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17.05.010 Title and purpose.

This code and all amendments thereto shall be known as the zoning code for the city of Forks, Washington. (Ord. 433 § 1.10, 1997)

17.05.020 Content.

This chapter shall consist of the text hereof as well as that map known as the "Forks urban growth area zoning map" identified by the approving signature of the mayor and city clerk/treasurer of Forks and the board of Clallam County commissioners, a copy of which is on file in both the city and county planning departments. (Ord. 433 § 1.20, 1997)

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17.10.001 General meaning.

(1) For purposes of defining terms within this code, words used in the present tense include the future, words in the singular include the plural and words in the plural include the singular.

(2) The word “shall” denotes a mandate and the word “may” denotes the use of discretion in making a decision. Words not defined herein shall be construed as defined in the building code of the city of Forks, and other such jurisdiction having authority in such matters.

(3) When no definition is available for a word in contention, the definition provided in the most recent definition of Webster’s Dictionary Collegiate Edition shall be utilized. (Ord. 433 §§ 2.10, 2.20, 1997)

17.10.005 Accessory building.

“Accessory building” means a detached building subordinate to the main building located on the same lot as the main building in which an accessory use is located. (Ord. 433, App. A, 1997)

17.10.006 Accessory dwelling unit (ADU).

“Accessory dwelling unit (ADU)” is a small, self-contained residential unit located on the same lot as an existing single-family home. An ADU may be created as a separate unit within an existing home (such as in an attic or basement), an addition to the home (such as a separate apartment unit with separate entrance), or in a separate structure on the lot (such as a converted garage). An ADU has all the basic facilities needed for day-to-day living independent of the main home, such as a kitchen, sleeping area, and a bathroom. As the term “accessory” implies, ADUs are generally defined to be smaller in size and prominence than the main residence on the lot.



17.10.010 Accessory use.

“Accessory use” means a subordinate use which is customarily incidental to the primary use of the premises and which does not alter or change the character of the premises. (Ord. 433, App. A, 1997)

17.10.011 Administrative design review.

“Administrative design review” means a development permit process whereby an application is reviewed, approved, or denied by the planning director or the planning director’s designee based solely on objective design and development standards without a public pre-decision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. The town may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approve requests for variances from locally established design review standards.

17.10.015 Adult entertainment.

“Adult entertainment” means an establishment consisting of, including, or having characteristics of any or all of the following:

(1) “Adult bookstore” means an establishment having a substantial or significant portion of its stock-in-trade books, magazines, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

(2) “Adult cabaret” means (a) an establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (b) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

(3) "Adult mini-motion picture theater" means an enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

(4) "Adult motion picture theater" means an enclosed building with a capacity for 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas. (Ord. 433, App. A, 1997)

17.10.016 Affordable housing.

"Affordable housing" means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income. For the purposes of housing intended for owner occupancy, "affordable housing" means residential housing that is within the means of low or moderate-income households. (RCW 36.70A.540)

17.10.020 Agriculture.

"Agriculture" means the production, keeping, or maintenance, for sale, lease or personal use, of plants and animals to include but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts and berries; or vegetables. (Ord. 433, App. A, 1997)

17.10.025 Agricultural services.

"Agriculture services" means establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticulture services, and farm labor and management services. (Ord. 433, App. A, 1997)

17.10.030 Alley. "Alley" means a public right-of-way not over 30 feet wide affording a secondary means of vehicular access to abutting lots but which is not intended for general traffic circulation. (Ord. 433, App. A, 1997)

17.10.035 Amusement arcade.

"Amusement arcade" means an outdoor area or open structure, or a building or a part thereof, open to the public, that contains coin-operated games, rides, booths for the conduct of entertainment, including rides, booths for the conduct of games or sale of items, entertainment, or sale of food. (Ord. 433, App. A, 1997)

17.10.040 Appeal.

"Appeal" means in any of the above situations where an appeal is requested the following process shall be used:

- (1) Notice will be provided in the manner described above; and
- (2) The proceedings shall be open to the public and a recording of the proceedings shall be made; and
- (3) At a minimum, the group hearing the appeal shall be provided with the following:
 - (a) Any and all written documents to include applications, decisions, notices, appeal request, written testimony, and staff report; and
 - (b) Testimony, written or oral, from the applicant and appellant; and

(c) A written and oral staff report; and

(d) Testimony, written or oral, provided by the public in attendance at the public hearing; and

(4) The control of the meeting shall be the responsibility of either the chair of the Forks planning commission or the mayor, depending upon the body hearing the appeal. (Ord. 433, App. A, 1997)

17.10.045 Arts and entertainment center.

“Arts and entertainment center” means a structure or complex of structures for housing the visual and/or performing arts. Parking requirements shall be established based upon the number of expected patrons attending various events proposed to be hosted within the center. (Ord. 433, App. A, 1997)

17.10.050 Automobile sales.

“Automobile sales” means the use of any building, land area, or other premises for the display and sale of new or used automobiles generally but may include light trucks or vans, trailers, or recreational vehicles and including any vehicle preparation or repair work conducted as an accessory use. (Ord. 433, App. A, 1997)

17.10.055 Small inn.

“Small inn” means overnight visitor accommodations being leased or rented for transitory stays for periods of less than 30 days; and the facility is no greater than eight lodging units and having no more than a total of 6,000 square feet. (Ord. 629 § 1, 2018; Ord. 433, App. A, 1997)

17.10.060 Billboard signs.

“Billboard signs (sign area greater than 40 square feet)” means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. (Ord. 433, App. A, 1997)

17.10.065 Building.

“Building” means any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. (Ord. 433, App. A, 1997)

17.10.070 Building height.

“Building height” means vertical distance from the average elevation of the natural grade, as measured along the foundation of the lowest side of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the top of the highest gable of pitch or hip roof. In areas with steep slopes or other unusual topographical character, the commission may allow the height of the building to be computed on another basis as proper for the site and adjoining properties. Such a determination by the commission shall be processed as an administrative appeal. (Ord. 433, App. A, 1997)

17.10.075 Campground other than for RVs.

“Campground other than for RVs” means a plot of ground upon which two or more campsites are located, established, or maintained for occupancy by individuals, except for use by recreational vehicles, as temporary living quarters for recreation, education, or vacation purposes. (Ord. 433, App. A, 1997)

17.10.080 Cemetery.

“Cemetery” means property used for the interring of the dead. (Ord. 433, App. A, 1997)

17.10.085 Christmas tree farm.

“Christmas tree farm” means a land area cultivated for the growing, harvesting, and seasonal

marketing of evergreens of relatively small height (less than 18 feet). (Ord. 433, App. A, 1997)

17.10.090 Church.

“Church” means a building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses. (Ord. 433, App. A, 1997)

17.10.095 Clubs and fraternal organization.

“Clubs” and “fraternal organization” means a group of people organized for a common purpose to:

(1) Pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws; or

(2) Share in cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements. (Ord. 433, App. A, 1997)

17.10.091 Co-living.

~~“Co-living” means housing units with residents living in private, lockable sleeping units with shared kitchen facilities~~ residential developments featuring individually rented, private, secured sleeping units (sometimes with private baths) combined with shared kitchen/living facilities to address affordable housing needs (HB 1998). Sometimes called boarding houses or micro-apartments.

17.10.100 Collector.

“Collector” means streets designated by the city council as collecting vehicular traffic from local streets and directing it to larger arterials. (Ord. 433, App. A, 1997)

17.10.105 Commercial greenhouse.

“Commercial greenhouse” means a separate building, with a floor area larger than 100 square feet, whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for commercial cultivation of delicate or out-of-season plants for subsequent wholesale or retail sales. (Ord. 433, App. A, 1997)

17.10.110 Conditional use.

Conditional Use. Land use designated as conditional use will require an application for a land use permit to be submitted to the Forks planning commission. The commission will provide notice of the application must be provided to adjacent land owners, and posted on the property. Notice must include the date and time for the conducting of a public hearing which may include other issues such as SEPA, etc. The commission will make a decision within 10 days of the public hearing. Such a decision shall be in writing and include an explanation for the decision made. The commission’s decision must be published in the journal of record for the city. Additional notice of the decision must be provided to adjacent land owners, and posted on the property. Notice of the decision must include explanation of how the decision can be appealed to the Forks city council by the filing of a written appeal of the decision to the planning director with 15 days of the date of the decision. Compliance with other city ordinances (building codes, etc.) will still be required. (Ord. 433, App. A, 1997)

17.10.115 Condominium.

“Condominium” means a building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. (Ord. 433, App. A, 1997)

17.10.120 Convenience store.

“Convenience store” means any retail establishment, consisting of less than 3,500 total square feet, offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, primarily for off-site consumption. (Ord. 433, App. A, 1997)

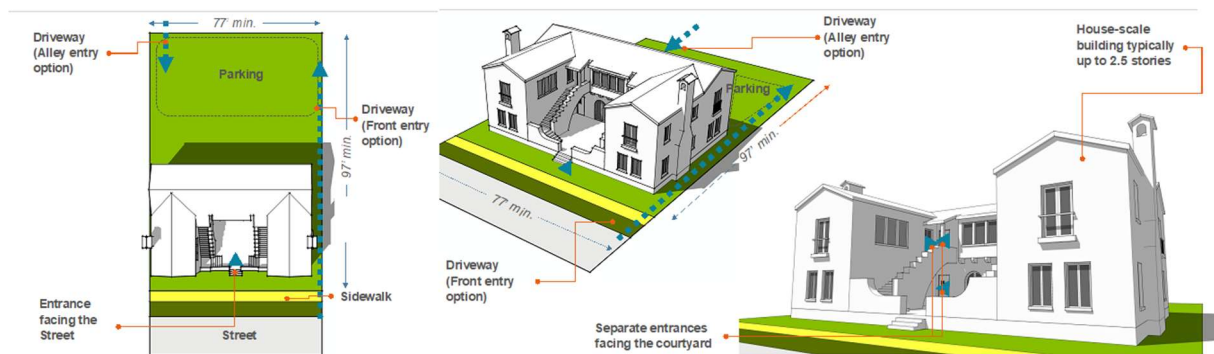
17.10.124 Cottage housing.

“Cottage housing” means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.



17.10.125 Courtyard apartments.

“Courtyard apartments” means up to 4 attached dwelling units arranged on 2 or 3 sides of a yard or court.”



17.10.125 Day care center with less than 12 kids.

“Day care center with less than 12 kids” means a licensed establishment providing for the care, supervision, and protection of less than 12 children. (Ord. 433, App. A, 1997)

17.10.130 Day care center with 12 or more kids.

“Day care center with 12 or more kids” means a licensed establishment providing for the care, supervision, and protection of 12 or more children. (Ord. 433, App. A, 1997)

17.10.135 Density.

“Density” means number of units within a specified area; the total number of square feet in a lot divided by the number of dwelling units on the lot. (Ord. 433, App. A, 1997)

17.10.134 Development regulations.

“Development regulations” means any controls placed on development or land use activities by the town, including, but not limited to, zoning ordinances, official controls, subdivision ordinances, and binding site plan ordinances.

17.10.140 Drug store/pharmacy.

“Drug store/pharmacy” means a store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines. Such a facility shall have on-site parking equal to one parking space per 600 square feet plus one additional parking space per every five full- time or part-time employees. (Ord. 433, App. A, 1997)

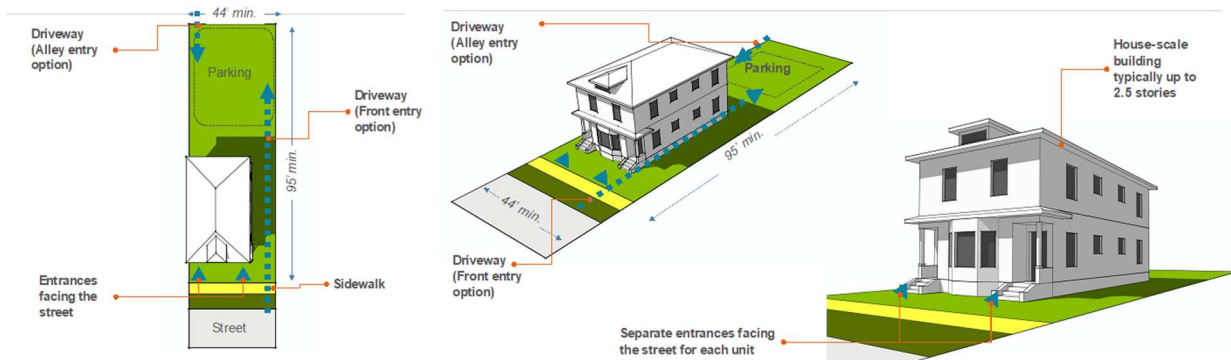
17.10.145 Dual dwelling or duplex.

“Dual dwelling” means two separate single-family dwelling units on a single lot where city water and sewer services are available.

“Duplex” means a building on a single lot containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof. (Ord. 650 § 1, 2020; Ord. 433, App. A, 1997)

17.10.146 Duplex.

“Duplex” means a residential building with 2 attached dwelling units.



17.10.150 Dwelling, multifamily (three to five units).

“Dwelling, multifamily (three to five units)” means a building on a single lot containing three to five dwelling units, including units that are located one over the other or units configured in a townhouse format. (Ord. 433, App. A, 1997)

17.10.155 Dwelling, multifamily (six to 15 units).

“Dwelling, multifamily (six to 15 units)” means a building on a single lot containing six to 15 units, including units that are located one over the other or units configured in a townhouse format. (Ord. 433, App. A, 1997)

17.10.160 Dwelling, multifamily (16+ units).

“Dwelling, multifamily (16+ units)” means one or more two- or three-story, multifamily structures, with each structure containing eight to 20 dwelling units and including related off-street parking, open space, and recreation. (Ord. 433, App. A, 1997)

17.10.165 Dwelling, single-family.

“Dwelling, single-family” means a building containing one dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards. (Ord. 433, App. A, 1997)

17.10.166 Emergency housing.

“Emergency Housing” means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food,

clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

17.10.167 Emergency shelters.

“Emergency Shelter” means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

17.10.168 Encampments on religious property.

“Encampment on religious property” means outdoor encampments, safe parking efforts, indoor overnight shelters, and temporary small (tiny) houses on property owned or controlled by a religious organization to house homeless or temporarily unhoused individuals and families ~~for a period less than four months~~ (RCW 35.21.915).

17.10.170 Factory/manufacturing premises.

“Factory/manufacturing premises” means a building in which raw material and semifinished or finished materials are converted to a different form or state or where goods are manufactured, assembled, treated, or processed. If heavy equipment is being used within the premises, and such equipment emits sounds that can be heard within 100 feet of the outermost boundary of the property on which the factory is set, a vegetative buffer will be required, in addition to possible building design requirements, to help reduce noise in the surrounding neighborhood. (Ord. 467 § 2, 2000; Ord. 433, App. A, 1997)

17.10.175 Family.

“Family” means an individual, or two or more persons related by blood, marriage, legal custody, or by some other legal arrangement, or a group of persons who are not related by blood, marriage, legal custody or law, living together in a dwelling unit. (Ord. 433, App. A, 1997)

17.10.180 Feedlot/rendering plant.

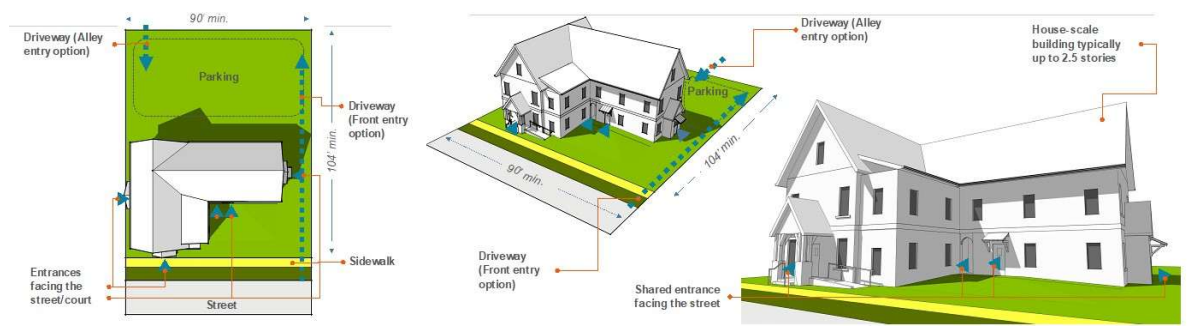
“Feedlot/rendering plant” means any building, part thereof, or lot of land used for the purpose of either/both: (1) the fattening of livestock prior to final shipment or slaughter; (2) the slaughtering and packaging of livestock in an assembly line fashion, or involving the slaughtering/packaging of more than 100 head per day. (Ord. 433, App. A, 1997)

17.10.185 Fire protection.

“Fire protection” means a public building or facility used for the primary purpose of storing and dispatching fire protection equipment to scenes of emergencies. (Ord. 433, App. A, 1997)

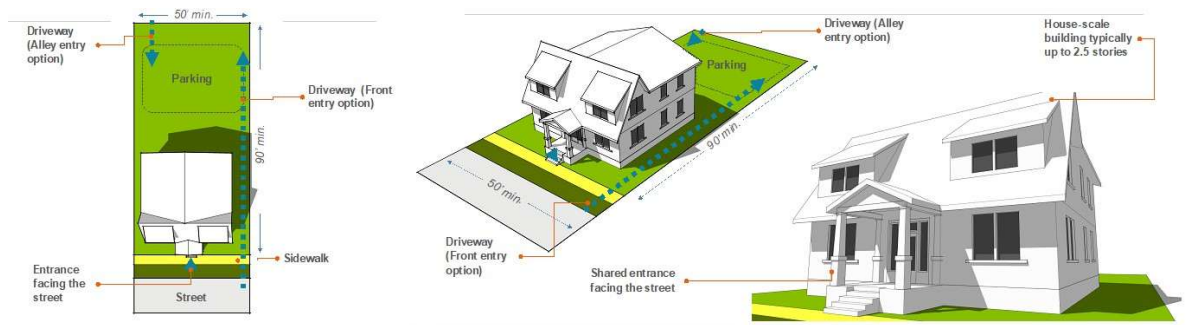
17.10.186 Fiveplex.

“Fiveplex” means a residential building with 5 attached dwelling units.



17.10.187 Fourplex.

“Fourplex” means a residential building with 4 attached dwelling units.



17.10.190 Funeral home.

“Funeral home” means a building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. (Ord. 433, App. A, 1997)

17.10.195 Gas station.

“Gas station” means any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels, servicing and repair of automobiles, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicular accessories. (Ord. 433, App. A, 1997)

17.10.200 Grade.

“Grade” means the elevation of the ground surface. (Ord. 433, App. A, 1997)

17.10.205 Grocery store.

“Grocery store” means any building devoted primarily to the sale of staple foodstuffs and household commodities, which shall include parking at a ratio of six off-street spaces per 100 square feet of gross leasable space. (Ord. 433, App. A, 1997)

17.10.210 Gross floor area.

“Gross floor area” means the total square footage of floor within the supporting structure of a building. (Ord. 433, App. A, 1997)

17.10.215 Group residencies.

Repealed by Ord. 561. (Ord. 433, App. A, 1997)

“Group home” means a building providing lodging to three or more persons including children and with or without disabilities, unrelated to the principal residing family including, among other things, boarding houses and bed and breakfast establishments. This definition excludes multifamily residences, hotels, hospitals, and institutions of involuntary detention.

17.10.220 Health services.

“Health services” means health care facilities as well as establishments providing support to medical profession and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services. (Ord. 433, App. A, 1997)

17.10.225 Home enterprise within a separate facility with less than 2,000 square feet.

(1) "Home enterprise within a separate facility with less than 2,000 square feet" means any activity, including professional services, carried out for gain by a resident and conducted in a separate facility, having no more than 2,000 square feet in total floor space, from the resident's dwelling unit. Such activity may employ no more than five full-time or part-time employees.

