

Chapter 19.15 NORTH-PULLMAN-MOSCOW CORRIDOR DISTRICT (N-PMC)

(Amended October 31, 2005. Ordinance # 064692; amended July 7, 2008, Ordinance 068376)

SECTION 19.15.010 PURPOSE.

The purpose of this ordinance is to establish the North-Pullman-Moscow Corridor District (N-PMC) in compliance with the Whitman County Comprehensive Plan Amendment of 2005 which divided the existing Pullman-Moscow Corridor (PMC) into separate north and south zones. A 1988-amendment to the Comprehensive Plan identified and distinguished the Pullman-Moscow Corridor Enterprise Area for special zoning consideration.

The intent in establishing the N-PMC is to recognize the primary purposes of the location as a transportation /commercial economic corridor and implement the measures necessary to promote safe access to and movement throughout the N-PMC. It will create opportunities for attractive, orderly development which will be of long-term benefit to the community as a whole, while protecting and enhancing the environmental and aesthetic characteristics of the N-PMC which make it representative of this region

The Washington State Department of Transportation (WSDOT) is planning to reconstruct SR 270 into a five-lane highway anticipated to begin construction in May or June of 2006 and be completed by late 2007 or early 2008.

SECTION 19.15.015 ELIMINATION OF PRE-EXISTING ZONING DISTRICT DESIGNATIONS

This Chapter supersedes all previous zoning within the boundary of the N-PMC and does hereby eliminate within the N-PMC all pre-existing zoning district designations.

SECTION 19.15.020 DESCRIPTION.

19.15.020(1) Purpose.

The purpose of this section is to define the location of the N-PMC to encompass an area accessible from SR 270.

19.15.020(2) Boundary.

The N-PMC comprises the following sections:

The south half of Section 36, Township 15 North, Range 45 East W.M.; east half of Section 3, Township 14 North, Range 45 East W. M.; all of Section 2, Township 14 North, Range 45 East W. M.; all of Section 1, Township 14 North, Range 45 East W. M.; the south half of Section 31, Township 15 North, Range 46 East W. M.; the south half of Section 32, Township 15 North, Range 46 East W. M.; the north half of Section 5, Township 14 North, Range 46 East W. M.; the north half of Section 6, Township 14 North, Range 46 East W. M., situated in the County of Whitman, State of Washington, except:

Those properties lying within the boundary of the City of Pullman and lying south of SR 270 as shown on SR 270/Pullman to Idaho State Line Right-of-Way Plans, Additional Lanes Project, approved and adopted September and October, 2004.

19.15.020(3) Map

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SECTION 19.15.025 SITE PLAN REVIEW PROCESS.

19.15.025(1) Purpose.

The purpose of the Site Plan Review Process is to bring multi-disciplinary knowledge and judgment to bear on development proposals in the N-PMC, through the establishment of a Site Plan Review Committee (hereafter referred to as SPRC).

19.15.025(2) Applicability.

All applicants for a permitted use or conditional use shall submit a development proposal, as set forth herein, to the Planning Office for SPRC review. The Planning Director may waive certain requirements of the site plan submittals for expansion or modification of existing non-conforming uses or structures as defined in Section 19.15.050(5)(Z). Antenna support structures and their accessory structures shall be exempt from the requirements of this Chapter, but are subject to all of the requirements in Chapter 19.58 of this ordinance. (Revised 5/14/01, Ordinance # 058050)

19.15.025(3) Composition of the Site Plan Review Committee.

(A) The Site Plan Review Committee, (SPRC), shall consist of representatives from the following County Departments or Divisions: Planning, Building, Engineering, Parks and Recreation, and Environmental Health. In addition, the SPRC shall be assisted by a representative from the Sheriff's Office and the applicable fire district. Although not members of the SPRC, all utilities which provide service to the area shall be asked to review the plans.

(B) No development proposal shall be unduly delayed for want of a SPRC meeting or quorum and nothing within the SPRC function shall be deemed to prohibit an applicant, with the approval of a member, actual or ad hoc, from meeting individually.

19.15.025(4) Authority and Responsibilities.

(A) The SPRC shall review all development proposals for compliance with this chapter and all other applicable ordinances, statutes and regulations and report its findings, conclusions and recommendations to the Board of Adjustment prior to that authority making its decision to approve or deny the proposal or modify the SPRC recommendations. Each SPRC member shall evaluate each proposal from his/her area of responsibility. SPRC members may make a positive, negative, or conditioned decision on a proposal. For a recommendation to go forward to the Board of Adjustment, any SPRC member, actual or ad hoc, who has not provided a negative or conditioned decision within a reasonable time shall be deemed to have given a positive response. If a negative or conditioned decision is made, a written reason or reasons must be cited along with any recommendations as to mitigating or correcting the disqualifying problem. The proposal cannot move to the Board of Adjustment if the proposal is unable to site an approved on or off-site sewage disposal system or connects to a city sanitary sewer system.

(B) If any permits are required, those permits must have the possibility for approval. State agencies may be represented by a SPRC member, such as County Environmental Health as being a liaison for the Department of Ecology for items such as a sewage

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lagoon. The following wording is suggested: "We (agency) have reviewed this proposal and have determined that a permit for _____ can be or cannot be issued for this project." The SPRC is authorized to invite any state agency to send a representative to participate in the SPRC process. However, the failure of a state agency to send a representative or to provide for a pre-permitting approval shall not be grounds for denial of the proposal, but obtaining a necessary permit may be a condition precedent to final authority to proceed with the proposed development.

19.15.025(5) Responsibilities of Planning Department.

