line adjoining freshwater is the elevation of the mean annual flood (WAC 220-660-030(108)).

(59) “Person” means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or any agency of the state or local governmental unit however designated.

(60) “Preservation (protection/maintenance)” means removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences, or structural protection such as repairing a barrier island. Preservation does not result in a gain of wetland acres, may result in a gain in functions, and will be used only in exceptional circumstances.

(61) “Priority habitat” is a habitat type with unique or significant value to many species. An area identified and mapped as priority habitat has one or more of the following attributes: comparatively high fish and wildlife density, comparatively high fish and wildlife species diversity, important fish and wildlife breeding habitat, important fish and wildlife seasonal ranges, limited availability, high vulnerability to habitat alteration, or unique or dependent species. The Washington State Department of Fish and Wildlife maintains a list of maps and priority species that occur within the state and La Center.

(62) “Priority species” are fish and wildlife species requiring protective measures and/or management guidelines to ensure their perpetuation. The Washington State Department of Fish and Wildlife maintains a list of priority species that occur within the state and La Center.

(63) “Qualified wetland professional” generally means a person with at least two years of full-time professional experience and comprehensive training in wetlands issues, including experience performing wetland delineations using state and federal manuals, assessing wetland functions and values, analyzing wetland impacts, preparing wetland reports, developing and implementing mitigation plans, and recommending and designing wetland mitigation projects.

(64) “Recreational vehicle” means a vehicle that is:

- (a) Built on a separate chassis;
- (b) Four hundred square feet or less when measured at the largest horizontal projection;
- (c) Is designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(65) “Regulated activities” include land clearing, grading, placement of fill or waste material, removal of protected native vegetation, construction and other habitat-altering activities.

(66) “Restoration” means the manipulation of physical, chemical or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. Restoration is divided into the following two classes:

- (a) Reestablishment, which is the manipulation of physical, chemical or biological characteristics with the goal of returning natural or historic functions to a former wetland. This results in a net gain of wetland acres.
- (b) Rehabilitation, which is the manipulation of physical, chemical or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. This results in the gain in wetland function but does not result in a gain in wetland acres.

(67) “Review authority” means the decision maker that issues the final land use order, not the appeal authority.

(68) “Riparian habitat area” is defined as an area adjacent to aquatic systems with flowing water (e.g., rivers, perennial or intermittent streams, seeps, springs) that contain elements of both aquatic and terrestrial ecosystems which mutually influence each other.

(69) “Scrub-shrub wetland” means a wetland with at least 30 percent of its surface area covered by woody vegetation less than 20 feet in height as the uppermost strata.

(70) “Seismic hazard areas” means areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, debris flows, lahars, or tsunamis.

(71) “Sensitive species” are flora and fauna species native to Washington that are vulnerable or declining, and are likely to become endangered or threatened in a significant portion of their ranges within the state, without cooperative management or the removal of the threats.

(72) “SEPA” means State Environmental Policy Act, Chapter 42.21C RCW and Chapter 197-11 WAC.

(73) “Start of construction” includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement of a manufactured home on a foundation, or other permanent construction beyond the stage of excavation, was within 180 days of the permit date.

(a) The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

(b) Permanent construction does not include:

(i) Land preparation, such as clearing, grading and filling;

(ii) Installation of streets and/or walkways;

(iii) Excavation for a basement, footings, piers, or foundation or the erection of temporary forms;

(iv) Construction of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(c) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(74) “Stormwater management facilities” include biofiltration swales, filter strips, bubbler diffusers, detention ponds, retention ponds, wet ponds, and similar facilities designed and intended to control and treat stormwaters, but not including ditches designed and intended primarily for conveyance.

(75) “Streams” means those areas where surface waters produce a defined channel or bed excluding streams and lakes regulated under the State Shorelines Management Act.

(76) “Structure” means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner and that requires location on the ground, or which is attached to something having a location on the ground.

(77) “Substantial damage” means damage of any origin sustained by a structure whereby the costs of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(78) “Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(a) Before the improvement or repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred. For the purpose 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.

The term can exclude:

(a) Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(79) “Threatened” species are native to the state of Washington and likely to become endangered in the foreseeable future throughout a significant portion of its range within the state without cooperative management or the removal of threats. Threatened species are legally designated in WAC 232-12-011.