(2) Vacation/visitor rentals are a permitted outright use when the separate facility is being leased or rented for transitory stays for periods of less than 30 days; and where the following conditions are being met:

(a) The separate space is no greater than 500 square feet and there are no more than two beds within said space for lease or rent;

(b) Has been added or remodeled pursuant to a properly issued building permit;

(c) Has the following safety equipment installed:

(i) Smoke/fire detectors;

(ii) Fire extinguisher;

(d) Has a legally permitted in-structure restroom;

(e) Has obtained the necessary business licenses, applicable Department of Health license, and registered accordingly with the State Department of Revenue;

(f) No additional parking spaces are required beyond existing parking for the home occupants. (Ord. 629

§ 5, 2018; Ord. 433, App. A, 1997)

17.10.230 Home enterprise within home.

"Home enterprise within home" means any activity, including professional services, carried out for gain by a resident and conducted as customary, incidental, and accessory use in the resident's dwelling unit. Such an enterprise can include the use of no more than two part-time or full-time nonresident employees and shall not require the use of more than 50 percent of the living space of the home to operate. This category does not include day care centers as defined elsewhere. (Ord. 433, App. A, 1997)

17.10.235 Horse arena.

"Horse arena" means an outside area or facility greater than 2,000 square feet in area for the commercial boarding, care, instruction or riding of horses. (Ord. 433, App. A, 1997)

17.10.237 Kennel.

"Kennel" means a commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation. The facility shall also be required to have the approval of the chief of police or their designee with regard to compliance with standards for the keeping of animals. A buffer shall be required between the facility and the adjacent property owners through the use of berms and/or plantings as determined by the Forks planning commission or the city planning director. (Ord. 489 § 2, 2001)

17.10.240 Kiosks.

"Kiosks" means a freestanding structure upon which temporary information and/or posters,

notices, and announcements are posted. (Ord. 433, App. A, 1997)

17.10.245 Labor camp/staging area.

“Labor camp/staging area” means facilities which are designed to provide overnight sleeping, waste disposal and one cooking facility to serve the entire facility for the construction industry, timber management, emergency response, etc. (Ord. 433, App. A, 1997)

17.10.250 Liquor store.

“Liquor store” means a licensed retail facility primarily selling alcohol for human consumption. (Ord. 433, App. A, 1997)

17.10.255 Lot area or size.

“Lot area or size” means the total square feet included within the lot lines. (Ord. 433, App. A, 1997)

17.10.260 Lot, corner.

“Lot, corner” means a lot at the junction of and abutting on two or more intersecting streets where the angle of intersection is 135 degrees or less. (Ord. 433, App. A, 1997)

17.10.265 Lot depth.

“Lot depth” means the average horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line. (Ord. 433, App. A, 1997)

17.10.270 Lot, interior.

“Lot, interior” means a lot other than a corner lot. (Ord. 433, App. A, 1997)

17.10.275 Lot line, front.

“Lot line, front” means, for corner lots, either boundary of the lot abutting a street, as determined by owner. For interior lots, the boundary abutting the street, except for “panhandle” lots where the front lot line shall be the boundary line (extending the width of the lot) which represents an intersection of the driveway portion of the lot with the buildable area of the lot. (Ord. 433, App. A, 1997)

17.10.280 Lot line, rear.

“Lot line, rear” means the boundary of a lot opposite and most nearly parallel to the front lot line. (Ord. 433, App. A, 1997)

17.10.285 Lot line, side.

“Lot line, side” means any boundary line of a lot which is not a front line or a rear lot line. (Ord. 433, App. A, 1997)

17.10.290 Lot of record.

“Lot of record” means a lot which has been recorded, as required by the laws of the state in the office of the auditor of Clallam County. (Ord. 433, App. A, 1997)

17.10.295 Lot, tract, or parcel.

“Lot, tract, or parcel” shall be an ownership of land in which the boundary is defined by a deed recorded in the county auditor’s office and assigned a tax parcel number (or numbers) by the county assessor. It may be described by metes and bounds or by lot number designated in a recorded plat. (Ord. 433, App. A, 1997)

17.10.300 Lot width.

“Lot width” means the lot area divided by the lot depth. (Ord. 433, App. A, 1997)

17.10.305 Medical services.

“Medical services” means health care facilities as well as establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services. (Ord. 433, App. A, 1997)

17.10.308 Middle housing.

“Middle housing” means buildings that are compatible in scale, form, and character with single-family houses and contain 2 or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.

17.10.309 Mixed-use building.

“Mixed-use building” means a building whose ground floor is at least 75 percent occupied by retail or pedestrian-interest activity and the remaining 25 percent of the ground and all of the upper floors are residential.



17.10.310 Mineral extraction or processing.

“Mineral extraction or processing” means the extraction of minerals, including solids, such as coal and ores, liquids, such as crude petroleum, and gases, such as natural gas. This also includes quarrying, ground water diversion, soil removal, milling, such as screening, washing, and flotation, and other preparation customarily done at the mine site or as part of mineral extraction activity. (Ord. 433, App. A, 1997)

17.10.315 Mini-storage facility.

“Mini-storage facility” means a building designed for the leasing of small, individual, secured portions to the public which are used for the storage of personal property. (Ord. 433, App. A, 1997)

17.10.320 Mobile home parks.

“Mobile home parks” means a site containing spaces with required improvements and utilities that are leased for the longtime placement of manufactured houses and that may include services and facilities for residents. (Ord. 433, App. A, 1997)

17.10.325 Motel/hotel/inn.

“Motel/hotel/inn” means a facility, having nine or more lodging units, or being greater than 6,000 square feet, that offers short-term lodging accommodations to the general public, and may provide additional services, such as meals, restaurants, meeting rooms, entertainment, and recreational facilities. (Ord. 629 § 2, 2018; Ord. 433, App. A, 1997)

17.10.330 Multifamily

“Multifamily” means a housing structure, other than single-family, that accommodates multiple households including middle housing duplex, triplex, fourplex, fiveplex, sixplex, townhouse, courtyard buildings, and multiplex/stacked flats. This supersedes the common definition of multifamily to only include multistory apartment buildings, which is a middle housing type called multiplex/stacked flats.

17.10.330 Multi-use building.

“Multi-use building” means a building that has a mixture of commercial and residential uses. (Ord. 433, App. A, 1997)

17.10.335 Natural grade.

“Natural grade” means the elevation of the ground surface in its natural state before manmade alterations. (Ord. 433, App. A, 1997)

17.10.340 Neighborhood park.

“Neighborhood park” means an open area of two to five acres in size and including lawn area, trees, shrubbery, walks, benches, a focal point, such as a fountain or statute, sandbox, play apparatus, and table game area. (Ord. 433, App. A, 1997)

17.10.345 Nonconforming building.

“Nonconforming building” means a building, or a portion thereof, which was lawfully erected and maintained prior to the adoption of the ordinance codified in this title, but which does not conform to the requirements of the zone in which it is located, as provided by this title. (Ord. 433, App. A, 1997)

17.10.350 Nonconforming use.

“Nonconforming use” means a use which was lawfully established and maintained prior to the adoption of the ordinance codified in this chapter, but which does not conform to the requirements (as reflected on the land use matrix) of the zone in which it is located. (Ord. 433, App. A, 1997)

17.10.355 Nursery.

“Nursery” means land used to raise flowers, shrubs and plants for sale, or a retail facility associated with such activities used to market the flowers, shrubs and plants. (Ord. 433, App. A, 1997)

17.10.360 Off-premises sign.

“Off-premises sign” means a sign not located on the premises of the business, institution, or area providing the advertised product or service. (Ord. 433, App. A, 1997)

17.10.365 Off-street parking.

“Off-street parking” means an area not on a street right-of-way for the parking of one or more vehicles having convenient access to a street or alley. (Ord. 433, App. A, 1997)

17.10.370 Outdoor-oriented recreational use.

“Outdoor-oriented recreational use” means improvements and land use activities which are intended to provide for recreation activity which is carried on outside of buildings or which involves the use and enjoyment of features of the surrounding environment to include but not be limited to campgrounds, boat launch facilities, golf courses, and ballfields. (Ord. 433, App. A, 1997)

17.10.375 Ownership.

“Ownership” means possession of the fee title to real estate, or a legal contract to purchase, or a legal contract. (Ord. 433, App. A, 1997)

17.10.380 Park and ride facility.

“Park and ride facility” means a parking lot designed for drivers to leave their cars and use mass transit facilities beginning, terminating, or stopping at the park and ride facility. (Ord. 433, App. A, 1997)

17.10.381 Permanent supportive housing (PSH).

“Permanent Supporting Housing (PSH)” means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services.

17.10.385 Permitted use.

“Permitted use” means land use designated as permitted will not require a land use permit from the Forks planning director. Compliance with other city ordinances (building codes, etc.) will still be required. (Ord. 433, App. A, 1997)

17.10.390 Planned unit development.

“Planned unit development” means an area of minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity and containing one or more residential clusters; appropriate commercial, public or quasi-public uses may be included if such uses are primary for the benefit of the residential development. (Ord. 433, App. A, 1997)

17.10.395 Power generation facilities.

“Power generation facilities” means a facility built for the primary purpose of generating power, greater than four megawatts, via use of solar, hydro-electric, gas, or steam generators. (Ord. 433, App. A, 1997)

17.10.400 Power relay facilities.

“Power relay facilities” means any land, structure or facility used to transmit, transfer or relay power to or from a distribution grid that can include residential, commercial, industrial, or governmental users. (Ord. 433, App. A, 1997)

17.10.405 Primary building.

“Primary building” means a building in which is conducted the principal use of the lot in which it is located. (Ord. 433, App. A, 1997)

17.10.410 Professional office.

“Professional office” means a building used primarily for conducting affairs of a professional service (e.g., medical, dental, chiropractic, accounting, consulting, cosmetologist, or legal), and may include ancillary services for office workers. (Ord. 433, App. A, 1997)

17.10.415 Prohibited. Prohibited. Land uses designated as prohibited shall not be granted any permits in those areas where they are prohibited, unless a variance is granted by the Forks city council after a public hearing has occurred, and notice is provided in the manner described for a conditional use. When a variance is granted, by city ordinance, compliance with other city ordinances (building codes, etc.) will still be required. (Ord. 433, App. A, 1997)

17.10.420 Projecting sign.

“Projecting sign” means any sign which extends away from the building or structure to which it is attached. (Ord. 433, App. A, 1997)

17.10.425 Public building.

“Public building” means a building which is used or owned by a governmental agency. (Ord. 433, App. A, 1997)

17.10.427 Public land.

“Public land” shall include all lands owned by a public entity to include the city, a junior taxing district as recognized as such by the county treasurer, a public utility district, or a state agency or its subdivision; provided, that said lands have been designated as public lands by the city council. (Ord. 502 § 1, 2002)

17.10.430 Public service sign.

“Public service sign” means a permanent sign advertising for public or private “not-for-profit” purposes. (Ord. 433, App. A, 1997)

17.10.435 Race track.

“Race track” means an area, building, or facility devoted to the racing of motor vehicles, nonmotorized vehicles or animals, and all improvements normally associated with racing such as off-street parking, patron seating, and a fixed race track. (Ord. 433, App. A, 1997)

17.10.436 Religious organization

“Religious organization” means a church, synagogue, or other religious entity.

17.10.440 Research facilities.

“Research facilities” means any building, facility or land devoted to or supporting research activities having minimal nuisance characteristics related to odor, noise, glare and radiation. Research is an activity devoted to the obtaining of knowledge and does not include any product retailing or wholesaling activity. Testing for surface and subsurface minerals is not a research activity. (Ord. 433, App. A, 1997)

17.10.445 Restaurant.

“Restaurant” means an establishment where food and drink are prepared, served, and consumed primarily within the principal building. (Ord. 433, App. A, 1997)

17.10.450 Retail store with less than 4,000 square feet of total floor space.

“Retail store with less than 4,000 square feet of total floor space” means a building, having less than 4,000 square feet of total floor space, devoted primarily to the sale of a product, group of products, or services to the general public. This does not include agriculture services, nursery, grocery store, convenience store, medical services, professional offices, liquor stores, adult entertainment, drugstore/pharmacy, shopping center, or automobile sales. (Ord. 433, App. A, 1997)

17.10.455 Retail store with a total floor space ranging between 4,001 and 10,000 square feet.

“Retail store with a total floor space ranging between 4,001 and 10,000 square feet” means a building, having between 4,001 and 10,000 square feet of total floor space, devoted primarily to the sale of a product, group of products, or services to the general public. This does not include agriculture services, nursery, grocery store, convenience store, medical services, professional offices, liquor stores, adult entertainment, drugstore/pharmacy, shopping center, or automobile sales. (Ord. 433, App. A, 1997)

17.10.460 Retail store with a total floor space greater than 10,001 square feet. “Retail store with a total floor space greater than 10,001 square feet” means a building, having a total floor space greater than 10,001 square feet, devoted primarily to the sale of a product, group of products, or services to the general public. This does not include agriculture services, nursery, grocery store, convenience store,

medical services, professional offices, liquor stores, adult entertainment, drugstore/pharmacy, shopping center, or automobile sales. (Ord. 433, App. A, 1997)

17.10.465 Right-of-way.

“Right-of-way” means land over which the public has full dominance to place alleys, streets, roads, rail tracks, or utility lines. (Ord. 433, App. A, 1997)

17.10.470 Rock crushing and asphalt plant.

“Rock crushing and asphalt plant” means a facility used for the purpose of milling rock, such as screening, washing, and flotation, and other preparation customarily done with rock and gravel on-site for the purpose of sale or transport for sale or use off-site. In addition, the use of the facility to make or produce paving materials such as asphalt, concrete, etc. (Ord. 433, App. A, 1997)

17.10.475 RV parks and overnight RV parking facilities.

(1) “RV parks” means land within established locations for the temporary use, less than 60 days, in any one lot or space by recreational vehicles that serve as living quarters for recreational, education, or vacation purposes; as well as for use by nonresidential workers. Such lots must comply with all applicable city, county and state rules and regulations, to include applicable health codes. An RV park is further characterized as being one where the visiting user has access to stand-alone restrooms, sink and shower facilities, common park, telephone services, utility services such as water, sewer or approved septic wastes, privacy fence if necessary as well as other amenities. Even when permitted outright by the zoning code, all such developments must undergo a State Environmental Policy Act (SEPA) as described elsewhere within the Forks Municipal Code.

(2) “RV overnight parking facilities” means land within established locations for the temporary use, less than 60 days, in any one lot or space by recreational vehicles that serve as living quarters for recreational, education, or vacation purposes; as well as for use by nonresidential workers. Such facilities are limited to no more than 10 designated, easily discernible parking locations that provide water, sewer or approved on-site septic disposal, and electrical utilities, as well as a means of legally disposing of solid waste. Such facilities may be required, as part of the permitting process, to address such things as traffic ingress and egress, stormwater drainage, on-site lighting, privacy fence, solid waste, fire hydrants, etc. through a review of the development under the State Environmental Policy Act (SEPA).

(3) “Recreational vehicle” means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a mobile home lot. (Ord. 587 § 1, 2011; Ord. 433, App. A, 1997)

17.10.480 Schools.

“Schools” means any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge. With regard to parking facilities, each school shall maintain an on-site parking ratio of two parking spaces per every 10 employees, either full-time or part-time. In addition, one additional on-site parking unit shall be added to the number above for every 35 projected students to be enrolled at the facility. Finally, if the school is going to enroll students of a driving age, an additional on-site parking unit shall be added to the above at the ratio of one parking space per every five projected driving age students. (Ord. 433, App. A, 1997)

17.10.485 Secondhand sales. “Secondhand sales” means sales of items previously owned by other people. (Ord. 433, App. A, 1997)

17.10.490 Shopping center.

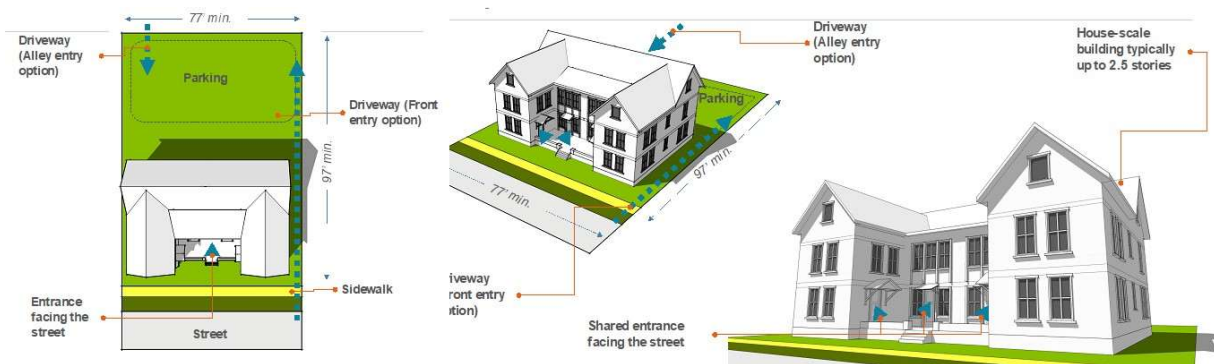
“Shopping center” means a group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan. (Ord. 433, App. A, 1997)

17.10.495 Sign.

“Sign” means any structure, or part thereof, or any device attached, painted, or represented on a structure, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation which is intended to draw attention to a product, service, business or person, or institution or location. It is visible from off-premises. Legal notices and safety and directional devices are excluded. (Ord. 433, App. A, 1997)

17.10.496 Sixplex.

“Sixplex” means a residential building with 6 attached dwelling units.



17.10.500 Slope.

“Slope” means the horizontal distance divided into the average vertical rise over that distance. (Ord. 433, App. A, 1997)

17.10.505 Solid or liquid waste disposal.

“Solid or liquid waste disposal” means a facility or building used for the collection, storage, and disposal of unwanted solid waste materials, including material with insufficient liquid content to be free flowing, or the organic waste and wastewater generated by residential, industrial, and commercial establishments. (Ord. 433, App. A, 1997)

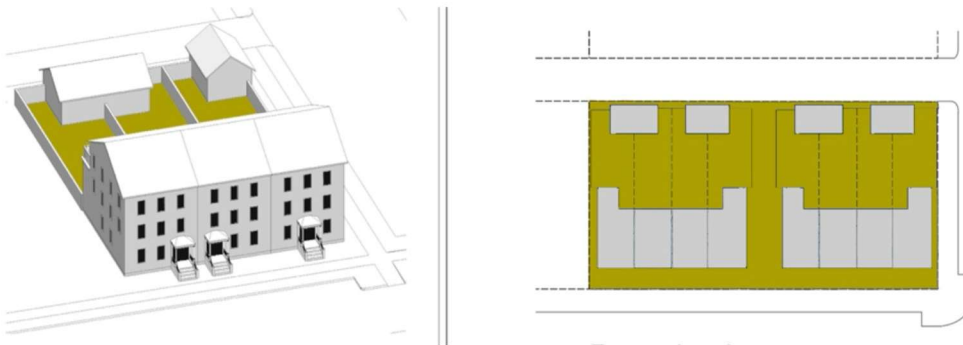
17.10.510 Special use.

Special Use. Land use designated as special use will require an application for a land use permit to be submitted to the Forks planning director. The director’s decision must be published in the journal of record for the city. Additional notice of the decision must be provided to adjacent land owners, and posted on the property. Notice must include explanation of how the decision can be appealed to the Forks planning commission by the filing of a written appeal of the decision to the planning director within 15 days of the date of the decision.

Compliance with other city ordinances (building codes, etc.) will still be required. (Ord. 433, App. A, 1997)

17.10.511 Stacked flat.

“Stacked flat” means dwelling units in a residential building of no more than 3 stories on a residential zoned lot in which each floor may be separately rented or owned.