The Director of Planning or his/her designee shall take the following responsibilities on behalf of the SPRC. The Director shall:

- (A) Receive information necessary for the SPRC to assess the merit or impact of a project or proposal.
- (B) Arrange for the applicant to present projects and proposals for consideration by the SPRC.
- (C) Schedule meetings of the SPRC, including pre-application conferences.
- (D) Act as a liaison between the SPRC and the Board of Adjustment.
- (E) Prepare written findings on a project proposal.
- (F) Prepare a written report to the Board of Adjustment stating the SPRC's recommendations on a project proposal, and reasons for disapproval where the application fails to comply with Federal, State, or County statutes, ordinances or regulations.
- (G) Review minor change request(s) for approval or denial pursuant to 19.15.025(9).

19.15.025(6) Responsibilities of Planning Department for Existing Businesses.

The County Planner or designated staff may administratively review and approve modifications to existing businesses as long as the proposed changes do not impair or exceed the following:

- Storm water run-off control capacity
- Adequate parking
- Adequate area for loading/unloading and vehicular circulation
- Snow storage capacity
- Landscaping
- Traffic impacts within the development and externally upon the adjoining public roads
- 25% open area
- Excessive noise or other potential impacts upon surrounding land uses
- Other compatibility issues with surrounding land uses

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To achieve this Administrative Use Permit, the applicant shall submit a revised Conditional Use application along with a Conditional Use fee. The County shall publish a legal notice of the proposed modification(s) sufficient to explain to the public the proposed change(s). This legal notice shall allow for a 14-day comment period. Persons who submit comment must state a reason(s) why the modification should not be approved.

If no comments are received, the County can make final approval of the proposed modifications. If comment(s) is received, the County will evaluate the comment(s) and make a decision as to whether the comment(s) causes need for a full Board of Adjustment Conditional Use public hearing or not.

If the County decides that the comment does not warrant a change from the announced administrative decision, then a letter shall be sent to the person who commented so stating this decision. This letter shall also announce that any appeal of this decision would go to a court of competent jurisdiction, and that such an appeal to said court would need to be filed within 24 days of the date of said letter.

Proposed modifications that may be decided administratively in this matter include:

- expansion of structures
- replacement of structures
- increase in height
- placement or modification of signs

19.15.025(7) Procedures.

The SPRC shall take action on a proposal within 45 calendar days of receipt of the applicant's complete and accepted submittal. If more time is necessary, the applicant shall be notified of the reasons for the delay.

19.15.025(8) Conformance with Approved Site Plan.

Conformance with the conditions of any approved site plan shall be determined at the time of final inspection of the last structure to be inspected and prior to issuance of a final Certificate of Occupancy (C.O.). A final C.O. shall be issued by the Whitman County Building Inspector only when all conditions of the approved site plan have been satisfied.

19.15.025(9) Minor Changes in Site Plans.

Written requests for minor changes shall be submitted to the Planning Office. No minor changes shall be allowed without prior Planning Office approval. Minor changes are those which do not require a plan amendment as set forth in 19.15.025(10).

19.15.025(10) Amendment of Site Plan.

Any change to an approved site plan affecting the basic character or arrangement of buildings, density of the development, open areas, environmentally sensitive areas or critical areas shall be submitted to the SPRC. Review and consideration of the proposed amendment shall then follow the procedures as set forth in 19.15.025(4), (5) and (7).

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19.15.025(11) Length Of Time Of Board of Adjustment Approval.

(A) Board of Adjustment approval shall be valid for two years from the date of issuance and shall remain valid if construction has begun within the allotted time. Extensions to this approval can be applied for in two-year increments to be administered by the Planning Department. A minor change in site plan, under 19.15.025(9), shall not extend this time. If the applicant fails to begin construction within the specified time period any and all approval is automatically withdrawn and void, and any vesting rights terminated. Any construction begun after that time shall be without approval and shall be a violation of the Whitman County Code.

(B) To begin construction within the above period, the applicant must have proceeded past grading and excavation and have installed a portion of an approved permanent building, such as pad or foundation.

(C) Additionally, if any break in construction exceeding 180 days occurs or if there is any other indication that the project has otherwise been abandoned, approval may be withdrawn and voided by the Board of Adjustment upon written notice mailed to the applicant at the address last provided. Failure of the applicant to respond in writing within 60 days from the date of mailing of the Notice of Intent shall result in any and all prior approval being withdrawn and voided. Any construction begun after that time shall be without approval and shall be a violation of the Whitman County Code. It shall be the burden of the applicant to establish to the satisfaction of a majority of the Board of Adjustment that the project has not been abandoned and to establish when the project will be completed. The Board of Adjustment may delay or condition its decision to withdraw and void its prior approval upon the applicant's subsequent performance.

19.15.025(12) Variances.

A variance may be granted if it is determined that practical difficulties, unnecessary hardships, and/or results inconsistent with the general purposes of this chapter may result from the strict application of the provisions of this chapter. Financial considerations shall not be a basis for a variance. An application for a variance shall follow procedures set forth in the Whitman County Zoning Ordinance Sections 19.06.020 (Variance) and 19.06.030 (Flood Management Variance), for determination by the Board of Adjustment.

SECTION 19.15.027 NON-STRUCTURAL FILL PLACEMENT PERMIT

19.15.027(1) Purpose.

The purpose of the Non-Structural Fill Placement Permit is to allow the transport of waste soil fill material from permitted or grandfathered construction, grading or earthwork operations to an off-site location for disposal. It is the intent to dispose of excess material in an area currently used for agricultural purposes, then rendering the property in a condition for continued and ongoing agricultural use after filling. It is not the intent to allow for the construction of building pads or locations without going through a conditional use process.

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19.15.027(2) Applicability.