(80) “Triggering application” means an application for one of the permits or approvals listed in this chapter.

(81) “Water-dependent” means a use or a portion of a use that requires direct contact with the water and cannot exist at a nonwater location due to the intrinsic nature of its operations.

(82) “Watershed” means an area draining to the East Fork of the Lewis River.

(83) “Waters of the state” shall be construed to include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(84) “Wetland(s)” means areas that are inundated or saturated by surface water or groundwater 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 do not include those artificial wetlands intentionally created from nonwetland 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.

(85) “Wetland classes and subclasses” means descriptive classes of the wetlands taxonomic classification system of the United States Fish and Wildlife Service (Cowardin, et al. 1978; Federal Geographic Data Committee 2013).

(86) “Wetlands delineation manual” means the Corps of Engineers Wetlands Delineation Manual, dated 1987, and the Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Western Mountains, Valleys and Coast Region (Version 2.0), dated 2010, and as subsequently amended. [Ord. 2019-26 § 2 (Exh. A), 2019; Ord. 2012-01 § 1 (Exh. A), 2012; Ord. 2007-2 § 1, 2007.]

18.300.130 Residential density transfer.

The city may permit density transfer from critical areas (sending lands) to designated noncritical areas (receiving areas).

(1) Residential Density Transfer. A property owner may transfer residential density to a receiving area.

(a) A receiving area shall be on the same parcel or same property, within the same zoning classification, owned by the property owner sending the density.

(b) Density may be transferred from a sending area only one time.

(c) The value of the transfer shall be calculated as follows:

(i) LDR Districts. ~~Gross-a~~Area of a critical area completely avoided multiplied by the minimum number of units allowed per ~~netgross~~ acre in the affected zoning district. For example, in an LDR-7.5 zone, if two acres of critical areas are completely avoided and the minimum density allowed is four units per net acre, the maximum allowable density transfer would be 8.0 units (two acres times four du/ac equals 8.0).

(ii) MDR-16 District. ~~Gross-a~~Area of a critical area completely avoided multiplied by the minimum number of units allowed per ~~netgross~~ acre in the affected zoning district. For example, in an MDR-16 zone, if two acres of critical areas are completely avoided and the minimum density allowed is eight units per net acre, the maximum allowable density transfer would be 16 units (two acres times eight du/ac equals 16).

(2) Transfer Criteria. The mayor, or his or her designee, shall approve requests to transfer density subject to the following criteria:

(a) Adverse impacts to natural resources on the receiving areas shall be mitigated consistent with the mitigation section of this chapter.

(b) The building height standards of the receiving area shall be met.

(c) No receiving area lot gross area shall be less than 280 percent of the minimum lot size within the receiving district. For example, if the receiving area is an LDR-7.5 district no lot created as a result of density transfer shall be less than 6,000 square feet.

(d) No lot created as a result of density transfer that is smaller than the average minimum lot required in the receiving district may be located on the perimeter of the project site.

(e) The transfer of density to a receiving area shall not result in an increase in density throughout the project greater than the maximum net density allowed in the base zone or in the construction of a housing type not otherwise allowed in the receiving area.

(f) On density-sending lands the remaining critical areas and buffers shall be enhanced at a ratio of four acres of enhanced function for every one acre (4:1) used in the density transfer calculations.

(g) Sending areas shall be:

(i) Dedicated to the city for public use; or

(ii) Protected as an unbuildable area by means of deed restriction, conservation easement, or other mechanism approved by the city council.

(3) Recordation Required. Density may be transferred from a protected critical area only once. The mayor, or his or her designee, (upon consultation with the city attorney) shall be responsible for approving the mechanism used for protecting each critical area. The mayor or his or her designee shall maintain a list of sites from which density has been transferred, and a corresponding list of sites that have received density from protected critical areas. The applicant shall record the density transfer mechanism with Clark County and shall furnish the mayor or his or her

designee with a copy of the recorded instrument. [Ord. 2019-26 § 2 (Exh. A), 2019; Ord. 2012-01 § 1 (Exh. A), 2012; Ord. 2007-2 § 1, 2007.]