**17.10.515 Story.**

“Story” means that portion of a building included between the upper surfaces of any floor and the surface of the next floor or roof above. (Ord. 433, App. A, 1997)

17.10.520 Street.

“Street” means a public way established by or maintained under public authority, or a private way open for public use, and a private way plotted or laid out for ultimate public use, whether or not constructed. (Ord. 433, App. A, 1997)

17.10.525 Structure.

“Structure” means anything constructed, or erected, which requires location on the ground, or is attached to something having location on the ground. (Ord. 433, App. A, 1997)

17.10.530 Studio.

“Studio” means (1) the workshop of an artist, sculptor, photographer, or craftsman that is not located on the same’s residential lot as permitted elsewhere within the zoning code; (2) a place for radio or television production; and/or (3) a place where movies are produced. (Ord. 433, App. A, 1997)

17.10.535 Taverns.

“Taverns” means a licensed establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as an accessory to the primary use. (Ord. 433, App. A, 1997)

17.10.540 Theater, indoor.

“Theater, indoor” means a building or part of a building devoted to showing motion pictures. (Ord. 433, App. A, 1997)

17.10.545 Theater, outdoor.

“Theater, outdoor” means an open lot devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles. (Ord. 433, App. A, 1997)

17.10.550 Timber harvesting.

“Timber harvesting” means the act of cultivating and harvesting of trees that will have only a minimal impact on neighboring residential uses when undertaken in low density areas. Such activities may include timber harvesting, land preparation for tree planting, temporary road construction, tree thinning, brush control, temporary storage of logs, materials, vehicles and

equipment supporting timber growing on-site, and temporary chipping and barking of timber harvested on-site utilizing portable equipment. (Ord. 433, App. A, 1997)

17.10.555 Timber management.

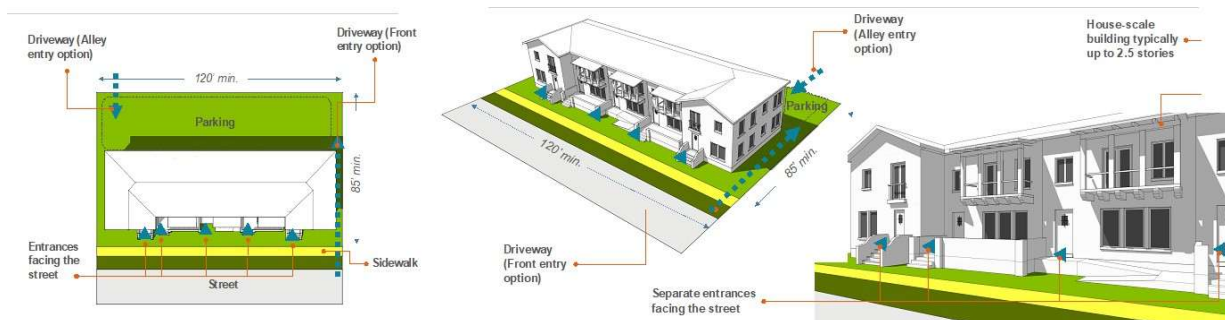
“Timber management” means improvements and activities associated with growing and harvesting of trees. Such activity includes land preparation for tree planting, road construction, tree thinning, brush control, log storage and sorting yards, tree nursery facilities, research activity related to timber growing, improvements required for environmental impact mitigation, temporary chipping and barking activity utilizing portable equipment, storage of materials, vehicles and equipment supporting timber growing, harvesting and transportation activities, staging areas and facilities, timber transshipment facilities, log scaling facilities, the extraction of gravel and rock necessary to support timber management activity (so long as such extraction does not become the primary activity upon such a site), and all other silviculture and associated practices which are recognized by and consistent with the regulations of the Washington State Forest Practices Act of 1974. (Ord. 433, App. A, 1997)

17.10.560 Tower.

“Tower” means a structure that is intended to send and/or receive radio, telephonic and television communications. (Ord. 433, App. A, 1997)

17.10.581 Townhouse.

“Townhouses” means buildings that contain 3 or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than 2 sides.

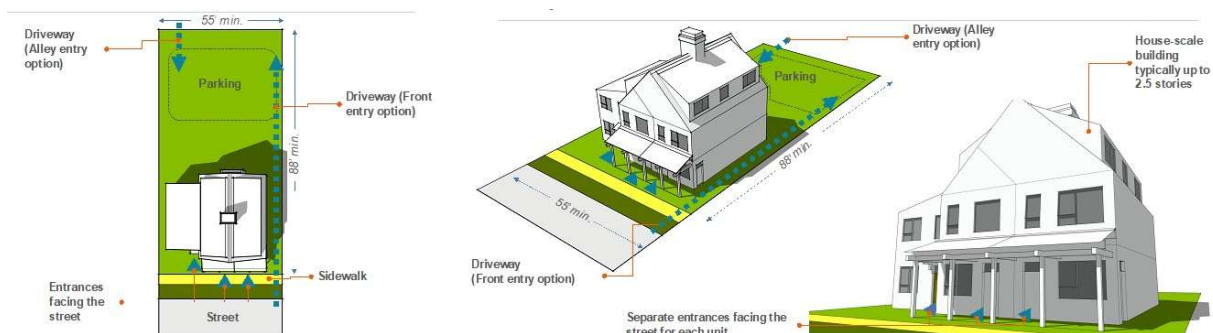


17.10.582 Transitional housing.

“Transitional housing” means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

17.10.583 Triplex.

“Triplex” means a residential building with 3 attached dwelling units.



17.10.584 Unit density.

“Unit density” means the number of dwelling units allowed on a lot, regardless of lot size.

17.10.565 Utilities, other than power/sewer.

“Utilities, other than power/sewer” means facilities or land used for the purpose of generating, transmitting, and/or distributing communication signals and water to residential, commercial, public and industrial users. Does not include a tower as defined elsewhere within this chapter. (Ord. 433, App. A, 1997)

17.10.567 Vacation/visitor rental.

“Vacation/visitor rental” means any activity where the entirety of a structure is being leased or rented as a single unit for transitory stays for periods of less than 30 days and which may, or may not, require additional licenses from local and/or state agencies. When an existing use associated with a building is being converted to this purpose, the separate designation within the land use matrix (FMC 17.15.060) shall be controlling as to the nature of the permit required. (Ord. 629 § 3, 2018)

17.10.570 Vehicle.

“Vehicle” means all self-propelled instrumentalities used for the movement of persons or property and any trailers for such instrumentalities. (Ord. 433, App. A, 1997)

17.10.575 Vehicular repair.

“Vehicular repair” means a building and facility whose primary purpose is the maintenance, servicing, repair, or painting of vehicles without the sale of fuel being an accessory use. (Ord. 433, App. A, 1997)

17.10.580 Veterinary clinic.

“Veterinary clinic” means a place where animals are given medical care and the boarding of animals is limited to short-term care incidental to or in conjunction with the medical treatment provided. This definition shall not be applied to those facilities that breed and/or board animals in addition to medical treatment. Nor shall this definition apply to facilities that conduct experiments with animals. (Ord. 489 § 2, 2001)

17.10.585 Warehouse.

“Warehouse” means a building used primarily for the storage of goods and materials by the owner of the goods or operated for a specific commercial establishment or group of establishments in a particular industrial or economic field. (Ord. 433, App. A, 1997)

17.10.590 Wrecking yard.

“Wrecking yard” means any area of a lot, building, or facility used for the storage, collection, processing, purchase, sale, salvage, or disposal motor vehicles, and/or heavy equipment and machinery. In addition to proper state licenses, such facilities shall be required to have a buffer between their property and adjacent properties that can include any and all of the following, as required by the planning director and the building director: berms, fencing, walls, plantings, etc. (Ord. 433, App. A, 1997)

17.10.595 Yard.

“Yard” means an open space abutting a lot line unobstructed and unoccupied from the ground upward by any building or structure. A yard shall extend into the lot to the drip line of the building. (Ord. 433, App. A, 1997)

17.10.600 Yards, front.

“Yards, front” means an open space extending the full width of the lot between a main building and

the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward, the depth of which shall be the least distance between the front lot line and the front of main building. (Ord. 433, App. A, 1997)

17.10.605 Yards, interior side.

“Yards, interior side” means any side yard, not on the street side of a corner lot. (Ord. 433, App. A, 1997)

17.10.610 Yards, rear.

“Yards, rear” means an open space extending the full width of a lot between the rearmost main building and the rear lot line, unoccupied and unobstructed by buildings or structures from the ground upward. (Ord. 433, App. A, 1997)

Chapter 17.15 GENERAL PROVISIONS

Sections:

17.15.010 Limitations.

17.15.020 Code interpretation.

17.15.030 Zoning map interpretation.

17.15.040 Land use districts designated.

17.15.050 Exemption for the creation of lots or parcels for the purpose of road, utility, and/or drainage rights-of-way or similar such public use.

17.15.060 Land use matrix.

17.15.010 Limitations.

No building, structure, or land shall be erected, reconstructed, or used except as provided and allowed in the zone in which such building, structure, or land is located. No existing lot nor any lot hereafter established shall be altered to reduce yard, open space, or lot area required by this code. No area reserved for street purposes, nor any area from an abutting lot shall be included in determining total yard area within a specific lot, unless specifically allowed elsewhere within this code. (Ord. 433 § 3.10, 1997)

17.15.020 Code interpretation.

(1) This code and each and all of the terms within the text are to be read and interpreted in light of the zoning map. If any conflict between the map and the text of this code is deemed to arise, the text of this code will prevail.

(2) Where this code imposes greater restrictions upon the use or development of land than is required by other laws, codes, rules, or regulations, the provisions of this code shall apply.

(3) Unless specifically stated, it is not intended by this code to abolish or in any way interfere with any existing provisions of law, regulations, permits, easements, covenants, or previous agreements between parties relating to the use of buildings or land, and such provisions shall apply unless provisions within this code impose greater restrictions upon the use, erection, moving or alteration of building or land. (Ord. 433 § 3.20, 1997)

17.15.030 Zoning map interpretation.

(1) Where a zone boundary is shown as a lot line, such lot line as surveyed on the ground or established on the ground by a final decision of court of competent jurisdiction shall constitute such boundary.

(2) Where a zone boundary is shown as a waterway, the boundary shall be the center of the waterway or that portion of the waterway that is associated with the boundaries of the city of Forks.

(3) Where a street or alley is officially vacated, the vacated area shall acquire the classifications of the property it abuts. Areas of dedicated streets and alleys, unless otherwise classified, shall be deemed unclassified and in the case of streets and alleys shall be permitted to be used only for street and alley purposes as herein defined. (Ord. 433 § 3.30, 1997)

17.15.040 Land use districts designated.

In order to accomplish the stated goals, objectives, and policies of the Forks comprehensive plan, the following use classifications are established for the city of Forks:

Primary Districts

- R-1 Very Low Density Residential
- R-2 Low Density Residential
- R-3 Moderate Density Residential
- R-4 High Density Residential
- C-1 Low Density Commercial
- C-2 Moderate Density Commercial
- C-3 High Density Commercial
- FIP Forks Industrial Park
- I General Industrial Combining Districts
- OL-1 Combination District of Low Density Commercial and High Density Residential
- OL-2 Combination District of Low Density Commercial and Moderate Density Residential
- OL-3 Combination District of Low Density Commercial and Low Density Residential
- OL-4 Combination District of Moderate Density Commercial and High Density Residential
- OL-5 Combination District of Moderate Density Commercial and Moderate Density Residential
- OL-6 Combination District of High Density Commercial and High Density Residential

(Ord. 433 § 3.40, 1997)

17.15.050 Exemption for the creation of lots or parcels for the purpose of road, utility, and/or drainage rights-of-way or similar such public use.

No requirements established by this code shall be applied to lots or parcels of land being conveyed, created, dedicated, purchased and/or sold to a public governmental entity for the sole or primary purpose of establishing a new or expanding upon an existing road, utility, or drainage right-of-way. Nor shall this code be applicable to any such similar transaction involving real property for a similar public purpose or use. (Ord. 453 § 1, 1999; Ord. 433 § 3.50, 1997)

17.15.060 Land use matrix.

C – Conditional P – Permitted S – Special X – Prohibited

Use	R-1 Very Low Density	R-2 Low Density	R-3 Moderate Density	R-4 High Density	C-1 Low Density	C-2 Moderate Density	C-3 High Density	Public Land	Industrial Park Zone	Industrial General
Accessory Dwelling Units	S	S	S	S	X	X	X	X	X	X
Adult entertainment	X	X	X	C	C	C	C	X	X	C
Affordable housing	P	P	P	P	P	P	P	X	X	X
Agriculture	P	P	S	C	P	X	X	P	X	X
Agriculture services	S	S	C	X	P	P	P	X	C	C

Use	R-1 Very Low Density	R-2 Low Density	R-3 Moderate Density	R-4 High Density	C-1 Low Density	C-2 Moderate Density	C-3 High Density	Public Land	Industrial Park Zone	Industrial – General
Amusement arcade	X	X	X	X	C	C	C	X	X	X
Arts and entertainment center	C	C	C	C	P	P	P	S	X	X
Automobile sales	X	X	X	X	P	P	P	X	X	X
Billboard signs (sign area greater than 40 sq. ft.)	X	X	X	X	C	C	C	C	C	X
Campgrounds other than RVs	C	C	C	C	C	C	C	C	X	X
Cemetery	P	P	P	X	X	X	X	P	X	X
Christmas tree farm	X	X	X	P	P	X	X	C	X	X
Church	C	C	C	C	P	P	C	X	X	X
Clubs and fraternal organization	S	S	S	C	S	S	S	X	X	X
Co-living housing	P	P	P	P	C	C	C	X	X	X
Commercial greenhouse	C	C	C	C	P	P	P	X	C	C
Condominium	P	P	C	C	C	C	X	X	X	X
Convenience store	X	X	X	C	P	P	P	X	X	C
Cottage housing	X	C	C	X	X	X	X	X	X	X
Courtyard building	X	C	S	P	C	C	C	X	X	X
Day care center with more than 12 kids	C	C	C	C	P	P	C	X	X	X

Use	R-1 Very Low Density	R-2 Low Density	R-3 Moderate Density	R-4 High Density	C-1 Low Density	C-2 Moderate Density	C-3 High Density	Public Land	Industrial Park Zone	Industrial – General
Day care center with less than 12 kids	P	P	P	P	P	S	C	X	X	X
Drugstore/retail pharmacy	C	C	C	C	P	P	P	X	X	X
Single-family dwelling	P	P	P	P	P	P	P	X	X	X
Duplex	P	P	P	P	S	S	P	X	X	X
Encampments on religious property	C	C	C	C	C	C	C	X	X	X
Emergency housing	X	C	C	C	S	S	S	X	X	X
Emergency shelter	X	X	C	C	S	S	S	X	X	X
Factory/manufacturing premises	X	X	X	X	C	C	C	X	P	C
Feed lot/rendering plant	X	X	X	X	C	C	X	X	C	C

Fire protection	C	C	C	C	C	C	C	P	C	C
Fiveplex	X	C	P	P	S	S	C	X	X	X
Fourplex	X	C	P	P	S	S	C	X	X	X
Funeral home	C	C	C	C	P	P	P	X	C	C
Gas station	C	C	X	X	S	P	P	X	C	X
Grocery store	C	C	X	X	P	P	P	X	X	X
Health clubs	C	C	C	C	P	P	P	X	X	X
Home enterprise within home	S/P ⁱⁱ	S/P ⁱⁱ	S/P ⁱⁱ	P ⁱⁱ	P ⁱⁱ	P ⁱⁱ	P ⁱⁱ	X	X	X
Home enterprise within separate facility with less than 2,000 sq. ft.	S ^{**}	S ^{**}	S ^{**}	S ^{**}	P	P	P	X	X	X
Horse arena	X	X	C	C	C	C	X	C	X	X

Use	R-1 Very Low Density	R-2 Low Density	R-3 Moderate Density	R-4 High Density	C-1 Low Density	C-2 Moderate Density	C-3 High Density	Public Land	Industrial Park Zone	Industrial – General
Kennel	C	C	X	X	S	S	C	C	X	X
Kiosks	C	C	C	P	P	P	P	P	X	X
Labor camp and/or staging area	X	X	C	C	C	C	C	P	C	C
Liquor stores	X	X	X	X	C	C	C	X	X	X
Medical services	C	C	C	P	P	P	P	C	X	X
Mineral extraction or processing	X	X	X	X	X	X	X	C	S	C
Mini-storage facility	C	C	C	C	P	P	X	X	X	X
Motel/hotel/inn	X	C	C	C	S	S	S	X	X	X
Multi-use building	C	C	C	P	P	P	P	C	C	X
Multifamily dwelling (seven to nine units)	X	C	S	P	S	S	S	X	X	X
Multifamily dwelling (10 plus units) ⁱⁱⁱ	X	C	C	P	C	C	C	X	X	X
Mobile home parks	C	C	C	C	X	X	X	X	X	X
Neighborhood park	S	S	S	S	S	S	S	P	X	X
Nursery	S	S	S	S	P	P	P	X	C	C
Outdoor-oriented recreational use	C	C	C	X	P	P	P	P	X	C
Park and ride facility	C	C	C	P	X	C	P	P	P	C
Permanent Supportive Housing (PSH)	P	P	P	P	P	P	P	X	X	X
Planned unit development	P	P	P	P	C	X	X	X	X	X

Use	R-1 Very Low Density	R-2 Low Density	R-3 Moderate Density	R-4 High Density	C-1 Low Density	C-2 Moderate Density	C-3 High Density	Public Land	Industrial Park Zone	Industrial – General
Power generation facilities	X	X	X	X	X	X	X	C	C	C
Power relay facilities	C	C	C	X	C	C	C	S	C	C
Professional office	P	P	S	S	P	P	P	C	X	X
Public building	C	C	C	C	C	C	C	C/Si	S	C
Race track	C	C	X	X	C	C	C	X	X	C
Research facilities	C	C	C	X	C	C	C	C	P	C
Restaurant	C	C	C	C	P	P	P	X	X	X
Retail store w/ less than 4,000 sq. ft. of total floor space	X	X	C	X	P	P	P	X	C	X
Retail store w/ 4,000 to 10,000 sq. ft. of total floor space	X	X	X	X	C	P	P	X	C	C
Retail store w/ 10,001+ sq. ft. of total floor space	X	X	X	X	C	C	C	X	C	C
Rock crushing and asphalt plant	X	X	X	X	X	X	X	C	P	C
RV parks*	C	C	C	C	P	S	C	X	X	X
RV overnight facilities	C	C	C	C	C	C	C	C	X	X
Schools	C	C	C	C	C	C	C	C	C	X
Shopping center	X	X	X	X	X	C	P	X	X	X
Single-family dwelling	P	P	P	P	P	P	P	X	X	X
Sixplex	X	C	S	P	C	C	C	X	X	X
Small inn	S	S	C	C	P	S	S	X	X	X

Use	R-1 Very Low Density	R-2 Low Density	R-3 Moderate Density	R-4 High Density	C-1 Low Density	C-2 Moderate Density	C-3 High Density	Public Land	Industrial Park Zone	Industrial – General
Solid or liquid waste disposal	X	X	X	X	C	C	X	C	C	C
Stacked flats	X	C	P	P	C	C	C	X	X	X
Studio	S	S	S	S	P	P	P	X	S	C
Taverns	X	X	X	X	C	C	C	X	X	X
Theater, indoor	C	C	X	X	C	C	C	X	X	X
Theater, outdoor	C	C	X	X	C	C	C	X	X	X
Timber harvesting	P	P	S	X	S	C	X	P	C	C
Timber management and processing	P	P	S	X	S	C	X	X	P	C
Tower	C	C	C	X	C	C	X	S	S	C
Townhouse	X	C	P	P	S	C	C	X	X	X
Transitional housing	C	P	P	P	P	P	P	X	X	X
Triplex	X	C	P	P	S	S	S	X	X	X
Utilities, other than power/sewer	C	C	C	C	C	C	C	P/C ⁱ	C	C
Vacation/visitor rental	S	S	S	P	P	P	P	X	X	X
Vehicular repair	X	X	X	X	P	P	P	X	S	C
Veterinary clinic	X	X	X	S	P	P	P	X	X	X
Warehouse	X	X	X	X	C	C	X	C	P	C
Wrecking yard	X	X	X	X	C	C	C	X	X	X

* Any new development of an RV park will be required to undertake a State Environmental Policy Act review and determination pursuant to FMC 14.10.090 even if such use is permitted outright pursuant to this chapter.

** Vacation/visitor rental may be permitted pursuant to FMC 17.10.225.

i See Chapter 17.52 FMC, PL – Public Land District.

ii See FMC 17.75.045, Home enterprises within home – Cases when permitted outright.

iii Any multifamily dwelling project consisting of 10 units or more will be required to undertake a State Environmental Policy Act review and determination pursuant to FMC 14.10.090 even if such use is permitted outright pursuant to this chapter.