The Non-Structural Fill Placement Permit is a permit granted through an administrative process. The County Building Official (in conjunction with the County Planner), or designated staff, may administratively review and approve of a filling operation designed to allow for disposal of excess soil materials from a construction, grading or earthwork operation. Fill placement will be strictly limited to areas in agricultural production that will be filled in a manner to allow for future continued agricultural use. It is not applicable to long term "dumping" of earth materials in a loose state, such as at a commercial fill site or landfill facility. The permit shall only apply to fill materials that originate from a site within the N-PMC or S-PMC, and are placed on a fill site situated within either the N-PMC or S-PMC.

19.15.027(3) Responsibilities of Project Proponent.

The project proponent shall complete an application and pay the appropriate fees for the Non-Structural Fill Placement Permit with the County Building Department. The permit application shall be accompanied by a plan indicating the source location of the fill material, the destination for the fill material, details pertinent to the haul route, type of equipment to be used, proposed hours of operation, duration of project or other pertinent information required by the Building Official. The project proponent shall also provide written evidence of permission to cross any private property, other than his/her own, in order to transport the fill to the fill site. The project proponent shall also provide written permission from the owner of the fill site, if other than him/herself, to place the material on the site.

Failure of the project proponent to complete the filling and reclamation of the fill site back to agricultural use shall result in either a building or zoning code infraction, or both. Daily fees or fines will be assessed in accordance with existing ordinance for failure to comply with the permit. The only exception permitted will be if the proponent can present well documented information that the violation results from conditions that are clearly beyond the control of the proponent.

19.15.027(4) Responsibilities of Building and Planning Departments.

The Building Official (in conjunction with the County Planner) will be responsible to:

- collect and surmise information pertinent to the application
- assess any impacts to private property owners in the vicinity of the proposal
- set acceptable hours and days of operation in accordance with other similar earth moving operations in the N-PMC
- Set conditions of operation to protect the rights of adjacent landowners, such as dust abatement requirements

19.15.027(5) Permit Duration.

The Non-Structural Fill Placement Permit shall be granted for a maximum duration of six (6) months, or through the end of the summer construction season, typically the end of October. The permit may be extended for a period of 30 days at a time, at the sole discretion of the Building Official, upon written request of the applicant. Reasons for extension may include excessive rain/poor weather or unanticipated delay of the project from which the excess fill is coming.

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19.15.027(6) General Permit Conditions.

The following shall apply to all fills placed under the Non-Structural Fill Placement Permit:

- Topsoil shall be stripped from the fill area, and replaced after fill, to allow for continued agricultural use.
- Fills shall be placed to at least 90% compaction, as determined by ASTM D-1557, Modified Proctor. The Building Official will likely require testing to verify the level of compaction is achieved.
- Fills shall be placed no thicker than 15 feet without providing a geotechnical engineer's report outlining conditions under which the 15 feet may be safely exceeded.
- Final fill slopes shall not exceed 4:1 (horizontal to vertical) without providing a geotechnical engineer's report outlining conditions under which steeper slopes can be safely constructed.
- Final contours shall be completed in a way that eliminates ponding of water and preserves the natural drainage of the land.
- Fill cannot be placed on slopes steeper than 4:1 without constructing a basal key and benching the fill to improve slope stability.
- Fill that is placed and compacted in this manner will not be deemed suitable for installation of gravity septic drainfields in the future.
- Any future development of the area filled will require a full geotechnical engineering evaluation prior to permitting for construction.
- Fill placed within four (4) feet of the completed final ground surface need only be lightly compacted to allow for ongoing agricultural use.
- Erosion and sediment control devices (approved by Whitman County) will be required for exposed soil surfaces during winter months, typically November through April.

SECTION 19.15.030 SITE PLAN SUBMITTALS.

19.15.030(1) Purpose.

The site plan submittal initiates the process by which a development proposal is reviewed for compliance with Whitman County land use regulations.

19.15.030(2) Pre-Application Conference.

Prior to applying for site plan review, the applicant may, and is encouraged to, submit preliminary plans to the Planning Office, so the comments and advice of the Planning Office may be incorporated in the final plans submitted for an application.

19.15.030(3) Initiating Site Plan Review.

The applicant shall submit two copies of a site plan, an environmental checklist, and a review fee to the Planning Department to initiate formal review of a proposed project. The Planning Director shall determine if an application is complete and initiate review by the SPRC.

19.15.030(4) Site Plan Submittals.

The following information shall be included on a site plan. Certain requirements of this section may be waived by the Planning Director for existing non-conforming uses and structures as defined in Section 19.15.060(5)(Z).

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(A) Administration - Site plans must include:

1. Name, address and phone number of the applicant and property owner(s).
2. Names and addresses of adjacent property owners within 300 feet. The applicant shall obtain these from the County Assessor's Office.
3. Name of proposed action or development.
4. Description of the proposed land use.
5. Legal description of subject property.
6. Vicinity map showing location of subject property.
7. North arrow and graphic scale.
8. Any easements and/or dedications on the site.
9. Soil and surface geological conditions.
10. A statement prepared by a registered architect or engineer licensed in the state of Washington stating how the provisions of this chapter with regard to erosion control, stormwater management, protection of designated environmentally sensitive areas and on-site sewage disposal will be accommodated.
11. The applicant may be required to provide a transportation impact study. This study shall be required at the sole discretion of the County Engineer. The County Engineer may also elect to require concurrence from WSDOT engineering staff. This study shall determine the impacts of proposed developments on State and County roads, and shall be submitted to the Whitman County Engineer who may then require mitigation for County roads or State highways or intersections.

(B) Site preparation - Site plans must show:

1. Area of subject property.
2. Property boundary and all existing and proposed parcels and easements.
3. Dimensions of existing and proposed parcels and easements.
4. Boundaries of adjacent properties, as applicable.
5. Right-of-way of all existing and proposed public roads.
6. Existing topography and preliminary grading.
7. Proposed final grades and/or elevations.

8. Preliminary and final grading plans, prepared by a licensed engineer or architect.
9. Major drainage ways and proposed protection measures for drainages.
10. Site features such as water bodies, drainage ditches and wetlands.
11. Dimensions of setbacks from designated environmentally sensitive areas, critical areas, including the floodplain and buffer areas.
12. Location and area of any dedicated open area.

(C) Circulation - Site plans must show, if applicable:

1. Proposed bicycle access route.
2. Interior circulation, showing routes for large delivery trucks, passenger cars, bicycles, and expected pedestrian corridors.
3. Pedestrian facilities including crosswalks, curb cuts, vehicle barriers, warning signs and design features intended to connect parking areas with the accessible entrances.

(D) Infrastructure - Site plans must indicate:

1. The location and capacity of existing and proposed wells or other water sources.
2. The location and design of existing and proposed septic systems and drainfields, sewage lagoons or other sewage disposal systems.
3. The location, design and capacity of existing and proposed water retention systems.
4. The location of existing and proposed utilities or utility easements on the site.

(E) Structures - Site plans must describe:

1. The location and area (percentage) of proposed parcel coverage.
2. Existing structures on site and any proposed demolition.
3. Location and footprint (see Section 19.03.312).
4. Height of all proposed structures.
5. Proposed outdoor storage areas, screening, fences, any other accessory features and vehicle loading, parking and driveway areas.
6. Primary building materials, colors and any other relevant design information.
7. Dimensions between buildings or structures.

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8. Setbacks from property lines, rights-of-way, easements and water bodies.

9. Buildings and other structures within 100 feet of the site shall be indicated.

(F) Landscaping - Site plans must show:

1. Existing trees and significant shrubs to be retained and/or removed.
2. Proposed landscaped areas, including dimensions of planting areas and height of berms, if applicable.
3. Proposed plant materials, both type and mature size (planting plan).
4. Proposed irrigation method.
5. Erosion control measures to be used after construction.
6. Proposed run-off control measures such as grass swales, retention ponds, etc., with dimensions and proposed plant materials or other treatment.
7. Any proposed site fixtures and associated equipment or furnishings.

(G) Signs and lighting - Site plans must show:

1. Location and dimensions of all proposed signs visible from public rights-of-way.
2. Design of proposed signs, including illumination, color, typefaces and illustrations or logos.
3. Design, location and times of display for any temporary displays.
4. Design and location of exterior lighting.

SECTION 19.15.040 PERMITTED USES.

The following are the permitted uses within the N-PMC:

19.15.040(1) Agriculture, including but not limited to, cropping, grazing of livestock, horticulture and floriculture. Feedlots, farrowing operations and dairying shall not be allowed.

19.15.040(2) Temporary stands for the sale of agricultural non-livestock products produced on the premises.

19.15.040(3) Accessory uses and structures common or incidental to agricultural and presently existing residential use, including but not limited to garages, barns, tack rooms, equipment sheds, home storage elevators, fences and corrals; provided that such accessory uses and structures conform to the yard requirements of this chapter.

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19.15.040(4) In presently existing residences, home-based businesses utilizing only those accessory buildings and structures permitted under this chapter, and which from the premises' property line cannot be seen or heard or felt or smelled and will not have customer visits. (For more information on home-based businesses permitting, see Chapter 19.56.) (Revised April 21, 2008; Resolution No. 068024)

19.15.040(5) Temporary mining, rock crushing, asphalt and concrete processing plants in the right-of-way of State Route 270, or contiguous property for stockpile purposes only, as it now or hereafter exists for its road construction. Temporary is defined for this purpose as two years with a two year extension granted at the sole discretion of the County Engineer. (Revised 6/1/09, Animal Density Struck, Ordinance #069589)

SECTION 19.15.050 CONDITIONAL USES.

19.15.050(1) A development proposal or a change-in-use proposal for a listed conditional use shall be subject to compliance with the requirements of this chapter and the provisions of Whitman County Code 19.06, as applicable to conditional uses.

19.15.050(2) All uses must demonstrate compliance or it will be denied.

19.15.050(3) All conditional uses shall require SEPA review.

19.15.050(4) Conditional uses in the N-PMC are based upon their probable impact upon transportation, and whether or not the use requires linkage to urban services for water and sewer facilities.

19.15.050(5) Authorized Conditional Uses and Mandatory Conditions:

(Amended July 7, 2008, Ordinance 068376)

(A) Campgrounds.

(B) Carpet dealer and floor coverings.

(C) Child care.

(D) Communications towers and facilities. (Antenna support structures reference Applicability [19.15.025(2)] and Chapter 19.58.) (Revised 5/14/01, Ordinance # 058050)

(E) Assisted Care facilities, nursing homes and similar uses.

(F) Hospitals (if urban-level water, sewer and fire services are utilized).

(G) Hotels/Motels/Inns (if urban-level water, sewer and fire services are utilized).

(H) Light manufacturing and assembly operations.

(I) Manufactured homes sales and services.

(J) Moving and storage.

(K) Office buildings.

(L) Plumbing, heating and electrical supplies.

(M) Professional services as listed:

1. accounting
2. advertising
3. architects, engineers, surveyors and planners
4. attorneys
5. banks, savings & loans
6. consultants
7. counseling
8. employment services and human resources
9. government offices
10. home health services
11. insurance
12. interior design
13. Internet services
14. investment brokering and securities
15. mail order services
16. market research
17. medical, doctors, dentists and emergency healthcare
18. pharmacies
19. real estate agencies
20. title companies
21. travel agencies
22. veterinarians and veterinary clinics

(N) Recreational non-motorized trails, paths, bikeways and parks.