(Ord. 629 § 6, 2018; Ord. 587 § 2, 2011; Ord. 580 § 1, 2010; Ord. 561 § 2, 2008; Ord. 560 § 1, 2008; Ord. 531 § 1, 2005; Ord. 514 § 2, 2004; Ord. 502 § 3, 2002; Ord. 489 §§ 1, 3, 2001; Ord. 467 § 1, 2000; Ord. 433, App. B, 1997)

Development standards

Minimum lot area	R-1 Very Low Density	R-2 Low Density	R-3 Moderate Density	R-4 High Density	C-1 Low Density	C-2 Moderate Density	C-3 High Density	Public Land	Industrial Park Zone
Minimum lot area in acres	5.0						5.0		
Minimum lot area in square feet					13,500	4,500	2,500	200	12,500
Maximum single-family density in du/acre	0.2	2.0	3.2	9.7					
Maximum multi-family density in du/acre	0.2	2.0	14.5	17.4					
Minimum lot area (square feet)									
Single-family (3)	217,800	20,000	13,500	4,500					
Multi-family			3,000	2,500					
Accessory Dwelling Unit ADU	6,000	6,000	4,000	4,000					
Duplex			4,000	4,000					
Triplex			4,500	4,500					
Fourplex			4,500	4,500					
Fiveplex				9,500					
Sixplex				6,000					
Townhouse – 3 units				6,500					
Townhouse – 5 units				10,200					
Courtyard building				7,200					
Stacked flats/multiplex				10,200					
Co-living			4,000	4,000					
Cottage housing – 6 units			12,600						
Minimum lot width (feet)									
At building line	200	100	70	50	50	45	25		50
Single-family detached			50						
Accessory Dwelling Unit (ADUs)									
Duplex, triplex, fourplex			45						
Fiveplex				90					
Sixplex				55					
Townhouse – 3 units				80					
Townhouse – 5 units				120					
Courtyard building				80					
Stacked flats/multiplex/Multi-family				120					
Co-living				80					
Cottage housing s			105						

Minimum lot depth (feet)	R-1 Very Low Density	R-2 Low Density	R-3 Moderate Density	R-4 High Density	C-1 Low Density	C-2 Moderate Density	C-3 High Density	Public Land	Industrial Park Zone
Minimum lot	150	90	90	90	100	100	100		100
Single-family detached			90						
Accessory Dwelling Unit (ADU)									
Duplex, triplex, fourplex			85						
Fiveplex				105					
Sixplex				100					
Townhouse – 3 units				85					
Townhouse – 5 units				60					
Courtyard building				100					
Stacked flats/multiplex/Multi-family				85					
Co-living				60					
Cottage housing s			120						
Setbacks (feet)									
Front yard (1)	20	20	20	20					
Side yard	15	5	5	5					
Side yard adjacent to a residential use					10		20	10	30
Rear yard (2)	10	10	10	10					
Rear yard to the center of an alley (4)					10	10			
Rear yard adjacent to a residential use					25	25	25		
Side or rear yard (5)					10	10	10		30
Accessory structures									
Lot coverage by buildings									
Total lot coverage									
Accessory buildings of rear yard									
Maximum height (feet)									
Main buildings	32	32	32	32	32	32	32	32	32

(1) May be reduced in R-1 to 15 feet, in R-2, R-3, and R-4 to 15 feet if no impairment.

(2) May be reduced in R-1 to 10 feet, in R-2, R-3, and R-4 to 5 feet if no impairment.

(3) Minimum lot area in R-3 is 13,500 square feet or per health code if private septic system being used.

(4) No obstructions can interfere with emergency access.

(5) At least the side or rear yard shall be at least 10 feet from the applicable lot line excluding any dedicated street or alley.

Affordable housing incentives.

(1) Increased density may be allowed consistent with local needs for any affordable housing development of any single-family or middle-housing residence located on real property owned or controlled by a religious organization (RCW 36.70A.545)

(2) Additional housing units may be created within existing commercial, mixed-use, and middle housing buildings that are exempt from density limits, parking, and other regulations (RCW 35A.21.440 and RCW 35.21.990).

Chapter 17.20
R-1– VERY LOW-DENSITY RESIDENTIAL DISTRICT

Sections:

17.20.010 Purpose.

17.20.020 Land uses.

17.20.030 Lot/yard minimum standards.

17.20.040 Height/density regulations.

17.20.010 Purpose.

The purpose of this district is to comply with the comments received from CTED, dated October 21, 1997, regarding the keeping of "densities low inside the incorporated urban growth area where urban services are not currently available...". The zone consists of properties that currently have little or no infrastructure in place, yet were placed into the agreed upon urban growth area in 1991. The R-1 zones are likely areas where urban development and/or infill development will occur in time, however, the density and lot size requirements take into account the undeveloped nature of the property within the zones. When roadways, electrical power, water service and telephone services are expanded into these areas by developers or utilities, then those areas would become candidates for rezoning into another zone. While sewer is an urban service, current state law permits the usage of septic systems through Washington, therefore sewer expansion is not necessarily mandated of developers attempting to obtain a rezone. The parcel size is such that upon the installation of the infrastructure noted above, the minimum sized lots could be redivided via a subdivision application or short plat application depending upon how the parcel in question is rezoned. Examples of very low density residential, however not limited to said examples, would be the parcels of commercial forest that exist to the west of Andersonville, the area associated with the southwestern portions of the FUGA, and portions of property between Merchant Road and Elk Valley along the Calawah River. (Ord. 433 § 4.10, 1997)

17.20.020 Land uses.

Land uses associated with this zoning designation are found in the column marked "(Very Low Density) Residential 1" of the land use matrix found at FMC 17.15.060. Procedures associated with obtaining permits for special and conditional uses are found elsewhere within this title. When considering all activities and application of this code to said activities, the applicant and the city need to also review Chapter 17.75 FMC, Special Conditions. (Ord. 433 § 4.20, 1997)

17.20.030 Lot/yard minimum standards.

(1) Minimum lot area: five acres.

(2) Minimum lot depth: 150 feet.

(3) Minimum lot width: 200 feet.

(4) Minimum Front Yard. Minimum front yard setback shall be 20 feet from the applicable lot line when considering the extension, expansion, or replacement of existing buildings and the construction of new buildings. However, upon a finding by the city building inspector that no impairment would occur to the public's safety, or the ability of fire fighters or police to access the property in the event of an emergency, this setback may be administratively reduced by said official to 15 feet. Such a decision shall also be based upon the existing lot size and/or existing building placement.

(5) Minimum Side Yard. Minimum side yard setback shall be 15 feet from the applicable lot line when considering the extension, expansion, or replacement of existing buildings and the construction of new buildings. However, upon a finding by the city building inspector that no impairment would occur to the public's safety, or the ability of fire fighters or police to access the property in the event of an emergency, this setback may be administratively reduced by said official to 10 feet.

(6) Minimum Rear Yard. Minimum rear yard setback shall be 10 feet from the applicable lot line when considering the extension, expansion, or replacement of existing buildings and the construction of new buildings. (Ord. 481 § 1, 2001; Ord. 433 § 4.30, 1997)

17.20.040 Height/density regulations.

(1) Maximum Building Height.

(a) Maximum building height shall be 32 feet. However, said height restriction can be exceeded upon obtaining written prior approval from the designee of the fire district that the building shall not constitute a fire hazard that could not be addressed by the fire district, as well as a written statement that the manner in which the building is being proposed for construction will not constitute a threat to public safety. In addition, any such building would be required to meet the Uniform Building Code's wind and fire protection requirements. Written approval from the designee of the fire district shall accompany any building permit application for a building exceeding this height restriction. In some cases, a building exceeding the height restriction may also be subject to the State Environmental Policy Act which could result in the height restriction being required for reasons associated with environmental concerns.

(b) In no case, does permission from the designee of the fire district equate to permission to proceed with construction from the city.

(c) The above does not apply to those structures (mechanical appurtenances, chimneys, water tanks, etc., constituting no more than 15 percent of the total building or site area) noted within FMC 17.75.090. Regarding those types of structures, approval of the Forks planning commission shall still be required.

(2) Maximum Density. In granting a conditional use permit for multiple-family dwelling structures, the Forks planning commission shall determine that the proposed multiple-family dwelling structure together with any existing development and anticipate future development of permitted uses within the block in which development is proposed will not result in a density level exceeding one dwelling unit per five acres. In considering planned unit developments the density of this zone shall be one unit per five acres. (Ord. 446 § 1, 1998; Ord. 433 § 4.40, 1997)

Chapter 17.25

R-2– LOW DENSITY RESIDENTIAL DISTRICT

Sections:

17.25.010 Purpose.

17.25.020 Land uses.

17.25.030 Lot/yard minimum standards.

17.25.040 Height/density regulations.

17.25.010 Purpose.

This district is intended to incorporate some rural amenities related to certain agricultural and animal husbandry uses of property which may now exist inside the city limits of Forks as well as properties which may choose to annex to the city in the future. Examples of low density residential, however not limited to said examples, would be the eastern portions of Division Street and portions of Bogachiel Way between Page Road and Valley View. (Ord. 433 § 5.10, 1997)

17.25.020 Land uses.

Land uses associated with this zoning designation are found in the column marked "(Low Density) Residential 2" of the land use matrix found at FMC 17.15.060. Procedures associated with obtaining permits for special and conditional uses are found elsewhere within this title. When considering all activities and application of this code to said activities, the applicant and the city need to also review Chapter 17.75 FMC, Special Conditions. (Ord. 433 § 5.20, 1997)

17.25.030 Lot/yard minimum standards.

(1) Minimum lot area: 20,000 square feet.

(2) Minimum lot depth: 90 feet.

(3) Minimum lot width: 100 feet.

(4) Minimum Front Yard. Minimum front yard setback shall be 20 feet from the applicable lot line when considering the extension, expansion, or replacement of existing buildings and the construction of new buildings. However, upon a finding by the city building inspector that no impairment would occur to the public's safety, or the ability of fire fighters or police to access the property in the event of an emergency, this setback may be administratively reduced by said official to 15 feet. Such a decision shall also be based upon the existing lot size and/or existing building placement.

(5) Minimum Side Yard. Minimum side yard setback shall be five feet from the applicable lot line when considering the extension, expansion, or replacement of existing buildings and the construction of new buildings.

(6) Minimum Rear Yard. Minimum rear yard setback shall be 10 feet from the applicable lot line when considering the extension, expansion, or replacement of existing buildings and the construction of new buildings. However, upon a finding by the city building inspector that no impairment would occur to the public's safety, or the ability of fire fighters or police to access the

property in the event of an emergency, this setback may be administratively reduced by said official to five feet. (Ord. 481 § 2, 2001; Ord. 433 § 5.30, 1997)

17.25.040 Height/density regulations.

(1) Maximum Building Height.

(a) Maximum building height shall be 32 feet. However, said height restriction can be exceeded upon obtaining written prior approval from the designee of the fire district that the building shall not constitute a fire hazard that could not be addressed by the fire district, as well as a written statement that the manner in which the building is being proposed for construction will not constitute a threat to public safety. In addition, any such building would be required to meet the Uniform Building Code's wind and fire protection requirements. Written approval from the designee of the fire district shall accompany any building permit application for a building exceeding this height restriction. In some cases, a building exceeding the height restriction may also be subject to the State Environmental Policy Act which could result in the height restriction being required for reasons associated with environmental concerns.

(b) In no case, does permission from the designee of the fire district equate to permission to proceed with construction from the city.

(c) The above does not apply to those structures (mechanical appurtenances, chimneys, water tanks, etc., constituting no more than 15 percent of the total building or site area) noted within FMC 17.75.090. Regarding those types of structures, approval of the Forks planning commission shall still be required.

(2) Maximum Density. In granting a conditional use permit for multiple-family dwelling structures, the Forks planning commission shall determine that the proposed multiple-family dwelling structure together with any existing development and anticipated future development of permitted uses within the block in which development is proposed will not result in a density level exceeding two dwelling units per acre. In considering planned unit developments the density of this zone shall be two units per acre. (Ord. 446 § 1, 1998; Ord. 433 § 5.40, 1997)

Chapter 17.30
R-1 –
MODERATE
DENSITY
RESIDENTIAL
DISTRICT

Sections:

17.30.010 Purpose.

17.30.020 Land uses.

17.30.030 Lot/yard minimum standards.

17.30.040 Height/density regulations.

17.30.010 Purpose.

This use is designed to preserve small-town qualities enjoyed by area residents in the face of rapid growth and development. An example of, but not limited to, this zone would be the areas of Terra Eden/Sherwood Forest and the Mansfield Additions. (Ord. 433 § 6.10, 1997)

17.30.020 Land uses.

Land uses associated with this zoning designation are found in the column marked "(Moderate Density) Residential 3" of the land use matrix found at FMC 17.15.060. Procedures associated with obtaining permits for special and conditional uses are found elsewhere within this title. When considering all activities and application of this code to said activities, the applicant and the city need to also review Chapter 17.75 FMC, Special Conditions. (Ord. 433 § 6.20, 1997)

17.30.030 Lot/yard minimum standards.

(1) Minimum lot area: 13,500 square feet or per health code if a private septic system is being utilized rather than access to a state approved sewer system such as that operated by the city of Forks. For multiple-family dwellings, there shall be a minimum of 3,000 square feet per dwelling unit on each lot.

(2) Minimum lot depth: 90 feet.

(3) Minimum lot width: 70 feet.

(4) Minimum Front Yard. Minimum front yard setback shall be 20 feet from the applicable lot line when considering the extension, expansion, or replacement of existing buildings and the construction of new buildings. However, upon a finding by the city building inspector that no impairment would occur to the public's safety, or the ability of fire fighters or police to access the property in the event of an emergency, this setback may be administratively reduced by said official to 15 feet. Such a decision shall also be based upon the existing lot size and/or existing building placement.

(5) Minimum Side Yard. Minimum side yard setback shall be five feet from the applicable lot line when considering the extension, expansion, or replacement of existing buildings and the construction of new buildings.

(6) Minimum Rear Yard. Minimum rear yard setback shall be 10 feet from the applicable lot line when considering the extension, expansion, or replacement of existing buildings and the

construction of new buildings. However, upon a finding by the city building inspector that no impairment would occur to the public's safety, or the ability of fire fighters or police to access the property in the event of an emergency, this setback may be administratively reduced by said official to five feet.

In determining setback requirements within this district, all measurements shall utilize as their beginning point the structure's footprint closest to the lot line for which the setback is being determined. The minimum zone size shall be 20 acres. (Ord. 481 § 3, 2001; Ord. 433 § 6.30, 1997)

17.30.040 Height/density regulations.

(1) Maximum Building Height.

(a) Maximum building height shall be 32 feet. However, said height restriction can be exceeded upon obtaining written prior approval from the designee of the fire district that the building shall not constitute a fire hazard that could not be addressed by the fire district, as well as a written statement that the manner in which the building is being proposed for construction will not constitute a threat to public safety. In addition, any such building would be required to meet the Uniform Building Code's wind and fire protection requirements. Written approval from the designee of the fire district shall accompany any building permit application for a building exceeding this height restriction. In some cases, a building exceeding the height restriction may also be subject to the State Environmental Policy Act which could result in the height restriction being required for reasons associated with environmental concerns.

(b) In no case, does permission from the designee of the fire district equate to permission to proceed with construction from the city.

(c) The above does not apply to those structures (mechanical appurtenances, chimneys, water tanks, etc., constituting no more than 15 percent of the total building or site area) noted within FMC 17.75.090. Regarding those types of structures, approval of the Forks planning commission shall still be required.

(2) Maximum Density. In granting a conditional use permit for multiple-family structures, the Forks planning commission shall determine that the proposed multiple-family dwelling structure, together with any existing development and anticipated future development of permitted uses within the block in which the development is proposed will not result in a density level exceeding five dwelling units per acre. In considering planned unit developments the density in this area shall not exceed five units per acre. (Ord. 446 § 1, 1998; Ord. 433 § 6.40, 1997)

Chapter 17.35
R-2 – HIGH
DENSITY
RESIDENTIAL
DISTRICT

Sections:

17.35.010 Purpose.

17.35.020 Land uses.

17.35.030 Lot/yard minimum standards.

17.35.040 Height/density regulations.

17.35.010 Purpose.

To allow space for a diversity of housing types with appropriate services to supply the more economical housing opportunities to area residents without interfering with other residential or service areas. Zone shall be limited to that area that is serviced by both the city of Forks water system and a state approved sewer system such as that operated by the city of Forks. An example of, but not limited to, this zone would be residential areas on both sides of SR 101 (Rhodey Avenue, Blackberry, etc.). (Ord. 433 § 7.10, 1997)

17.35.020 Land uses.

Land uses associated with this zoning designation are found in the column marked "(High Density) Residential 4" of the land use matrix found at FMC 17.15.060. Procedures associated with obtaining permits for special and conditional uses are found elsewhere within this title. When considering all activities and application of this code to said activities, the applicant and the city need to also review Chapter 17.75 FMC, Special Conditions. (Ord. 433 § 7.20, 1997)

17.35.030 Lot/yard minimum standards.

(1) Minimum lot area: 4,500 square feet. For multiple-family dwellings, 2,500 square feet per dwelling unit on each lot.

(2) Minimum lot depth: 90 feet.

(3) Minimum lot width: 50 feet.

(4) Minimum Front Yard. Minimum front yard setback shall be 20 feet from the applicable lot line when considering the extension, expansion, or replacement of existing buildings and the construction of new buildings. However, upon a finding by the city building inspector that no impairment would occur to the public's safety, or the ability of fire fighters or police to access the property in the event of an emergency, this setback may be administratively reduced by said official to 15 feet. Such a decision shall also be based upon the existing lot size and/or existing building placement.

(5) Minimum Side Yard. Minimum side yard setback shall be five feet from the applicable lot line when considering the extension, expansion, or replacement of existing buildings and the construction of new buildings.

(6) Minimum Rear Yard. Minimum rear yard setback shall be 10 feet from the applicable lot line when considering the extension, expansion, or replacement of existing buildings and the

construction of new buildings. However, upon a finding by the city building inspector that no impairment would occur to the public's safety, or the ability of fire fighters or police to access the property in the event of an emergency, this setback may be administratively reduced by said official to five feet.

In determining setback requirements within this district, all measurements shall utilize as their beginning point the structure's footprint closest to the lot line for which the setback is being determined. (Ord. 481 § 4, 2001; Ord. 433 § 7.30, 1997)

17.35.040 Height/density regulations.

(1) Maximum Building Height.

(a) Maximum building height shall be 32 feet. However, said height restriction can be exceeded upon obtaining written prior approval from the designee of the fire district that the building shall not constitute a fire hazard that could not be addressed by the fire district, as well as a written statement that the manner in which the building is being proposed for construction will not constitute a threat to public safety. In addition, any such building would be required to meet the Uniform Building Code's wind and fire protection requirements. Written approval from the designee of the fire district shall accompany any building permit application for a building exceeding this height restriction. In some cases, a building exceeding the height restriction may also be subject to the State Environmental Policy Act which could result in the height restriction being required for reasons associated with environmental concerns.

(b) In no case, does permission from the designee of the fire district equate to permission to proceed with construction from the city.

(c) The above does not apply to those structures (mechanical appurtenances, chimneys, water tanks, etc., constituting no more than 15 percent of the total building or site area) noted within FMC 17.75.090. Regarding those types of structures, approval of the Forks planning commission shall still be required.

(2) Maximum Density. By means of a conditional use permit the city Forks planning commission may authorize developments which exceed a density of 2,500 square feet of lot area per unit; provided, that all public services (water, sewer, electrical) are provided to the development, as well as specific aims to reduce traffic impacts. (Ord. 446 § 1, 1998; Ord. 433 § 7.40, 1997)

Chapter 17.40
C-1 – LOW
DENSITY
COMMERCIAL
DISTRICT

Sections:

17.40.010 Purpose.

17.40.020 Land uses.

17.40.030 Lot/yard minimum standards.

17.40.040 Height/density regulations – Zone size.

17.40.010 Purpose.

To allow nonconflicting space for commercial uses or that may require large amounts of land. An example of, but not limited to, this zone would be the Zepeda Road area. (Ord. 433 § 8.10, 1997)

17.40.020 Land uses.

Land uses associated with this zoning designation are found in the column marked "C-1 Low Density Commercial" of the land use matrix found at FMC 17.15.060. Procedures associated with obtaining permits for special and conditional uses are found elsewhere within this title. When considering all activities and application of this code to said activities, the applicant and the city need to also review Chapter 17.75 FMC, Special Conditions. (Ord. 433 § 8.20, 1997)

17.40.030 Lot/yard minimum standards.

(1) Minimum lot area: 13,500 square feet.