(O) Recreational vehicle dealers for:

1. bicycles
2. boats/water craft
3. campers
4. motorcycles
5. recreational vehicles (RVs)
6. snowmobiles and winter sports equipment

(P) Recreational vehicle parks.

(Q) Research and development.

(R) Retail uses as listed:

1. automotive general merchandise, parts and service
2. automobile renting (secondary sales as an accessory use)
3. books, recorded music, sheet music and videos/compact disks (excluding those selling merchandise restricted from sales to minors)
4. building material supplies
5. cabinet shop
6. clothing and accessories
7. computers and electronics – sales/installation and repair
8. contractors equipment and supplies (dealers & service)

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9. crafts, such as craft supplies and finished craft goods, ceramic supplies and finished ceramic goods, art works and art supplies
10. department stores selling any products listed in this chapter
11. discount stores selling any products listed in this chapter
12. fabric stores and sewing supplies
13. farm equipment sales and/or service
14. florists
15. food and grocery stores
16. franchised automobile and truck dealerships sales and service
17. furniture sales
18. garden centers, nurseries, landscaping, lawn & garden equipment and supplies
19. gift stores
20. hardware
21. hobby stores
22. houseware stores
23. import stores selling home décor, furniture, housewares, holiday decorations
24. jewelry stores
25. lumber yards
26. motion-picture theatres (indoor)
27. not-for-profit (non-profit) re-use organizations
28. office furniture and supplies
29. pet stores including sale of pet food, pets, associated supplies, and offering temporary pet accommodations and grooming
30. rental service store
31. restaurants with inside seating and excluding those defined as bars or taverns
32. shoe store
33. specialty stores specializing in a single category of products listed in this chapter
34. sporting goods
35. stationery
36. tire sales and service
37. toy and game store
38. Multi-use retail business of any or all of the above

(S) Warehousing and distribution.

(T) Wholesale trade.

(U) Utilities (secondary to another primary use).

(V) Utility maintenance center.

(W) Utility substation.

(X) Utility transmission lines.

(Y) Temporary mining, rock crushing, concrete and asphalt batch plants may be allowed in the North-PMC District providing that a conditional use for a specific business

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development on a specific site has been granted by the Board of Adjustment, or for SR 270 construction; and said conditional use shall include conditions for any temporary mining, rock crushing, concrete and asphalt batch plant. Other than these described temporary mining uses, and existing active, grandfathered mining operations, no mining shall be allowed in this zone. Mining in the North-PMC District is limited to business site preparation and SR 270 construction because long-term mining and crushing, asphalt and concrete batch plants, are seen as not compatible with the intended business use on the north side of the highway. Mining sites cannot be mined below existing road grade without written consent from the County Engineer.

(Z) Existing uses. Existing land uses, except as limited by this Chapter, as of the date of adoption of this amendment, may continue. These uses and structures may be expanded if they meet the requirements of 19.15.025(6). If the proposed expansion does not meet the requirements of 19.15.025(6), a Conditional Use Permit is needed. Mining operations currently permitted, including asphalt processing and concrete ready mix operations, existing prior to the adoption of these amendments may continue and expansion of the mining area is permissible if the rock resource is contiguous to that presently being mined.

(AA) Home-based businesses that exceed the threshold of a permitted use may be allowed as an administrative use or a conditional use. (For more information on home-based businesses permitting, see Chapter 19.56.) (Amended April 21, 2008; Ordinance No. 068024)

SECTION 19.15.060 NONCONFORMING USES.

19.15.060(1) Uses, land uses and structures which become nonconforming uses and structures by adoption of this chapter are subject to the provisions of Chapter 19.54, Nonconforming Uses and Special Exceptions, as now or hereafter amended.

19.15.060(2) Special Provisions for Nonconforming Uses Within the N-PMC.

(A) Any state or federal government environmental improvement mandate for an established use is exempt from the minimum requirements of this chapter.

(B) Presently existing farm structures and rural residences within the N-PMC are exempt from the requirements of this chapter unless a change in use is proposed. No new residential sites shall be allowed or created in the N-PMC.

(C) Freestanding billboards are prohibited. No new non-conforming signs or billboards will be allowed.

SECTION 19.15.070 SITE REQUIREMENTS.

19.15.070(1) Purpose.

The purpose of this section is to establish minimum standards which must be met for parcels in the N-PMC to be considered for development.

19.15.070(2) Minimum parcel size.

The minimum parcel size for development in the N-PMC is three (3) acres. For clustered developments, parcels must be of sufficient size to meet all other provisions of this and other applicable codes. Additional subdivision of land shall be through a preliminary and final plat process or allowed for the sole purpose of highway expansion.

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19.15.070(3) Front setbacks.

(A) Front setbacks from the north side of SR 270 as it is at the time of adoption of this ordinance, a two-lane highway, shall be 250 feet from the north-side right-of-way at the time of adoption of this ordinance amendment. After the highway has been expanded, the SR 270 setback shall be 35 feet from the north right-of-way line.

(B) Front setbacks for structures and outdoor storage areas along other public and private roads shall be 35 feet; setbacks for temporary displays, signs, and parking areas shall be ten (10) feet, (see 19.15.080(8)(B)(4)). Where a public or private road is located within the State right-of-way, the most restrictive front setback requirement will apply.

(C) Utility lines underground and overhead shall be exempt from this setback requirement, but shall be subject to any right-of-way requirements of the State or County.

19.15.070(4) Side and rear setbacks.

Side and rear setbacks for structures and outdoor storage areas shall be 20 feet; side and rear setbacks for temporary displays, signs, utility facilities and parking areas shall be ten (10) feet.

19.15.070(5) Maximum parcel coverage.

Maximum parcel coverage in the N-PMC shall be 75% (percent). All areas with impervious surfaces and the space occupied by structures shall be considered "covered" areas for the purpose of parcel coverage calculations. For this chapter impervious surface shall mean an oiled, asphalt or concrete covered surface such as a sidewalk, road, circulation area, outdoor storage area, parking lot and/or loading area. All other areas shall be considered "not covered" for the purpose of parcel coverage calculations. Designated open areas shall remain open areas, subject only to the uses approved by the SPRC on the approved site plan.

SECTION 19.15.080 DEVELOPMENT REQUIREMENTS.

19.15.080(1) Purpose.

The purpose of this section is to provide standards for site development. The overall goal of providing attractive, orderly development will promote safe traffic conditions and protect and enhance desirable environmental and aesthetic qualities in the N-PMC.

19.15.080(2) Site Preparation.

(A) Required grading practices are:

1. All graded areas shall be protected from wind and water erosion through acceptable slope stabilization methods both during and after construction, according to plans approved by a professional engineer or licensed landscape architect.
2. Grading shall not create an erosion hazard or be a source of sedimentation to any adjacent land or water course.
3. Topsoil shall, to the extent possible, be retained on-site and reused after grading.

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4. The amount of land exposed at any one time during development shall be kept to a minimum and exposure shall be scheduled during seasons of minimum precipitation whenever possible. Permanent perennial vegetation shall be installed on the site as soon as practical after development.

(B) Drainage and storm water control requirements apply to projects both during and after construction:

1. Site drainage shall not endanger designated environmentally sensitive areas.
2. Site drainage shall comply with all other provisions of this chapter, as well as environmental regulations controlling surface and ground water quality.
3. Existing natural drainages shall be identified on the grading plan and shall be retained wherever feasible.
4. Drainage shall be designed by a professional engineer to control run-off from a 50-year storm event. Discharges from storm water and drainage conveyance facilities shall be routed through swales, vegetated buffer strips, storm water basins and other facilities designed to decrease runoff velocity and volume, allow for natural infiltration, allow suspended solids to settle, and reduce pollutants through the use of active separators or passive filtering before being discharged.

(C) Fill - Fill operations are governed by the following requirements:

1. Filling may occur within designated environmentally sensitive areas at the discretion of the SPRC, subject to Whitman County Flood Management Overlay District requirements and all relevant State regulations. Inert and/or demolition waste fills must comply with WAC 173-350 Minimum Functional Standards for Solid Waste Handling, (as now or hereafter amended), which includes permitting by the local Health jurisdiction.
2. Fill must consist of clean materials that will not result in the leaching of harmful chemical or solid contaminants into surface or ground water.
3. Fill shall be protected against erosion with vegetation or other means stipulated by the SPRC, recommended by the local Soil Conservation District or Washington State Department of Natural Resources.

19.15.080(3) Infrastructure.

(A) Water use:

1. An applicant will provide data on anticipated water use for a development proposal.
2. A suitable water source of appropriate quality and capacity as defined by the Whitman County Environmental Health Division shall be demonstrated prior to issuance of a building permit.
3. Uses which exceed more than 5,000 gallons of water per day or more than 1,825,000 gallons per year shall provide a water conservation plan in their development proposal. The plan shall consist of, but not be limited to:

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(a) Water conservation measures which will demonstrably decrease typical water consumption patterns for the proposed use.

(b) Plans to utilize treated effluent or water rights from Paradise Creek as a secondary water source.

(B) Sewage disposal -

1. An applicant shall provide for on-site sewage disposal through an on-site septic system, sewage lagoon system or alternative system approved by the Washington State Department of Ecology, the Washington State Department of Health and/or the Whitman County Environmental Health Division.

2. A sewage system design of appropriate quality and capacity must be approved by the permitting authority prior to issuance of a building permit.

(C) Utilities -

1. Utilities within a site shall be placed underground. It is the intent that whenever feasible, there shall be a consolidation of utilities into one trench in a common easement.

2. Utilities shall be located underground where possible, with the following exceptions:

(a) Existing overhead electrical utilities may be maintained, replaced or upgraded.

(b) One overhead heavy feeder tie will be allowed between Sunshine Road and Airport Road in order to connect the Pullman and Moscow feeder. Three route options shall be prepared and submitted to the SPRC and the Board of Adjustment for their decision.

(c) Other new electrical utility connections of less than 115 kV, such as feeder lines at 13 kV, if technically and economically feasible to be placed underground, shall be underground.

(d) As road improvements are made within the N-PMC, it is recommended that utility companies (electrical, telephone, television cable, natural gas) work with the road agency to lay conduit in anticipation of future needs.

(e) At the time of adoption of this ordinance, there are 115 kV electrical lines running east and west, both north and south and outside of the north corridor boundaries. There may be slight encroachment of the northern line in sections 36, 31 and 32. In the event that future electrical demand proposes further encroachment into the N-PMC, or a proposal to cross the N-PMC with these lines for which underground transmission is not practical, this proposal must be submitted to the SPRC for technical review and then brought to the Planning Commission and the Board of County Commissioners as a special amendment to this chapter. Said

proposal must have three options for comparison judgments. This option also applies to any applicants who wish an exception from the requirement for underground transmission for an overhead feeder line.

(f) Temporary overhead service is allowed for construction purposes. A Certificate of Occupancy will not be issued until the temporary overhead service is removed.

(g) In the situation where on-going mining exists, overhead distribution of electrical facilities is allowed.

19.15.080(4) Traffic Access and Flow.