(2) Minimum lot depth: 100 feet.

(3) Minimum lot width: 50 feet.

(4) Minimum rear yard adjacent to an alley: 10 feet measured from the center of the alley. Within the minimum rear yard no structure, architectural feature, permanent fixture, or other obstruction which could interfere with emergency access shall be permitted.

(5) Minimum rear yard adjacent to a residential use: 25 feet from the applicable lot line.

(6) Minimum side yard adjacent to a residential use: 10 feet from the applicable lot line.

(7) Minimum rear or side yard: at least one of these, designated by the owner, shall be at least 10 feet from the applicable lot line excluding any dedicated street or alley. (Ord. 433 § 8.30, 1997)

17.40.040 Height/density regulations – Zone size.

(1) Maximum Building Height.

(a) Maximum building height shall be 32 feet. However, said height restriction can be exceeded upon obtaining written prior approval from the designee of the fire district that the building shall not constitute a fire hazard that could not be addressed by the fire district, as well as a written statement that the manner in which the building is being proposed for construction will not constitute a threat to public safety. In addition, any such building would be required to meet

the Uniform Building Code's wind and fire protection requirements. Written approval from the designee of the fire district shall accompany any building permit application for a building exceeding this height restriction. In some cases, a building exceeding the height restriction may also be subject to the State Environmental Policy Act which could result in the height restriction being required for reasons associated with environmental concerns.

(b) In no case, does permission from the designee of the fire district equate to permission to proceed with construction from the city.

(c) The above does not apply to those structures (mechanical appurtenances, chimneys, water tanks, etc., constituting no more than 15 percent of the total building or site area) noted within FMC 17.75.090. Regarding those types of structures, approval of the Forks planning commission shall still be required.

(2) Minimum zone size: five acres. (Ord. 446 § 1, 1998; Ord. 433 § 8.40, 1997)

Chapter 17.45
C-2 –
MODERATE
DENSITY
COMMERCIAL
DISTRICT

Sections:

17.45.010 Purpose.

17.45.020 Land uses.

17.45.030 Lot/yard minimum standards.

17.45.040 Height/density regulations – Zone size.

17.45.010 Purpose.

To preserve adequate areas for commercial uses requiring relatively small amounts of land and that will act as a transition between residential and high commercial portions of the Forks urban growth area. An example of, but not limited to, this zone would be the areas of Andersonville, the Newton Mill/Elks Lodge portions of Merchant Road, and the airport. (Ord. 433 § 9.10, 1997)

17.45.020 Land uses.

(1) Land uses associated with this zoning designation are found in the column marked "C-2 Moderate Density Commercial" of the land use matrix found at FMC 17.15.060. Procedures associated with obtaining permits for special and conditional uses are found elsewhere within this title.

(2) Loading space for commercial or public uses shall be provided when the use, building or structure requires more than 5,000 square feet of gross floor area. Such loading space shall be provided in a manner that is located off the adjacent streets. Neither the minimum requirements for yards, nor the requirements for parking, shall be utilized by the developer or the city to meet the loading space requirement.

(3) When considering all activities and application of this code to said activities, the applicant and the city need to also review Chapter 17.75 FMC, Special Conditions. (Ord. 433 § 9.20, 1997)

17.45.030 Lot/yard minimum standards.

(1) Minimum lot area: 4,500 square feet if on sewer and water system, otherwise as per health code.

(2) Minimum lot length: 100 feet.

(3) Minimum lot width: 45 feet.

(4) Minimum rear yard adjacent to an alley: 10 feet measured from the centerline of the alley. Within the minimum rear yard no structure, architectural feature, permanent fixture, or other obstruction which could interfere with emergency access shall be permitted.

(5) Minimum rear yard adjacent to a residential use: 25 feet from the applicable lot line.

(6) Minimum side yard adjacent to a residential use: 10 feet from the applicable lot line.

- (7) Minimum rear or side yard: at least one of these, designated by the owner, shall be at least 10 feet from the applicable lot line, excluding any dedicated alley way. (Ord. 433 § 9.30, 1997)

17.45.040 Height/density regulations – Zone size.

(1) Maximum Building Height.

(a) Maximum building height shall be 32 feet. However, said height restriction can be exceeded upon obtaining written prior approval from the designee of the fire district that the building shall not constitute a fire hazard that could not be addressed by the fire district, as well as a written statement that the manner in which the building is being proposed for construction will not constitute a threat to public safety. In addition, any such building would be required to meet the Uniform Building Code's wind and fire protection requirements. Written approval from the designee of the fire district shall accompany any building permit application for a building exceeding this height restriction. In some cases, a building exceeding the height restriction may also be subject to the State Environmental Policy Act which could result in the height restriction being required for reasons associated with environmental concerns.

(b) In no case, does permission from the designee of the fire district equate to permission to proceed with construction from the city.

(c) The above does not apply to those structures (mechanical appurtenances, chimneys, water tanks, etc., constituting no more than 15 percent of the total building or site area) noted within FMC 17.75.090. Regarding those types of structures, approval of the Forks planning commission shall still be required.

(2) Minimum zone size: five acres. (Ord. 446 § 1, 1998; Ord. 433 § 9.40, 1997)

**Chapter 17.50
C-3 – HIGH
DENSITY
COMMERCIAL
DISTRICT**

Sections:

17.50.010 Purpose.

17.50.020 Land uses.

17.50.030 Lot/yard minimum standards.

17.50.040 Height/density.

17.50.010 Purpose.

To designate areas within which specified commercial activities can be concentrated that will serve as a focal point for local citizens, but that will limit the amount of disruption of nearby residential activities. The best example of this type of zone would be the portions of SR 101 between Tillicum Park and Forks Thriftyway. (Ord. 433 § 10.10, 1997)

17.50.020 Land uses.

(1) Land uses associated with this zoning designation are found in the column marked "C-3 High Density Commercial" of the land use matrix found at FMC 17.15.060. Procedures associated with obtaining permits for special and conditional uses are found elsewhere within this title.

(2) Loading space for commercial or public uses shall be provided when the use, building or structure requires more than 5,000 square feet of gross floor area. Such loading space shall be provided in a manner that is located off the adjacent streets. Neither the minimum requirements for yards, nor the requirements for parking, shall be utilized by the developer or the city to meet the loading space requirement.

(3) When considering all activities and application of this code to said activities, the applicant and the city need to also review Chapter 17.75 FMC, Special Conditions. (Ord. 433 § 10.20, 1997)

17.50.030 Lot/yard minimum standards.

(1) Minimum lot area: 2,500 square feet if connected to both sewer and water system, otherwise, per health code.

(2) Minimum lot depth: 100 feet.

(3) Minimum lot width: 25 feet.

(4) Minimum yard requirements when adjacent to other commercial or industrial uses: at least one of these, designated by the owner, shall be at least 10 feet from the lot line.

(5) Minimum side yard adjacent to residential zone: 20 feet from the applicable lot line.

(6) Minimum rear yard adjacent to residential zone: 25 feet from the applicable lot line, excluding any property associated with a dedicated alley way. (Ord. 433 § 10.30, 1997)

17.50.040 Height/density.

(1) Maximum Building Height.

(a) Maximum building height shall be 32 feet. However, said height restriction can be exceeded upon obtaining written prior approval from the designee of the fire district that the building shall not constitute a fire hazard that could not be addressed by the fire district, as well as a written statement that the manner in which the building is being proposed for construction will not constitute a threat to public safety. In addition, any such building would be required to meet the Uniform Building Code's wind and fire protection requirements. Written approval from the designee of the fire district shall accompany any building permit application for a building exceeding this height restriction. In some cases, a building exceeding the height restriction may also be subject to the State Environmental Policy Act which could result in the height restriction being required for reasons associated with environmental concerns.

(b) In no case, does permission from the designee of the fire district equate to permission to proceed with construction from the city.

(c) The above does not apply to those structures (mechanical appurtenances, chimneys, water tanks, etc., constituting no more than 15 percent of the total building or site area) noted within FMC 17.75.090. Regarding those types of structures, approval of the Forks planning commission shall still be required.

(2) Minimum zone size: five acres. (Ord. 446 § 1, 1998; Ord. 433 § 10.40, 1997)

Chapter 17.52

PL – PUBLIC LAND DISTRICT

Sections:

17.52.010 Purpose.

17.52.020 Land uses.

17.52.030 Minimum lot standards.

17.52.040 Height regulations.

17.52.050 End of or abandonment of ownership by public entity.

17.52.010 Purpose.

The purpose of this district is to create a specific zoning designation for those lands owned by the public entities located within the city of Forks as currently incorporated, and within those parts of the Forks urban growth area subject to future annexation by the city. By creating a specific zoning designation for the public lands located within the city, and creating a specific zoning code chapter for the regulation of those lands, the objective is to reduce uncertainty as to which part of the zoning code applies to projects undertaken on public land. Lot sizes shall be allowed to be made as small as reasonably necessary, as determined by the city planner in consultation with the city building inspector and the city public works superintendent, to address the public purpose and need for which the application is being submitted. Public lands subject to this chapter shall be only those lands so designated by the city council and shall not include those lands identified as being part of the Forks industrial park zone. (Ord. 502 § 2, 2002)

17.52.020 Land uses.

(1) General. All lands associated with this zoning designation are found in the column marked "Public Land" in the land use matrix found at FMC 17.15.060, subject to the specific considerations noted below. Procedures associated with obtaining permits for special and conditional uses are found elsewhere within this title. When considering all activities and application of this code to said activities, the applicant and the city need to review Chapter 17.75 FMC, Special Conditions.

(2) Specific use issues limited solely to this zoning designation. The following situations shall apply to this zone:

(a) Expansion of an Existing Public Building. The expansion of any existing public building shall not require any special or conditional use permit; provided, that the expansion does not expand the existing building by more than 20 percent of the existing building's total gross square footage and more than 10 percent of the building's total square footage associated with the building's footprint. Any expansion of an existing public building beyond these parameters shall require the permits as noted herein.

(b) Public Building.

(i) Special Use Permit. Any public building that is solely used for the purposes of storing equipment associated with the maintenance of public lands or public utilities shall require a special use permit. The city planner shall ensure that lighting, access and manner of construction creates only a limited amount of impact in the immediate area of the facility's location.

(ii) Conditional Use Permit. Any other public building shall require a conditional use permit.

(c) Utilities, Other Than Power/Sewer. Utility uses not associated with roadway, utility or drainage rights-of-way and exempted from the application of this title elsewhere within this code, shall be regulated as follows:

(i) Special Use Permit. Structures, buildings, and/or facilities being less than 150 square feet in size that shall require a special use permit; provided:

(A) Will not be used as places of work for utility personnel; and

(B) Will not pose a scientifically identified risk to the public health.

The city planner has the authority to require of the utility provider mitigations that would allow for the structure, building and/or facilities in question to blend in with the overall character of the neighborhood in which such a structure, building and/or facility shall be located.

(ii) Conditional Use Permit. Any other utility use, unless noted elsewhere within the land use matrix or exempted by the general provisions of this code, shall require a conditional use permit. The city planner has the authority to require of the utility provider mitigations that would allow for the structure, building and/or facilities in question to blend in with the overall character of the neighborhood in which such a structure, building and/or facility shall be located.

(iii) Towers shall be regulated in a manner as noted elsewhere within this code; provided, that the term tower shall not apply to any device that is attached to the roof of a public building and that does not extend more than 15 feet above the roof of said business even if the device is used for the transmission of communication signals.

(3) Open Space. The designation of lands as both public lands and open space shall be as found on the Forks zoning map and shall be subject to the provisions of this chapter. (Ord. 502 § 2, 2002)

17.52.030 Minimum lot standards.

(1) Minimum lot area: 200 square feet.

(2) Minimum setbacks when use is adjacent to a residential use: 10 feet from the applicable lot line. (Ord. 502 § 2, 2002)

17.52.040 Height regulations.

(1) Maximum building height shall be 32 feet. However, said height restriction can be exceeded upon obtaining written prior approval from the fire chief that building shall not constitute a fire hazard that could not be addressed by the fire district, as well as, a written statement that the manner in which the building is being proposed for construction will not constitute a threat to public safety. In addition, any such building would be required to meet the Uniform Building Code's wind and fire protection requirements. Written approval of the fire chief shall accompany any building permit application for a building exceeding this height restriction. In some cases, a building exceeding the height restriction may also be subject to the State Environmental Policy Act which could result in the height restriction being required for reasons associated with environmental concerns.

(2) In no case, does permission from the fire chief equate to permission to proceed with construction from the city.

(3) The above does not apply to those structures (mechanical appurtenances, chimneys, water tanks, etc., constituting no more than 15 percent of the total building or site area) noted within FMC 17.75.090. Regarding those types of structures, approval of the Forks planning commission shall still be required. (Ord. 502 § 2, 2002)

17.52.050 End of or abandonment of ownership by public entity.

If any property, so designated as public land pursuant to this chapter, is sold, or divested in some manner as to end the public ownership and the accompanying public use, said land shall no longer be considered public land. In such a situation, the land shall become zoned in a manner that is consistent with the land use immediately adjacent to the parcel in question with the designation being that found to be on a majority of the edges of the parcel in question. (Ord. 502 § 2, 2002)

Chapter 17.55 INDUSTRIAL DISTRICTS

Sections:

17.55.010 Purpose.

17.55.020 Land uses.

17.55.030 Lot/yard minimum standards.

17.55.040 Building height – Minimum zone size.

17.55.050 Performance standards.

17.55.010 Purpose.

To reserve adequate space for manufacturing and other activities into two specific zones, one being the area in and about the Forks industrial park, the other being all other areas designated as industrial upon the map attached to the ordinance codified in this chapter. The distinguishing feature between the two districts is found within the land uses at FMC 17.15.060. (Ord. 433 § 11.10, 1997)

17.55.020 Land uses.

(1) Land uses associated with these zoning designations are found either in the column marked "Industrial – General" or the column marked "Industrial Park Zone" of the land use matrix found at FMC 17.15.060. Procedures associated with obtaining permits for special and conditional uses are found elsewhere within this title.

(2) Loading space for commercial or public uses shall be provided when the use, building or structure requires more than 5,000 square feet of gross floor area. Such loading space shall be provided in a manner that is located off the adjacent streets. Neither the minimum requirements for yards, nor the requirements for parking, shall be utilized by the developer or the city to meet the loading space requirement.

(3) When considering all activities and application of this code to said activities, the applicant and the city need to also review Chapter 17.75 FMC, Special Conditions. (Ord. 433 § 11.20, 1997)

17.55.030 Lot/yard minimum standards.

(1) Minimum lot area: 12,500 square feet or as permitted by local and state health codes, whichever requires a greater lot size.

(2) Minimum lot depth: 100 feet.

(3) Minimum lot width: 50 feet.

(4) Minimum yard requirements when adjacent to other commercial or industrial uses: as required within Uniform Building Code for such uses.

(5) Minimum side yard adjacent residential use: 30 feet from the applicable lot line.

(6) Minimum rear yard adjacent residential use: 30 feet from the applicable lot line. (Ord. 433 § 11.30, 1997)

17.55.040 Building height – Minimum zone size.

(1) Maximum Building Height.

(a) Maximum building height shall be 32 feet. However, said height restriction can be exceeded upon obtaining written prior approval from the designee of the fire district that the building shall not constitute a fire hazard that could not be addressed by the fire district, as well as a written statement that the manner in which the building is being proposed for construction will not constitute a threat to public safety. In addition, any such building would be required to meet the Uniform Building Code's wind and fire protection requirements. Written approval from the designee of the fire district shall accompany any building permit application for a building exceeding this height restriction. In some cases, a building exceeding the height restriction may also be subject to the State Environmental Policy Act which could result in the height restriction being required for reasons associated with environmental concerns.

(b) In no case, does permission from the designee of the fire district equate to permission to proceed with construction from the city.

(c) The above does not apply to those structures (mechanical appurtenances, chimneys, water tanks, etc., constituting no more than 15 percent of the total building or site area) noted within FMC 17.75.090. Regarding those types of structures, approval of the Forks planning commission shall still be required.

(2) Minimum zone size: 20 acres. (Ord. 446 § 1, 1998; Ord. 433 § 11.40, 1997)

17.55.050 Performance standards.

(1) Scope. All the commercial and industrial uses shall comply with all of the standards set forth below, except:

(a) When the violation is caused by circumstances beyond reasonable anticipation and control of the operators of the site; or

(b) When necessary to protect the health and safety of persons and property under circumstances not caused by the operators of the site.

(2) Standards of Performance.

(a) Noise. Noise emanating from any use shall be muffled so as not to become objectionable due to intermittent beat, frequency or shrillness, and where use is within or adjoins a residential district. The noise loudness measured at the property line shall not exceed 45 decibels on the "a" scale between the hours of 10:00 p.m. and 6:00 a.m. and 70 dba at other hours.

However, this portion of this chapter shall be read in conjunction with the city's noise ordinance and when a conflict exists between the two, the noise ordinance shall prevail.

(b) Lighting. Lighting shall not be used in such a manner that produces a glare on public streets and neighboring property. Arc welding, acetylene torch cutting or similar processes shall be performed in such a manner that the actual work and/or the arc itself cannot directly be seen from beyond the property.

(c) Odor and Gases. The emission of obnoxious odors of any kind or any toxic or corrosive fumes or gases shall not be permitted. Dust created by a use shall not be exhausted or wasted directly into the atmosphere.

(d) Particulate Matter.

(i) Dust and other types of air pollution borne by the wind from such sources as storage areas and roads shall be minimized by landscaping, paving, oiling or other acceptable means. Emission of particulate matter in excess of 0.2 grains per cubic foot of conveying gas or air measured at any property line is prohibited.

(ii) The rate of emission of particulate matter from all sources on any property shall not exceed a net weight of one pound per acre of property during any one hour.

(e) Vibration. Vibration shall not exceed three-thousandths of one inch displacement applied to the frequency range of zero to 5,000 cycles per second, as measured at any point on the boundary of the property from which the vibration is produced.

(f) Electrical Interference. All mechanical, electrical, and electronic equipment shall be shielded to the extent necessary to prevent electrical, magnetic or radiological interference with the use of any equipment or process off-site.

(g) Hazardous Materials Storage. All hazardous materials shall be stored in strict compliance with all federal, state and local regulations.

(h) Waste Disposal. No persons or business firm shall discharge or cause to be discharged any stormwater, surface water, or ground water including roof runoff and foundation drainage into drainage ways or to sewers which are city designated and approved as storm sewers.

Except as hereinafter provided, no person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewer:

(i) Any liquid or vapor having a temperature so high as to inhibit biological activity or increase the wastewater treatment plant influent temperature higher than 40 degrees Celsius (104 degrees Fahrenheit);

(ii) Any water or waste which may contain more than 50 parts per million, by weight of fat, oil, or grease;

(iii) Any gasoline, benzene, naphtha, fuel oil, or any other materials that may create a fire hazard or explosive hazard;

(iv) Any garbage that has not been properly shredded;

(v) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;

(vi) Any waters or wastes having a pH lower than five or higher than nine or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater collection and treatment system;

(vii) Any waters or wastes containing a toxic or poisonous substance, or any of the compounds or metals on EPA's list of priority pollutants, in sufficient quantity to:

(A) Damage or interfere with any sewage treatment process;

(B) Constitute a hazard to humans, animals or vegetation;

(C) Create any violation of water quality standards in the receiving waters;

(D) Accumulate in receiving wetland sediment over life of the treatment system in concentrations to constitute a future hazard to humans, animals, or vegetation;

(E) Create a violation of regulations for disposal of sludge by land spreading;

(viii) Any waters or wastes containing any pollutant (including biological oxygen demand (BOD) and suspended solids) in volume or strength to cause unit process upset at the wastewater treatment plant or violation of the NPDES permit;

(ix) Any noxious or malodorous gas or substance capable of creating a public nuisance;

(x) Septic tank septage, except for septage received under septage disposal permits. After the sewerage treatment plant is in operation, the utilities superintendent shall determine the amount of septic tank septage which can be received by the system during any intervals of time without any risk of overloading the capacity of the treatment plant. Permits allowing persons to make use of the available septage capacity may be issued upon such terms and conditions as may be set from time to time by the city council by resolution. Failure by the permittee to abide by the terms of such permit shall be considered a violation of the provisions of this code.