(A) State Route 270 access:

1. Development projects requiring access to SR 270 shall be required to comply with the WSDOT rules and regulations for utilizing access points and to consolidate access points within a site, negotiate for the use of an alternative access point along SR 270, utilize a frontage road or propose an alternative means.

2. Approach permits to SR 270 shall be required from the WSDOT prior to project approval.

3. Level of Service: An index of the operational performance of traffic on a given traffic lane, carriageway, road or intersection, based on service measures such as delay, degree of saturation, density and speed during a given flow period. Six levels are defined as "A" through "F" with "A" being the best operating conditions and "F" being the worst.

(a) Developments which reduce the Level of Service (LOS) on nearby streets, roads or highways, may be required to make provisions for remediation. LOS standards will be assessed in accordance with WSDOT standards and the current edition of the TRB "Highway Capacity Manual." The developer may be required to bear all expenses to make provisions, such as additional lanes, turn lanes or traffic control devices to offset the impacts of the development on the LOS. Improvements will be required to be completed before occupancy of structures is granted. Bonding for improvements or receipt of the required improvement fees may be accepted in lieu of completing the required improvements.

(b) The County Engineer will establish acceptable LOS for traffic at Whitman County intersections. LOS will be used to determine the impacts on the road system by land development proposals. The minimum acceptable LOS is "C" for paved rural county roads.

(c) WSDOT will establish acceptable LOS for traffic at State Route intersections. LOS will be used to determine the impacts on the road system by land development proposals.

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(B) Frontage roads:

1. Privately constructed frontage roads intended to be dedicated shall meet Whitman County road design standards as set forth by Whitman County Codes or as required by the County Engineer.
2. Service roads, private roads, connector roads and service drives should be at right angles to the frontage road.
3. Maximum grade for public access roads is twelve percent.
4. All frontage roads that access land development from either a county road or SR 270 are to be constructed as private roads. Roads shall not revert to any public agency without the express written consent of the agency, through its ordinary legal process. The decision to establish any road as an agency road shall rest solely with the agency. Whitman County may require that a road be upgraded to current County standards, as set by the County Engineer, prior to adoption as a county road. Private roads to or within the development are the sole responsibility of the owner.

(C) On-site Traffic: Roadways within a project shall comply with the current edition of the International Building Code (IBC) as adopted by the Board of County Commissioners and the requirements of the County Engineer.

(D) Parking and pedestrian access:

1. Parking

- (a) The approach, number and design of parking spaces shall meet the standards of the Whitman County Zoning Ordinance and requirements of the Americans with Disabilities Act (ADA).
- (b) Parking areas should be broken up into units of no more than 60 spaces, separated by interior landscaping, buildings, walkways and/or berms.
- (c) Smaller, distinct islands of parking may be scattered around the site to access dispersed destination points.
- (d) Parking islands shall channel traffic through the site in a logical manner. Designs which permit vehicles to crisscross the intended direction of travel shall be avoided.
- (e) Parking and loading areas must provide for snow removal access and drainage with a grade of at least two percent (2%).

2. Loading Zones: Service entrances, such as loading docks and garbage pick-up areas, shall be screened from view, in accordance with Section 19.15.080(6).

3. Pedestrian facilities:

(a) All pedestrian routes shall address avenues of approach for people who are physically challenged. Emphasis shall be on barrier-free access throughout, with grade limitations between the handicap parking and any public building entrance.

(b) Pedestrian walkways shall be separated from vehicle traffic by curbing, landscaping, and/or other physical barriers.

[1] Rolled curbs or other means shall be used to define the pedestrian zone without obstructing emergency access.

[2] Crosswalks and other areas where pedestrians are channeled into a vehicle right-of-way shall be well lighted and clearly marked with painted lines, elevated crosswalks or varying materials such as a concrete crosswalk that contrasts with the surrounding asphalt.

[3] Pedestrian walkways should be integrated with parking island design to provide landscaped avenues to and from parking areas. Preferred designs keep pedestrians from walking in traffic.

19.15.080(5) Structures.

(A) Site design and design of structure:

1. Siting of structures and outdoor storage areas shall minimize disturbance to existing natural topography.
2. Preference will be given to development proposals in which structures and related facilities are clustered within a site and/or between sites.
3. The design of structures on the site shall meet all applicable provisions of the Whitman County Zoning Ordinance and the current edition of the International Building Code (IBC) as adopted by the Board of County Commissioners, as now or hereafter amended.
4. Structures shall be no higher than 35 feet, excepting Antenna Support Structures as approved by the Board of Adjustment via the conditional use process, as defined in section 19.03.140 of the Whitman County Zoning Ordinance. Accessory structures may exceed these height restrictions at the discretion of the SPRC. (Revised 5/14/01, Ordinance # 058050)
5. Buildings shall be separated by twelve (12) feet or more, measured from the most far-reaching projection from the subject structure at the point closest to the neighboring structure.

19.15.080(6) Landscaping.

Landscaping requirements in the N-PMC are for the purpose of providing a filtered view of developed sites; providing a buffer to protect environmentally sensitive areas; providing a natural means to prevent erosion, slow storm water run-off and prevent

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sedimentation of surface waters; providing a natural means to shield properties from sun and wind and air-borne pollutants; and for aesthetic enhancement. A landscape plan and management schedule is required as part of the zoning approval process. The plan should explain the objective of the design such as to screen, to block, to frame or so forth.

(A) Landscape requirements - Screening can mean a filtered or blocked view:

1. Perimeter screening is to provide an all-season visual separation between adjacent land uses and to screen views of industrial and commercial land uses from SR 270. Perimeter landscaping shall be provided at the front (as viewed from SR 270) and the sides of sites. Screening shall be provided at the rear of sites when they are adjacent to non-agricultural uses.
2. Additional screening may be required between dissimilar land uses, at the discretion of the SPRC.
3. Additional buffer areas may be required to shield designated environmentally sensitive areas from incompatible land uses, at the discretion of the SPRC.
4. Internal landscaping shall shield views of outdoor storage, service, parking and loading areas from the road and from adjacent uses.
5. Screening may be provided by existing vegetation, landscaped areas, a combination of berms and landscaping, or a combination of fencing and landscaping. The use of trees and vertical growing shrubs for screening is encouraged.
6. When planted to meet perimeter screening objectives, trees and vertical growing shrubs shall be a minimum of four feet in height at the time of planting and of a species hardy to the area.

(B) Landscape requirements - Materials and design:

1. The use of landscape materials which are planted to achieve a variety of heights, shapes and/or textures at maturity is encouraged; for example, a combination of evergreen and deciduous trees, shrubs and ground cover.
2. Existing trees shall be retained when possible.
3. Fencing materials shall be attractive and durable and should compliment or blend with the natural colors of the surrounding environment.
4. Screening achieved solely with landscape materials shall consist of a landscaped strip at least 10 feet wide and an overall average of 20 feet. Screening achieved with a combination of berms and landscape materials shall be a minimum of 35 feet wide.
5. Landscaping for surfaced parking lots shall, at minimum, equal ten percent (10%) of parking areas on interior planting and include one tree for every 10/20 (single/double row) parking spaces.

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(a) Choice of tree types should address drought tolerance. Evergreens should be mixed with deciduous trees to provide year-round visual relief. Interior trees should provide shade for the parking lot in summer.

(b) Interior lot screening should include shrubbery chosen to be maintained at a height of three feet (3'). The intent is to screen the reflective lower portion of parked cars, yet provide an unobstructed view for pedestrians and other moving vehicles.

(c) It should avoid obstructing views of crosswalks, intersections and streetlights.

(d) The minimum size of shrubs at planting shall be one foot in height.

(e) Trees shall be set back a minimum of three feet (3') from curbs and shall be a minimum of four feet tall at planting.

(C) Landscape requirements - Maintenance

1. Provisions shall be made for the on-going maintenance, including irrigation of landscaped areas as necessary.
2. Trees and shrubs which die within twelve months of planting must be replaced no later than the next growing season.

19.15.080(7) Cluster Development.

Landscaping, screening and parcel frontage requirements may be relaxed at the discretion of the SPRC, if two or more of the following conditions are met by a development which is planned contiguous to an existing development:

(A) Shared parking.

(B) Shared private access roads and/or service drives.

(C) Clustering of structures so as to provide significant, dedicated open areas.

19.15.080(8) Signs and lighting.

The purpose of signs and lighting standards in the N-PMC is to promote safe driving conditions in addition to business identification, personal safety and vehicle safety in an aesthetic way. Sign standards must be met for all project proposals for new construction. In addition, existing signs in the N-PMC shall meet these standards within five years of the adoption of this chapter. Marking and lighting of safety hazards and directional signs shall be exempt from this chapter when installed by or at the request of a public entity having jurisdiction.

(A) Sign requirements - Type, design and content:

1. All permanent signs must be of a durable nature; the on-going use of temporary and/or portable signs is prohibited.

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2. The display of one temporary sign for a maximum of 60 days shall be allowed. Temporary signs include signs such as For Sale, For Rent, Auction, Grand Opening signs and contractor's signs during construction.
3. Sign content shall be restricted to the business name, primary business purpose and business address of the operation.
4. Business identification signs, if illuminated, shall be so constructed as to not create glare on adjacent parcels and shall not pose a hazard to motorists.
5. No blinking, flashing or similar intermittent lighting or revolving signs are allowed. Electronic changeable copy signs are allowed.
6. Freestanding billboards are prohibited. Those billboards and other non-conforming signs which were legally constructed or installed prior to the enactment of the 1979 Zoning Ordinance will be grandfathered as a non-conforming use; these signs may not be enlarged or relocated, and if their use is discontinued for six months or more, these signs must be removed. Other signs which were constructed or installed after the enactment of the 1979 ordinance, must be removed no later that one year after the adoption of this ordinance amendment. No new non-conforming signs or billboards will be allowed.
7. Signs which are abandoned, unsafe, damaged, or obsolete must be removed by the owner or will be removed at the owner's expense by Whitman County Department of Public Works.

(B) Sign requirements - Quantities, dimensions and location:

1. Wall signs, wall-mounted signs and roof signs shall not exceed 120 square feet in size, per side.
2. No business shall have more than one free-standing business identification sign and one sign attached to the primary business structure, except certain franchise or other business sign requirements may be allowed at the sole discretion of the County Planner. An exception exists for identification, directional or safety signs within a site which are not visible from a public road.
3. Business identification signs attached to a structure shall not exceed the height of the highest roof ridge line on the structure or in the case of free-standing signs, the bottom of the sign shall be no higher than 15 feet above adjacent road grade elevation and the top of the sign shall be no higher than 30 feet above the same adjacent road grade elevation.
4. Signs must meet setback requirements of ten feet.

(C) Lighting requirements - Location and design:

1. Lighted signs are subject to the requirements listed above.
2. Exterior site lighting may be required for surveillance purposes, at the discretion of the SPRC.

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3. Exterior site lighting shall be arranged so it is deflected away from adjacent properties.
4. Exterior lighting shall not create glare which would interfere with safe transportation in the N-PMC.
5. Exterior lighting shall be of a “full-cut-off” design in order to minimize light pollution.

19.15.090 SEVERABILITY

If any provision of this chapter or its application to any person or circumstance is held invalid for any reason, the remainder of the chapter or the application of the chapter to other persons or circumstances shall not be affected.