(i) Open Storage. All storage of materials and equipment, except licensed motor vehicles, shall be within fully enclosed buildings or surrounded by some type of visual screening or fencing. Materials in process shall be stacked, sorted or arranged in an orderly manner.

(j) Investigation and Compliance. If the city has reasonable doubt that a business or use is, or can be, conducted within the limits of the above performance standards, it may require that the user or proposed user retain, at his/her expense, an independent, qualified testing laboratory or expert to make an analysis of the use to determine its compliance with the standards and make the results of such analysis available to the city. If the site operator does not provide the required analysis within 30 days of the request, the city shall initiate such investigation and bill all expenses thereof to the site operator.

(k) Enforcement. In the event analysis indicates existing or impending noncompliance with these standards, the city shall require the user or proposed user to either institute remedial measures to bring the use into compliance or to cease operation. (Ord. 433 § 11.50, 1997)

Chapter 17.57

ACCESSORY DWELLING UNIT (ADU)

Sections:

17.57.010 Purpose and Intent.

17.57.020 Authority.

17.57.030 Standards and Criteria.

17.57.040 Bulk Standards/ADU Regulations.

17.57.050 Appeals.

17.57.060 Examples of ADUs.

17.57.010 Purpose and Intent.

The purpose of this chapter is to:

- (1) Add affordable units to existing housing and make housing units available to moderate-income residents who might otherwise have difficulty finding homes within the Town.
- (2) Protect neighborhood stability, property values and the single-family residential appearance of the neighborhood by ensuring that Accessory Dwelling Units (“ADUs”) are constructed according to applicable Code provisions.
- (3) Promote the development of additional housing options in residential neighborhoods that are appropriate for people at a variety of stages of their lives.

17.57.020 Authority.

The Town Planner shall have the authority to approve ADUs which are consistent with the regulations and provisions herein.

17.57.030 Standards and Criteria.

(1) Allowed Zoning: ADUs may be allowed in any zone on a lot where a dwelling unit exists as a permitted use if they comply with the requirements listed in this Chapter. Two (2) ADUs are permitted on all lots located in all zoning districts that allow for dwelling units. ADUs can be categorized as either attached or detached. An ADU may be created by any one or combination of the following methods:

- (a) A separate unit within an existing home (such as in an attic or basement), or
- (b) An addition to the home (such as a separate apartment unit with a separate entrance), or
- (c) in a separate detached structure on the lot (such as but not limited to a new or converted garage).

(2) Sale/Conveyance: The city shall not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was originally built as an ADU.

(3) Permitted Size: An ADU shall not be less than 400 square feet nor greater than 1,000 square feet in area.

- (a) The ADU sizing is calculated per the 2021 (or currently adopted edition) International Building Code which is the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns or other features. Areas that are <5 feet in height are not counted in the ADU square footage. Additionally, garages are not counted in the ADU square footage.

17.57.040 Bulk Standards/ADU Regulations.

- (1) An ADU, and any accessory structures for the ADU such as but not limited to garages, carports, or workshops, shall comply with the underlying zoning district for the dwelling unit located onsite, including height, setbacks, floor area, accessory buildings, and lot coverage, except as provided in this section.
- (2) One on-site parking stall is required for an ADU. However, no parking is required when either improved public street parking is available on at least one side of the lot whereon the ADU is proposed, or the ADU is within one-half mile walking distance to a “major transit route.” If the lot abuts an alley or private access easement, parking shall be accessed from the alley or private access easement except when the Town Planner determines that such access is environmentally constrained.
- (3) For detached ADUs, a minimum of ten (10) feet separation from the existing dwelling unit is required.
- (4) Any utility lines being installed or altered must have their connections inspected as part of the building permit process.
- (5) Attached ADUs can use the water meter and side sewer that was permitted for the existing dwelling unit. However, all detached ADUs shall have their own water meter and side sewer connection. If fire sprinklers are required, the property owner shall install a backflow prevention device behind the water meter.
- (6) All water and sewer system charges shall apply for any new connection and/or modifications to the existing water and sewer system(s) for an ADU.
- (7) ADUs are not permitted on lots that are not connected to and served by public water and sewer.
- (8) Existing structures, including but not limited to detached garages, may be converted into ADUs even if they violate current code requirements for setbacks or lot coverage; provided that the existing structure(s) proposed to be converted into an ADU may be required to be brought into conformance with current building and fire code requirements. Existing detached structures proposed to be converted to ADUs shall not be located across property lines or within the right of way.
- (9) Addressing of the existing dwelling unit shall be changed to identify the existing dwelling unit as “Unit A” and the new ADU as “Unit B” prior to issuance of a certificate of occupancy (CO).
- (10) An approved building permit is required to construct an ADU in the City. The building permit must comply with the City’s adopted building code, fire code, zoning code, critical area regulations, environmental regulations, and stormwater regulations adopted at time permitting is sought.
- (11) When property corners are not known, the Town Planner may require the applicant to hire a Washington State licensed land surveyor to reestablish property corners.
- (12) Detached ADUs may be sited on a rear/side lot line only if the lot line abuts an improved public alley pursuant to RCW 36.70A.681(1)(i).
- (13) ADUs are permitted on any lot that meets the zone’s minimum lot size required for a dwelling unit.
- (14) Eligible properties can have one (1) dwelling unit and two (2) ADUs, for a maximum total of three (3) dwelling units. ADUs can be in any configuration of attached or detached units.
- (15) Owner occupancy is not required for either the existing dwelling unit or any ADUs existing and/or proposed.
- (16) All attached ADUs are required to have their own separate entrance(s) from the existing dwelling unit. Additionally, attached ADUs are required to be separated internally from the existing dwelling unit by solid wall construction that meets both building and fire code.

(17) ADUs shall be designed so that the appearance of the building containing the principal residence remains that of a single-family residence. At a minimum, the ADU shall match the exterior materials, design, and pitch of the roof of the principal residence.

(18) ADUs shall comply with the maximum permitted height for the underlying zone. In the Residential Zone however, attached ADUs shall not exceed 35 feet above average original grade. Detached ADUs in the Residential Zone shall not exceed 28 feet average original grade.

(19) Homeowners with existing non-permitted ADUs must apply for a building permit to make them legal. Units that are not legalized will be subject to enforcement. Pre-existing units must meet the same requirements as new ADUs, including but not limited to: zoning, parking, fire, and building code standards/regulations.

(20) RVs, including park model trailers, shall not be used as ADUs.

(21) ADUs are exempt from the density requirements of the underlying zone.

(22) If applicable, impact fees and connection fees associated with the construction of an ADU shall not be greater than 50 percent of the fees that would be imposed on the dwelling unit.

(23) Where practical, the ADUS shall be located and designed to minimize disruption of privacy and outdoor activities on adjacent properties. Strategies to accomplish this include, but are not limited to:

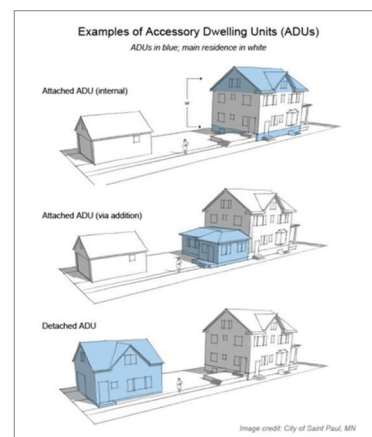
- (a) Stagger windows and doors to not align with such features on abutting properties.
- (b) Avoid upper-level windows, entries and decks that face common property lines to reduce overlook of a neighboring property.
- (c) Install landscaping as necessary to provide for the privacy and screening of abutting property.

(24) Short Term Rental (STR) Regulations: ADUs shall not be used as short-term rentals (STR) for less than 6 months (180 days) within a calendar year.

19.18.050 Appeals.

(1) Appeals. There is no appeal of the Town Planner's determination regarding whether to issue a building permit to construct an ADU on a subject property in accordance with of CMC 18.08.030(3).

19.18.060 Example of Accessory Dwelling Unit (ADU).



Chapter 17.60 OVERLAP ZONES AND SPECIAL ZONES

Sections:

17.60.010 Purpose.

17.60.020 Identification of districts.

17.60.030 Permitted uses within each zone.

17.60.040 Lot/yard minimum standards.

17.60.010 Purpose.

These zones acknowledge the means of development that has occurred in these areas over the past 50 years. In addition, the districts help to act as a truly transitional zone between established residential and commercial blocks. (Ord. 433 § 12.10, 1997)

17.60.020 Identification of districts.

- (1) Low density commercial/high density residential.
- (2) Low density commercial/moderate density residential.
- (3) Low density commercial/low density residential.
- (4) Moderate density commercial/high density residential.
- (5) Moderate density commercial/moderate density residential.
- (6) High density commercial/high density residential. (Ord. 433 § 12.20, 1997)

17.60.030 Permitted uses within each zone.

- (1) In determining the applicable land use for these zones, the planning department shall examine the land use matrix at FMC 17.15.060 for both classifications associated with both zones associated with the overlap zone (e.g., low density commercial/high density residential). The proposed use shall be examined for both zones associated with the overlap zone and where a use is prohibited in either zone, that use shall be prohibited within the overlap zone.
- (2) Where a use is permitted in both zones, said use shall be permitted in the overlap zone.
- (3) Where there is a difference between the two zones as to whether or not the use is permitted, special or conditional, the more restrictive designation shall be applied to the overlap zone. For example, if a land use is designated "special" in one zone, and "conditional" in another, for the purposes of the overlap zone the conditional designation shall apply. (Ord. 433 § 12.30, 1997)

17.60.040 Lot/yard minimum standards.

The larger of the lot and yard minimum standards between the residential and commercial zones associated with the overlap zone shall be applied to those developments undertaken within the overlap zone. (Ord. 433 § 12.40, 1997)

Chapter 17.65

CRITICAL AREAS AND FLOODPLAINS

Sections:

17.65.010 Adoption of the Forks urban growth area critical areas map.

17.65.020 Compliance with critical areas ordinance.

17.65.030 Shoreline management.

17.65.040 Adoption of the FIRM maps associated with the Forks urban growth area.

17.65.050 Regulations associated with property found to be within a 100-year floodplain.

17.65.010 Adoption of the Forks urban growth area critical areas map.

The Forks urban growth area critical area ordinance map, developed as part of the GMA comprehensive plan for the FUGA, is hereby adopted and incorporated as part of this title. Compliance with the critical areas ordinance, as well as state and federal law, must be a factor in granting any permits, variances, special and conditional uses in an area that is designated on the critical areas map. (Ord. 433 § 13.10a, 1997)

17.65.020 Compliance with critical areas ordinance.

(1) Any property that is located within or immediately adjacent to a critical area, as designated upon the critical areas map, shall be subject to the critical areas ordinance for the city of Forks. In addition, any such property subject to said ordinance shall have all uses treated as a special use, in which a special use permit shall be required. In addition, all uses shall require the completion of a State Environmental Policy Act checklist and determination regarding impacts by the city planning department. A special fee shall be established that combines these procedures in order to reduce costs to the affected property owners.

(2) Any owner with property located within a designated critical area may elect to proceed with the development of their property pursuant to the density transfer provisions found in Chapter 17.70 FMC. (Ord. 433 § 13.10b, 1997)

17.65.030 Shoreline management.

(1) Any permitting process associated with zoning and land use that is to occur within, adjacent to or that could have an impact directly upon the shoreline of any navigable river or stream shall comply with the Shoreline Management Act. Until the city of Forks has adopted a shoreline management policy, the city shall utilize the current Clallam County shoreline management plan's procedures.

(2) In addition, any permitting process associated with zoning and land use that takes place within 200 feet from the high water mark of the Calawah and Bogachiel Rivers shall comply with the requirements of this section. (Ord. 433 § 13.20, 1997)

17.65.040 Adoption of the FIRM maps associated with the Forks urban growth area.

The flood insurance rate map for the city of Forks and for panel 585/725 for Clallam County are hereby adopted and incorporated by reference into this zoning code. The information found therein may or may not be included upon the critical areas map described elsewhere within this chapter. (Ord. 433 § 13.30a, 1997)

17.65.050 Regulations associated with property found to be within a 100-year floodplain.

(1) Any property that is located in, partially covered by or immediately adjacent to the 100-year

floodplain (designated as a "zone a*-" in the floodplain maps) shall have all uses treated as a special use, except for those uses associated with family dwellings not to include home enterprises, in which a special use permit shall be required. In addition, all uses shall require the completion of a State Environmental Policy Act checklist and determination regarding impacts by the city planning department. A special fee shall be established that combines these procedures in order to reduce costs to the affected property owners.

(2) No structure, fill, use or storage shall be permitted within the 100-year flood zone which because of its bulkiness, flimsiness, light weight, floating or potential hazardous conditions could be damaged or dislodged and carried onto other property, or obstruct the flow of water, or reduce the capacity of water storage areas during high water. Such conditions may be imposed that will reasonably eliminate the potential hazards.

(3) Where structures are permitted, special construction methods may be required by the city planning department and building inspector to protect any sewer, water, electrical, gas or other utility service connected to the structure. All such permitted special construction must comply with the appropriate building codes.

(4) Any structure, other than those exempt, may be permitted by the planning department without a special use permit, if the developer can provide a set of engineered certified plans and a bond showing said project has been engineered to withstand a 100-year flood without significant structural damage to the structure or property. (Ord. 433 § 13.30b, 1997)

Chapter 17.70
DENSITY TRANSFERS – OPTIONAL LAND USE FOR PROPERTIES ASSOCIATED WITH
CRITICAL AREAS

Sections:

17.70.010 Purpose.

17.70.020 Declaration of intent to utilize this chapter.

17.70.030 Calculation of density for development portion and nondevelopment portions.

17.70.040 Notice of decision.

17.70.050 Appeal and standing.

17.70.060 Rezone of parcels associated with a density transfer.

17.70.070 Dedication of lands to public entity.

17.70.080 Explanatory example.

17.70.010 Purpose.

This is an optional land use regulation that permits a land owner, whose property contains land or habitat features subject to the city of Forks critical areas ordinance (e.g., wetlands, steep slopes, floodplains, etc.) or subject to the Shoreline Management Act, FIRM flood insurance rate maps, or other state laws to transfer the density associated with the unusable portion of the parcel to the remaining portion of the parcel. (Ord. 433 § 14.10, 1997)

17.70.020 Declaration of intent to utilize this chapter.

(1) Upon application to the city or county planning department to subdivide, short plat, or develop a parcel of land that contains a critical area noted in FMC 17.70.010, the owner shall declare on their application whether or not they intend to employ this portion of the code. Failure to do so at the time of application shall waive subsequent use of this section on the parcel being developed, unless, the application is denied by the planning department. In such a situation, subsequent applications or applicants can utilize this zoning option.

(2) The planning director shall ensure that the applicant is advised of this option prior to submission of the plan either in writing or during a preliminary meeting with the developer. No additional fee, beyond the cost of publication, shall be required of the applicant invoking this option. (Ord. 433 § 14.20, 1997)

17.70.030 Calculation of density for development portion and nondevelopment portions.

Upon receipt of an application that indicates a developer's intent to utilize this regulatory option, the planning director shall:

(1) Determine if sufficient information exists regarding parcel size and boundaries of critical areas to proceed with the calculations required under this section. Necessary information shall include field inspection report as to the location of the critical area, shoreline, and/or 100-year floodplain by the proper certified professional. If insufficient information is supplied, or if the developer calls into question the planning department's request for additional information, the developer shall be given a

reasonable time to supply this information. However, in requiring additional information, the planning department shall:

- (a) Put said request in writing;
 - (b) Be available to assist or field inspect the estimated boundaries of the critical areas;
 - (c) Upon receipt of said requested information, acknowledge the receipt and state whether the additional information is sufficient to proceed with the calculation. If the additional material is still insufficient, the planning department shall provide detailed guidance as to what further material is required;
 - (d) Within 15 days from date of acknowledgment, make a determination on boundaries if sufficient materials were provided to permit the planning department to proceed.
- (2) Confirm delineation of boundaries for any critical areas, shorelines, and/or 100-year floodplains. In making such a delineation, the boundaries shall also include the appropriate buffers required by statute, regulation, and/or ordinance. Final plat or development plan shall include these boundaries delineated there upon.
- (3) Determine and calculate to one-hundredth of an acre the following:
- (a) Total acreage of the parcel;
 - (b) Portion of the parcel that contains critical areas, shorelines, and 100-year floodplains;
 - (c) Portion of the parcel that does not contain critical areas, and is therefore the portion of the parcel that could be developed.
- (4) Calculate the density for the entire parcel (entire parcel = buildable portion + critical areas/shoreline/100- year floodplain portion) under the zoning code designation as noted on the FUGA zoning code map.
- (5) In writing and within 30 days of acknowledgment of the sufficiency of the application, the planning department shall provide the developer with the above calculations and specify therein that the final plat or plan shall:
- (a) Note that the developer has utilized this portion of the zoning code;
 - (b) Note the calculations of the developmental portions of the entire parcel involved, the critical/shoreline/100-year floodplain portions of the entire parcel, and the total density associated with the entire parcel based upon the zoning code at the time of approval;
 - (c) Note the amount of density transferred from the nondevelopmental portions of the property to the developmental portions of the property. It is understood that the developer need not transfer the entire amount permitted under the calculations established. However, failure to transfer the entire amount waives any rights in the unused remainder from future development on the same real property;
 - (d) Means of ownership utilized for nonbuildable portions of real estate. (Ord. 433 § 14.30, 1997)

17.70.040 Notice of decision.

Upon making a determination, under this portion of the zoning code, of the calculations and submitting that to the developer, the planning director shall publish their decision in the manner required for appeals discussed elsewhere within this code. This notice shall include information on

how an appeal can be initiated, the procedures associated with doing so, and an explanation regarding standing to make such an appeal. (Ord. 433 § 14.40.10, 1997)

17.70.050 Appeal and standing.

(1) An appeal of this determination can be made pursuant to Chapter 17.135 FMC, Appeals. Failure to comply with Chapter 17.135 FMC, Appeals, and with the timelines associated with such an action shall result in a waiver of the right of appeal by that party, or any other party with an interest in the decision.

(2) Standing for an appeal. Standing for appeals under this chapter shall be limited to the following:

- (a) Developer and/or owners of record for the parcel upon which action is taken;
- (b) Property owners of record of those parcels of property immediately adjacent to the parcel being reviewed;
- (c) Local, state or federal agencies with statutory regulatory authority or charge to regulate or protect specified types of critical areas, shorelines, or 100-year floodplains. (Ord. 433 § 14.40.20, 1997)

17.70.060 Rezone of parcels associated with a density transfer.

(1) If a parcel, subjected by a developer to this portion of the zoning code, is rezoned to permit a higher density than utilized in the calculations noted elsewhere within this chapter, a subsequent developer can use this section if the following conditions are satisfied:

- (a) Sufficient land exists to create new lots, or to permit new development, within the parcel wanting to acquire the rezoned density pursuant to this code and other building and development ordinances in effect; and
- (b) A conditional use permit for the utilization of the higher density and subsequent development is obtained pursuant to this code; and
- (c) The planning director determines in writing, subject to appeal and notice discussed elsewhere within this code, that the proposed rezone and subsequent development would comply with the comprehensive plan.

(2) Once the above conditions are met, and the application for the new density is approved, a new calculation for the density of the parcel in question shall be made. This calculation shall use the same procedure as noted above in this chapter. The difference between the first calculation and the new calculation, done as a result of the rezone, shall be the new density allowed to be transferred to the buildable portion of either the new parcel created or the existing parcel.

(3) The developer shall record and file with the county auditor's office the information associated with this new calculation and subsequent transfer of density as an amendment to the notes of the original plat. (Ord. 433 § 14.50, 1997)

17.70.070 Dedication of lands to public entity.

Whereby the developer or owner of property opting to utilize this regulatory option decides to dedicate the nonbuildable portions of the parcel to a public entity, said entity shall maintain the dedication for the public good in the same condition as received from the owner or developer. Acceptance of such a dedication is required, via affirmative action by the entity's proper authority, to be shown upon the documents filed by the developer and/or owner. (Ord. 433 § 14.70, 1997)

17.70.080 Explanatory example.

Developer owns a parcel of land that is zoned low density residential, and the parcel is a total of eight acres. Of these eight acres, two acres are located within the FIRM 100-year floodplain, one acre is located in an area that is designated as being steep slopes/erosion hazard area, and one acre is designated as a recognized wetland (consisting of the wetland and the appropriate setbacks). The FUGA zoning code map designates the entire parcel as low density residential which permits a maximum density of one single dwelling unit per one-half acres.

Under other portions of this zoning code, if the developer does not employ this section, the developer has only four acres upon which they can develop and from which a density calculation can be made. Thus, allowing the developer to only build up to eight dwelling units on the entire parcel.

However, by employing the above zoning option, the developer would be allowed to build a total of 16 dwelling units, if permitted by city and/or county building and health codes, on the four acres not affected by critical areas (non-floodplain, non-steep slope, non-wetlands portion of the parcel). The non-developed lands would be noted as lands utilized for the "density transfer" pursuant to this portion of the FUGA zoning code upon the face of the final plat or development plan.

The four non*developmental acres could be incorporated into any of the lots created by the applicant, so long as the plat notes the boundary of such on each affected lot, or the lands could be jointly owned by a housing association, or the lands could be retained by the developer, or the lands could be dedicated to the city or county. The choice would be left up to the developer and that choice would be reflected upon the final plat or development map. (Ord. 433 § 14.100, 1997)

**Chapter 17.75
SPECIAL
CONDITIONS**

Sections:

- 17.75.010 Purpose.**
- 17.75.020 Regulations associated with special conditions.**
- 17.75.030 Temporary amusements and public assembly.**
- 17.75.040 Home enterprise minimum standards.**
- 17.75.045 Home enterprise within home – Cases when permitted outright.**
- 17.75.050 Resource extraction and grading.**
- 17.75.060 Bed and breakfasts – Home-based lodging facilities.**
- 17.75.070 Architectural features.**
- 17.75.080 Special requirements for corner lots.**
- 17.75.090 Exceptions to height restrictions.**
- 17.75.100 Storage of vehicles and other materials.**
- 17.75.110 Location of off-street parking.**
- 17.75.120 Improvement of parking space and access.**
- 17.75.130 Off-street parking requirements.**
- 17.75.140 Sign requirements.**
- 17.75.150 Open space requirements in new developments.**
- 17.75.160 Development standards for middle housing**
- 17.75.170 Infrastructure standards for middle housing**

17.75.010 Purpose.

The following specific regulations are intended to provide for the location and control of certain special conditions which may arise in order to insure the greatest conformance to the Forks comprehensive plan. (Ord. 433 § 15.10, 1997)

17.75.020 Regulations associated with special conditions.

The following regulations shall apply in all zones. Where the provisions of this chapter conflict with the provisions of any district, the provisions of this chapter shall apply. (Ord. 433 § 15.20, 1997)

17.75.030 Temporary amusements and public assembly.

Amusements, entertainment, and similar temporary activities may occur on commercially or industrially zoned property upon obtaining a permit from the city council provided the amusement, entertainment, public assembly, or activity does not involve attendance for more than 16 hours in any 24-hour period. Such permit shall be for a maximum period of 30 days and shall be issued only if evidence indicates that:

- (1) There will be no serious interference with activities of nearby residences, if any.
- (2) Traffic circulation will not be unnecessarily impeded and that there will be provisions for adequate on-site parking and a reasonable means of ingress and egress.
- (3) Sound or lighting will not be a nuisance to neighboring residences.
- (4) There will be adequate provisions for water supply and sanitary facility. Outdoor public assemblies, music festivals, and similar uses which involve occupancy of a privately owned outdoor area for more than 16 hours in any 24-hour period shall not be permitted. (Ord. 433 § 15.30, 1997)

17.75.040 Home enterprise minimum standards.

Home enterprises are subject to the following minimum standards:

- (1) The home enterprise, if not within a separate structure, is carried on entirely within the residential structure and is clearly subordinate to the residential use.
- (2) The operator of the home enterprise lives in the residential structure as his or her primary residence, or where permitted on the land use matrix, the home industry is located within a separate facility with less than 2,000 square feet, but said facility needs to be on the same parcel as the residential structure being used as his or her primary residence.
- (3) The home enterprise is operated in a manner as to not give any outward appearances or manifest characteristics of a business other than the display of an information sign as provided in subsection (7) of this section.
- (4) There are no displays or storage of salvage materials, finished or partially finished merchandise outside of the residential structure, or where permitted, outside of the separate facility. Additionally, if the home enterprise involves work with vehicles or machinery there shall be no storage or work performed on such vehicles or machinery outside the residential structure, or where permitted, outside of the separate facility. In addition, proof of proper licensing with the Department of Revenue and the Washington State Patrol shall apply to vehicle repair shops.
- (5) The home enterprise does not involve equipment operations or processes which introduce noise, smoke, dust, fumes, vibrations, odor, glare or other nuisance characteristics or hazards beyond those associated with a normal residence which can be detected off-premises or in some way adversely affect neighboring property.
- (6) The home enterprise does not significantly increase local vehicular traffic.
- (7) Only one sign is used for identification purposes and is attached to the residential structure. Such sign conforms to the sign ordinance of the city of Forks. Additionally, the sign is designed to blend favorably into the residential environment. (Ord. 433 § 15.40, 1997)

17.75.045 Home enterprise within home – Cases when permitted outright.

- (1) Home enterprises within the home shall be permitted outright, even if other home enterprises may require special or conditional use permits, only in the following situations; provided, that the

specific conditions found herein are met:

- (a) Catalog-based sales enterprises that may or may not be associated with hosting parties for purposes of product review and ordering;
- (b) Internet-based sales, services and/or transactions where no additional employees beyond the regular and usual occupants of the home associated with the enterprise are required to work at the home-based business;
- (c) Art- or craft-based enterprises where there is no separate facility required for the enterprise and no additional employees are required or associated with the home-based enterprise;
- (d) Professional-based services where no additional employees are required or associated with the home-based enterprise; and
- (e) Vacation/visitor rentals where no more than two lodging units within the home are being leased or rented for transitory stays for periods of less than 30 days. In addition, the following are also applicable:

- (i) Has the following safety equipment installed within the home:

- (A) Smoke/fire detectors;

- (B) Fire extinguisher;

- (ii) Has a legally permitted in-structure restroom;

- (iii) Has obtained the necessary business licenses, Department of Health licenses, and registered accordingly with the State Department of Revenue;

(2) In order to be permitted outright, the above home enterprises within the home must also be able to comply without additional structural modifications to the home with the following:

- (a) Signage shall not exceed that found elsewhere within this chapter;

- (b) No additional parking spaces are required for the business beyond existing parking for the home occupants;

- (c) No separate entrance is required or will be required to accommodate the business enterprise; and

- (d) Vehicle traffic associated with the home enterprise is infrequent and does not exceed that associated with a residential dwelling that did not have a business enterprise. (Ord. 629 § 4, 2018; Ord. 595 § 1, 2011; Ord. 514 § 1, 2004)

17.75.050 Resource extraction and grading.

Removal and grading of less than 150 cubic yards of earth or topsoil is permitted on any construction or development site. Where more than 150 cubic yards of earth materials will be removed or graded, a conditional use permit shall be required. Permit applications shall include a map at a scale of one inch equals 400 feet, showing major city transportation lines, existing topography, access roads and property lines. Another map shall be submitted showing the extent of the proposed excavation and final grading. (Ord. 433 § 15.50, 1997)

17.75.060 Bed and breakfasts – Home-based lodging facilities.

(1) Parking requirements shall include, in addition to an existing driveway associated with the home

being used for a bed and breakfast/home-based lodging facility, one off-road parking space per room being marketed for overnight lodging. Such parking must be appropriately constructed and must be adequately lit for use at nighttime and/or during periods of inclement weather.

(2) No street or curbside parking shall be permitted in attempting to meet the above parking requirements.

(3) All such establishments must be inspected by the local designee of the fire district or fire inspector for compliance with the state and local fire codes, as well as ensuring that proper methods of egress and ingress are available to those lodging at the dwelling. Such an inspection shall occur prior to the establishment of any such business or use, even when such businesses or uses are permitted within the land use zone in question. (Ord. 433 § 15.60, 1997)

17.75.070 Architectural features.

(1) Chimneys, cornices, canopies or similar architectural features may extend into any required yard only to the extent permitted by the Uniform Building Code. However, porches, carports, decks, etc. shall comply with setback requirements associated with the applicable zoning designation.

(2) Fire escapes and outside stairways which are unroofed and unenclosed above the steps thereof may project not more than six feet into any required front yard, not more than three feet into any required side yard, and not more than 10 feet into any required rear yard.

(3) All residential classifications and dwellings in other classifications:

(a) For safety, sight-obscuring fences, walls, or privacy hedges within a required front yard or side yard adjacent to a street shall not exceed four feet in height when located within 10 feet of a private or public street edge.

(b) To provide emergency access to dwellings, fences, walls, and hedges located within a side yard or rear yard shall not exceed eight feet in height. However, when a fence is installed that exceeds five feet in height, the owner shall also install access gates in a manner and in number as determined by the Forks building inspector. When such fence, wall, or hedge is closer than five feet to any off-premises dwelling, a conditional use permit shall be required to determine the effect upon that dwelling.

(4) On commercial and industrial lots, fences and walls shall not exceed eight feet in height and shall not obstruct visibility at points of ingress and egress. If a dwelling is enclosed in a commercial or industrial fence, all sides of the dwelling shall be accessible to emergency personnel by not having to go over anything over five feet in height.

(5) Limitations on height shall not be deemed to prohibit safety or security fences of any height necessary for public playgrounds, public utilities, and other public installations. (Ord. 433 § 15.70, 1997)

17.75.080 Special requirements for corner lots.

(1) Vision Protections for Motorists. In all residential districts, all corner and reverse corner lots shall maintain, for the safety of the drivers of motor vehicles, a triangular area within which no tree, fence, shrub wall or other obstruction shall be permitted higher than 30 inches above the established roadway grade. Said triangular area shall be measured as follows:

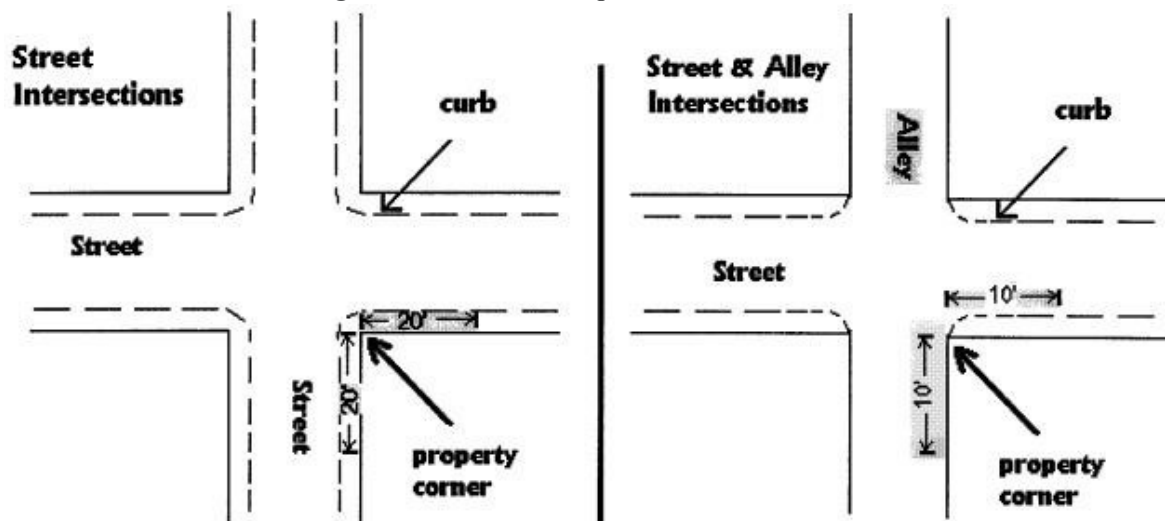
(a) Street Intersections. At any intersection of two street rights-of-way, two sides of said triangular area shall extend 20 feet along both right-of-way lines, measured from their point of intersection.

(b) Street and Alley Intersections. At any intersection of street and alley rights-of-way, two sides of said triangular area shall extend 10 feet along both rights-of-way, measured from

their point of intersection.

(2) Designation of Side Lot Setback for Corner Lots. Where a side lot line is also a street right-of-way, the side yard setback in any residential district shall be 15 feet subject to the approval of the planning director consulting with the building inspector; on corner lots in any residential district, the side lot line adjacent to the street may be considered the front lot line and the front, side, and rear yards adjusted accordingly. Approval shall be granted when the shifting of yards will result in better siting of the dwelling without adversely affecting adjacent properties, or obscuring drivers' views as determined by the planning director. (Ord. 433 § 15.80, 1997)

Figure 2. Corner Lot Requirements



17.75.090 Exceptions to height restrictions.

Mechanical structures, mechanical appurtenances (heating, ventilation, air conditioning, etc.), and/or architectural design elements (cornices, false facades, etc.) may be erected on a building to a height greater than the limit established in any district provided that: (1) no such exceptions shall cover more than 15 percent of the area of the building; (2) construction and/or installation is permitted by the Uniform Building Code; and (3) written prior approval for such construction and/or installation is obtained from the designee of the fire district stating that the project would not constitute a fire hazard that could not be addressed by the fire district, nor constitute a hazard to the public's safety with regard to fire hazards. Chimneys, water tanks, civil defense sirens, flag pole, monument, radio or TV antenna, government or public utility structures, and similar freestanding structures may be erected to a height greater than the limit established for any district provided such exception shall not cover more than 15 percent of the site. Such exceptions shall be approved by the city of Forks planning commission. (Ord. 446 § 2, 1998; Ord. 433 § 15.90, 1997)

17.75.100 Storage of vehicles and other materials.

Unless parked within the confines of a legal wrecking yard or on the premises of a legally established vehicle repair business, abandoned, inoperable, or partially dismantled vehicles shall not be parked outdoors. Not more than two vehicles intended to be repaired or restored may be parked outdoors if they are located in the rear yard and are screened by a sight-obscuring fence, wall, or hedge, or covered by a tarpaulin. Used building materials, equipment, and appliances, and similar items shall not be stored within the required front or street side yard for more than 30 days within a period of 12 consecutive months unless located within a district which specifically permits outdoor sales or storage. Parties shall be given 60 days from the date of written notice of noncompliance to comply with this section. (Ord. 433 § 15.100, 1997)

17.75.110 Location of off-street parking.

(1) In commercial or industrial districts off-street parking shall be located on the same lot or within 200 feet thereof.

(2) Parking for any nonresidential use shall not be located closer than five feet from any front or side property line when there is vehicular access from that property line. This provision shall not apply to any property or use which lawfully existed on the effective date of this code and which does not conform to the requirements within this code until such times as such use is discontinued or abandoned.

(3) Outdoor parking spaces or driveways serving an outdoor parking facility which are adjacent to property in a residential zone shall have a sight-obscurer fence four feet in height on the property line abutting said residential zone. This provision shall not apply to any outdoor parking facility which on the effective date of this code existed in conformance with prior city codes until such time as such use is discontinued or abandoned.

(4) Parking for residential uses shall not be located in a required front yard within 15 feet of the street side property line on a corner lot. Sufficient off-street parking shall be provided for at least two vehicles. (Ord. 433 § 15.110, 1997)

17.75.120 Improvement of parking space and access.

(1) Any parking facility for five or more vehicles, including access driveways and aisles, shall be graded and drained so as to dispose adequately of surface water, to the satisfaction of the city utilities superintendent, and shall be surfaced with concrete, asphaltic concrete, bituminous surface treatment or an equivalent satisfactory to the city utilities superintendent and shall be maintained in good condition free of weeds, dust, trash, and debris.

(2) Required individual parking spaces shall be designated by constructing paint or markers and shall be a minimum of nine feet wide and 20 feet long. Driveways providing access to a parking facility shall be at least 12 feet wide from each lane of travel and aisles providing access to parking spaces shall be as follows:

(a) One-way aisles serving angle parking 50 or less: 12 feet wide.

(b) One-way aisles serving angle parking 50 to 75 or two-way aisle: 18 feet wide.

(c) Two-way aisle serving angle parking 50 or less: 18 feet wide.

(d) Two-way aisle serving angle parking 50 or more or one-way aisle serving 70 to 90: 25 feet wide.

(3) Parking facilities for nonresidential uses which will be used after dark shall be lighted; provided, that the light source shall be directed away from nearby residential premises. (Ord. 433 § 15.120, 1997)

Residential	Parking requirements
Single-family	2 stalls per unit
Accessory dwelling unit (ADU)	1 stall per studio or 1 bedroom, 2 stalls per 2 or more bedrooms not to exceed more than 2 stalls per unit
Duplex, triplex, fourplex on lots less than 6,000 square feet (1)	1 stall per studio or 1 bedroom, 2 stalls per 2 or more bedrooms not to exceed more than 2 stalls per unit
Fiveplex, sixplex, townhouse, stacked flat/multiples, courtyard building on lots less than 6,000 sf (1)	1 stall per studio or 1 bedroom, 2 stalls per 2 or more bedrooms not to exceed more than 2 stalls per unit
Cottage housing	1 stall per studio or 1 bedroom, 2 stalls per 2 or more bedrooms not to exceed more than 2 stalls per unit
Caretaker apartments/quarters	1 stall per apartment
Co-living housing units/boarding house	1 stall for the manager plus 1 stall per sleeping room for boarders and/or lodging use plus 1 additional stall for each 4 persons employed on the premises
Mixed-use	Total requirements shall be the sum of the requirements for the principal uses computed separately
Affordable housing	1 stall per studio or 1 bedroom, 2 stalls per 2 or more bedrooms not to exceed more than 2 stalls per unit
Permanent supportive housing (PSH)	1 stall per studio or 1 bedroom, 2 stalls per 2 or more bedrooms not to exceed more than 2 stalls per unit
Transitional housing	1 stall per sleeping quarter plus 1 additional stall for each 4 persons employed on the premises
Emergency housing and shelters	1 stall per sleeping quarter plus 1 additional stall for each 4 persons employed on the premises
Encampments on a religious property	1 stall per tent, vehicle, tiny home, or other sleeping quarter plus 1 additional stall for each 4 persons employed on the premises
Group homes	0.5 stalls per bed
Nursing homes	0.25 stalls per bed
Motels and hotels	1 stall for manager and 1 stall per room
Mobile and manufactured home parks	1 stall for manager and 2 stalls per dwelling unit
Commercial	Parking requirements
Retail sales of small items including but not limited to groceries, drugs, and department store items (1)	1 stall per 350 square feet of gross floor area plus 1 stall per employee on the largest work shift.
Retail sales of bulky items but not limited to furniture, appliances, feed and grain, service stations, furniture and appliance repair, car washes, professional laundries, data processing and printing, plumbing, construction, craft shops, cabinet making, machine shops, fabricating shops, and other trades, motor vehicles and heavy equipment sales and repair, warehousing and food or property storage facilities, wholesale sales, bottling and distributing shops, and truck terminals. (1)	1 stall per 750 square feet of gross floor area plus 1 stall per employee on the largest work shift.
Taverns, lounges, restaurants, and commercial indoor places of amusement and recreation. (2)	1 stall per 175 square feet of gross floor area; or 1 stall per every 3 persons of legal occupancy, or practical occupancy, where a legal standard does not exist plus 1 stall per employee, whichever is greater;
Laundry, self-service	1 stall per 175 square feet of gross floor area
Hotels, motels, or boarding houses	1 stall per guest room plus 1 stall per employee on the largest work shift
Hospitals, residential care facilities	1 stall per 3 patient beds or examination tables plus 1 stall per staff doctor plus 1 stall for every other employee working on the largest shift

Residential	Parking requirements
Clinic and pharmacies incidental to a clinic	1 stall per patient bed or room plus 1 stall per staff doctor and 1 stall per employee on the largest work shift
Personal, professional, financial services, businesses, and public offices	1 stall per 350 square feet of gross floor area plus 1 stall per employee on the largest work shift (1)
Industrial	Parking requirements
Manufacturing, home based businesses, processes, and treatment plants	1 stall per every 2 employees
Public assembly and recreation	Parking requirements
Churches, mortuaries, places of public assembly, places of adult instruction or exhibition halls (2)	1 stall per 4 fixed seats in the main auditorium (every 20 inches of church pews equals 1 seat); or 1 stall per 175 square feet of gross floor area in the main assembly area.
Other uses not specified h	Parking shall be provided as specified for the use which, in the opinion of the City Council, is most similar to the use under consideration

(1) If parking can be placed behind and/or to the side of the facility, an allotment of 1 stall per 450 square feet of gross floor area can be utilized.

(2) If parking can be placed behind and/or to the side of the facility, an allotment of 1 stall per 250 square feet of gross floor area can be utilized.

17.75.130 Off-street parking requirements.

(1) Minimum requirements for off-street parking shall be as follows:

(a) Single-family dwellings: Two parking spaces per unit.

(b) Multiple-Family Dwellings.

(i) Minimum Parking Requirements by Unit Type.

(A) Two parking spaces per unit; or

(B) One parking space per each studio or for each one bedroom unit.

(ii) Further, the project developer may elect to apply one of the following to the total number of required parking spaces for a multifamily dwelling; provided, that the developer can (A) demonstrate and certify to the applicability of either of these incentives to their proposed development as part of the permit process; and (B) upon permit approval and as part of the inspection process associated with the development's construction, verify and demonstrate that the permitted incentive is and/or was constructed and installed as permitted. A developer may select either of the following two incentives:

(A) Affordable Housing Related Incentive. For projects funded in part or in their entirety with state and/or federal funds for affordable low to moderate income housing, the total number of parking spaces required by subsection (1)(b)(i) of this section may be reduced by no more than 15 percent of the total; provided, that the developer further certifies that any cost savings would be invested into the project electing to utilize this incentive and can demonstrate that the development is in very close proximity to known public transportation routes.

(B) Low-Impact Stormwater Management Incentive. For projects where the developer elects to utilize pervious paving, pervious surface drain strips, or other similar low-impact stormwater management approaches to comply with the requirement that all stormwater is kept on site, the total number of parking spaces required by subsection (1)(b)(i) of this section may be reduced by no more than 15 percent of the total; provided, that all such devices are reviewed and approved by the city's public works director and a management plan for those devices is provided for as part of the permit application.

(iii) Any incentive provided for within this portion of the code may not be accumulated with another identified incentive found within subsection (1)(b)(ii) of this section.

(c) Personal, professional, financial services, businesses, and public offices: one space per 350 square feet of gross floor area, plus one space per employee on the largest work shift. If parking can be placed behind and/or to the side of the facility, an allotment of one space per 450 square feet of gross floor area can be utilized.

(d) Retail sales of small items, including but not limited to groceries, drugs, and department store items, in a building: one space per 350 square feet of gross floor area, plus one space per employee on the largest work shift. If parking can be placed behind and/or to the side of the facility, an allotment of one space per 450 square feet of gross floor area can be utilized.

(e) Retail sales of bulky items, including but not limited to furniture, appliances, feed and grain, service stations, furniture and appliance repair, car washes, professional laundries, data

processing and printing, plumbing, construction, craft shops, cabinet making, machine shops, fabricating shops, and other trades, motor vehicle and heavy equipment sales and repair, warehousing and food or property storage facilities, wholesale sales, bottling and distributing shops, and truck terminals:

(i) One space per 750 square feet of gross floor area; plus

(ii) One space per employee on the largest work shift.

If parking can be placed behind and/or to the side of the facility, an allotment of one space per 850 square feet of gross floor area can be utilized.

(f) Taverns, lounges, restaurants, and commercial indoor places of amusement and recreation:

(i) One space per 175 square feet of gross floor area; or

(ii) One space for every three persons of legal occupancy, or practical occupancy, where a legal standard does not exist, plus one space per employee, whichever is greater;

(iii) If parking can be placed behind and/or to the side of the facility, an allotment of one space per 250 square feet of gross floor area can be utilized.

(g) Self-service laundries: one space for every 175 square feet of gross floor area.

(h) Hotels, motels, or boarding houses: one space per guest room plus one space per employee on the largest workshift. Hospitals, residential care facilities: one space per three patient beds or examination tables plus one per staff doctor, plus one space for every other employee working on the largest workshift.

(i) Clinic and pharmacies incidental to a clinic: one space per patient bed or room, plus one space per staff doctor and one space per other employees on the largest workshift.

(j) Churches, mortuaries, places of public assembly, places of adult instruction or exhibition halls:

(i) With fixed seats, one space for every five seats in the main auditorium every 20 inches of a church pew equals one seat; or

(ii) Without fixed seats, one space for every 175 square feet of gross floor area in the main assembly area;

(iii) If parking can be placed behind and/or to the side of the facility, an allotment of one space per 250 square feet of gross floor area can be utilized.

(k) Manufacturing, home based businesses, processing, and treatment plants: one space for every two employees.

(l) Uses not otherwise specified: as may be established by the city council. Uses occupying structures existing as to the effective date of this code shall be exempt from providing the required number of parking spaces as outlined in this section provided:

(i) Where such use is expanded, enlarged, or intensified, additional off-street parking shall be required only for such expansion, enlargement, or intensification;

(ii) The number of off-street parking spaces for uses existing at the effective date of this code shall not be reduced; and

(iii) Where a use proposes to occupy a structure existing as of the effective date of this code and where such use requires more off-street parking than the use immediately preceding it in such structure, such use shall be required to provide only that number of additional parking spaces which is the difference between the requirement for such new use and the requirement for the use immediately preceding it in such structure.

(2) Required off-street parking shall be for occupants, employees, visitors, and customers and shall be limited in use to parking.

(3) Compliance with the Americans with Disabilities Act is also required for facilities used by the public, and may require creation of additional spaces. Placement and signing of disabled parking spaces must be coordinated with the city utilities superintendent.

(4) For nonresidential uses identified within this section, a low-impact stormwater management incentive may be applied by the developer of the project to reduce the total parking requirement by 15 percent when the developer installs and/or implements low-impact stormwater management techniques such as pervious paving, pervious surface drain strips, or other similar low-impact stormwater management approaches that have been approved by the public works director. As a condition associated with the permitting of this incentive, the developer will also have to provide a management plan for those devices as part of the permit application. (Ord. 591 § 1, 2011; Ord. 579 § 1, 2010; Ord. 433 § 15.130, 1997)

17.75.140 Sign requirements.

Signs erected within the city of Forks shall meet the requirements of the city of Forks sign ordinance, Chapter

17.110 FMC, as passed and amended by the city of Forks. (Ord. 433 § 15.140, 1997)

17.75.150 Open space requirements in new developments.

(1) As required by the Growth Management Act, the creation of new “open space” is a required need within GMA defined urban areas. While the city of Forks is surrounded by tens of thousands of acres of open space in the forms of commercial forest lands, national forests, and/or national parks, compliance with state law is required. Therefore the following open space requirements shall be applicable:

(a) Residential development has 20 or more lots, condominiums, apartments of dwelling units and/or mobile home lots. In such developments, the developer shall be required as part of final approval to create open space in an amount equal to the average of all of the lots in the development. In the case of condominiums, apartments, townhouses, etc., the developer shall establish one-twentieth of the entire development area as communal open space. In developments that exceed 30 lots, the open space requirement shall be established as one lot per 20 new lots.

(b) Residential development has 19 lots or less. The developer is encouraged to create communal open space. However, the creation of such space is optional and can only be required by the city as part of the final approval when the open space would mitigate some other aspect of the development.

(c) Commercial Development. When the commercial development involves the creations of retail shopping facilities with more than 10,000 gross square feet, or business/professional parks consisting of more than 10 tenant units, then open space requirements shall be created at the rate of one-twentieth of the entire development area or parcel size, whichever is greater. This

space can be developed into common areas.

(2) In all cases requiring open space, the open space shall be denoted on the final plat. In addition, responsibility for the maintenance of the open space shall be that of the developer or the owners/tenants. In the latter case, a binding maintenance agreement shall be executed, after review by the city, and recorded with the final plat. Open space requirements may be fulfilled with the dedication of critical areas as open space, even if density transference options found within the Forks zoning code are utilized. In no situation may open space be utilized by the developer to meet the requirements of setbacks, front, side or back yards, parking, or buffer zones (with the exception of critical area buffers as already noted above). (Ord. 433 § 15.150, 1997)

17.75.160 Development standards for middle housing.

(1) Middle Housing. Middle housing includes accessory dwelling units (ADU), duplex, triplex, fourplex, fiveplex, sixplex, townhouse, courtyard buildings, and cottage housing. The purpose of these standards is to:

- (a) Promote compatability of middle housing with other residential uses, including single-family houses.
- (b) De-emphasize garages and driveways as major visual elements along the street.
- (c) Provide clear and accessible pedestrian routes between buildings and streets.

(2) Design Review. The process used for reviewing compliance with middle housing design standards shall be administrative design review.

(3) Pedestrian access. A paved pedestrian connections at least three feet wide is required between each middle housing building and the sidewalk (or the street if there is no sidewalk). Driveways may be used to meet this requirement.

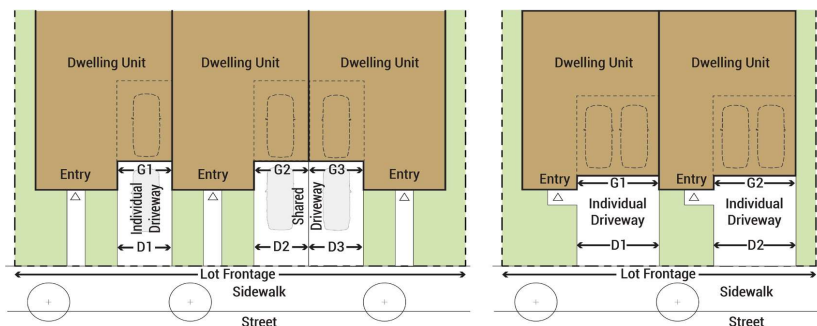
(4) Vehicle Access, Carports, Garages, and Driveways. For lots abutting an improved alley that meets the town's standard for width, vehicular access shall be taken from the alley. Lots without access to an improved alley and taking vehicular access from a street shall meet other standards of subsection (4)(a-c).

(5) Garages, Driveways, and Off-Street Parking. Garages, driveways, and off-street parking areas shall be located between a building and a street, except when either of the following conditions are met:

(a) The combined width of all garages, driveways, and off-street parking areas does not exceed a total of 60 percent of the street frontage property line. This standard applies to buildings and not individual units: or

(b) The garage, driveway, or off-street parking area is separated from the street property line by a dwelling;

or



$\frac{(G1+G2+G3)}{\text{Lot Frontage}}$ must be no more than 60%
(D1+D2+D3) must not exceed 32 feet per frontage
Individual driveway width (any "D#") shall not exceed 20 feet

(c) The garage, driveway, or off-street parking is located more than 100 feet from a street.

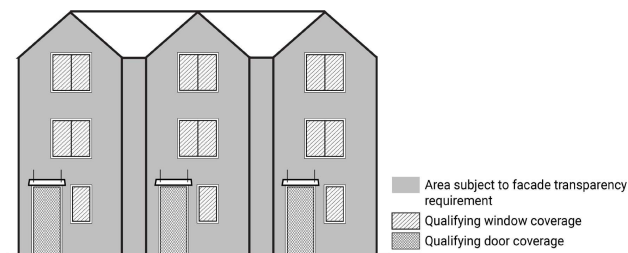
(6) Garages. All detached garages and carports shall not protrude beyond the front building façade.

(7) Driveways. The total width of all driveway approaches shall not exceed 32 feet per frontage, as measured at the property line. Individual driveway approaches shall not exceed 20 feet in width.

(8) Collector Road Access. Town requirements for driveway separation and access from collector streets and arterial streets shall apply.

(9) Entries. Each building shall incorporate a primary building entry or one or more private unit entries, such as a covered porch or recessed entry. Each entry shall feature minimum weather protection for three feet by three feet.

(10) Windows and Doors. A minimum of 15 percent of the area of the street-facing façade elevation shall include windows or doors. Facades separated from the street by a dwelling or located more than 100 feet from a street are exempt from this standard.



17.75.70 Infrastructure standards for middle housing

(1) Transportation. Regulations for driveways, frontage improvements, alley improvements, and other transportation public works and engineering standards shall not be more restrictive for middle housing than for detached single-family residences, except as addressed by this ordinance.

(2) Lot Access/Road Standards.

(a) Private driveway access shall be permitted for middle housing development with any number of units when a fire apparatus access road is within 150 feet of all structures on the lot and all portions of the exterior walls of the first story of the buildings, as measured by an approved route around the exterior of the buildings.

(b) When a fire apparatus road is not within 150 feet of all structures on the lot, subsection (2)(a) does not apply and one of the following conditions must be met:

(i) The building is equipped throughout with an approved automatic sprinkler system meeting International Fire Code requirements.

(ii) No more than 2 units are accessed via the same private driveway.

(iii) Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.

(c) Private driveways shall not be required to be wider than 12 feet and shall not be required to have unobstructed vertical clearance more than 13 feet 6 inches except when it is determined to be in violation of the International Fire Code or other fire, life, and safety standards, such as sight distance requirements.

(d) Private driveway access, separate from access to an existing home, shall be permitted unless it is determined to be in violation of the Fire Code or other fire, life, safety standards, such as sight distance requirements.

(e) This subsection is not intended to limit the applicability of the adopted Concrete fire code, except as otherwise presented in this subsection.

Chapter 17.80 PLANNED UNIT DEVELOPMENT

Sections:

17.80.010 Planned unit development – Intent.

17.80.020 Planned unit development location and site size requirements.

17.80.030 Permitted uses in a planned unit development.

17.80.040 Lot, land, and building requirement in a planned unit development.

17.80.050 Density in a planned unit development.

17.80.060 Public facilities and open space in a planned unit development.

17.80.070 Planned unit development application procedure.

17.80.080 Final plan considerations.

17.80.090 Expiration.

17.80.010 Planned unit development – Intent.

The planned unit development regulations are intended to allow or encourage better development than that which would result from existing lot development by applying to relatively large areas the same principles and purposes inherent in the comprehensive plan, while providing for interrelated land uses and permitting flexibility in design, location, and height of building, size and use of open spaces, parking areas, and circulation facilities, and best utilizing the potential of sites with special characteristics. (Ord. 433 § 16.10, 1997)

17.80.020 Planned unit development location and site size requirements.

(1) When approved pursuant to FMC 17.80.070 and 17.80.080, planned unit developments would be a permitted use as provided in the zone applying to the site;

(2) Proposed uses within the development shall conform to the uses and policies stated within the comprehensive plan;

(3) The site shall abut, and the internal street or streets serving the project shall be functionally connected to, an arterial or collector street as specified within the comprehensive plan; and

(4) The minimum site required shall be two acres. (Ord. 433 § 16.20, 1997)

17.80.030 Permitted uses in a planned unit development.

In a planned unit development, only the following uses are permitted:

(1) For residential developments:

(a) Dwelling units as permitted or conditional within the applicable zoning district and uses and buildings accessory to those dwelling units;

- (b) Recreational facilities including but not limited to tennis courts, swimming pools, and playgrounds;
- (c) Public and semi-public uses as permitted or conditional for residential districts;
- (d) Limited retail commercial and/or personal and professional service centers; provided, that the dominant character of the overall development is residential.

(2) For nonresidential developments: those uses permitted by the district in which development is located. (Ord. 433 § 16.30, 1997)

17.80.040 Lot, land, and building requirement in a planned unit development.

Lot sizes, setbacks from exterior boundary lines and between on-site buildings, building heights and locations and amount and location of open space shall conform to the objectives and policy statements of the comprehensive plan and shall be shown on the approved final development plan described in FMC 17.80.070 and 17.80.080. The setback from the exterior boundary for each building in any residential planned unit development shall be at least equal to the height of that building; provided, that other methods of providing an adequate buffer instead of setbacks may be considered and authorized if found to provide adequate protection to adjacent property. (Ord. 433 § 16.40, 1997)

17.80.050 Density in a planned unit development.

The number of dwelling units permitted in any planned unit development in a residential zone shall equal the total development area in acres. (Ord. 433 § 16.50, 1997)

17.80.060 Public facilities and open space in a planned unit development.

All public facilities, including electrical, telephone, and TV cable, shall be placed underground. For planned unit developments, private open space consisting of balconies or fenced area shall be provided adjacent to each dwelling unit and the area of such private open space shall be at least 10 percent of the gross floor area of the dwelling unit. A legally enforceable provision for the retention and maintenance of all common open spaces and public facilities shall be provided. (Ord. 433 § 16.60, 1997)

17.80.070 Planned unit development application procedure.

The application procedure for a planned unit development is divided into three major elements:

(1) Preapplication Conference. In order to provide an opportunity for the proposing party to discuss the development with the city officials, copies of the proposal's preliminary plan, sketches, and basic site information shall be submitted to the city clerk/treasurer. The applicant will receive notice within five days of a conference appointment with interested city staff. The more information submitted (sketch, plans, adjacent and on-site land uses, proposed densities, etc.), the more assistance the applicant may receive at this preapplication conference. At a minimum the applicant will receive an indication whether or not the proposal conforms to the comprehensive plan, zoning and subdivision codes, and applicable city requirements.

(2) Preliminary Plan Consideration. If the applicant wishes to proceed, six copies of an application signed by the property owner, together with the application fee shall be submitted to the city clerk/treasurer. The application shall include the following information:

- (a) A legal description of the area to be designated, present and proposed owners, and present and proposed zoning;
- (b) A statement outlining the proposed development's adherence to the goals, objectives, and policies of the comprehensive plan;

- (c) An estimated construction time schedule;
 - (d) Project quantitative data including:
 - (i) Total number of parcels and average parcel size;
 - (ii) Total number and type of dwelling units and unit density per acre;
 - (iii) Total acres of open space;
 - (iv) Other information requested in the preapplication conference;
 - (e) An accurate map suitable for filing, drawn to a scale of not less than 100 feet to the inch showing:
 - (i) The boundaries of and lot lines on the site;
 - (ii) All existing and proposed streets within or bordering the site including major points of ingress and egress to the development;
 - (iii) The proposed location and vertical heights of any building on the site;
 - (iv) Public dedications, if any, including location of private and common open space; and
 - (v) Proposed and existing land uses;
 - (f) A city-wide map showing the location of the development in relation to the whole city and its streets;
 - (g) A topographic map with contours at intervals of not more than two feet together with proposed grading, landscaping, and existing and proposed drainage. Contours at intervals of not more than five feet may be allowed, subject to the approval of the city engineer, where the slope of the site is significant enough to provide sufficient detail at such greater contour intervals. This map should also display any natural or manmade buffers placed between different uses;
 - (h) An accurate map of the proposed development authorizing existing and proposed utility systems including sanitary sewers, storm sewers, and water, electrical, gas, and telephone lines;
 - (i) An environmental checklist;
 - (j) Any additional information suggested necessary at the preapplication conference.
- (3) Upon receipt of the application, the planning director shall schedule a public hearing for the next regular meeting of the Forks planning commission provided there remains adequate time to prepare public notice as outlined in FMC 17.120.010.
- (4) After conducting the public hearing the commission shall determine the proposal's conformance to the comprehensive plan, the requirements of this code and any other law and shall forward to the city council within 15 days its recommendation for approval, disapproval, or modifications, of the proposal with appropriate findings.
- (5) Once the commission's recommendation is received, the city council shall approve, disapprove, or modify the preliminary plan of the proposal stating its reasons for its decision.

(6) Should the preliminary plan be disapproved, the applicant must resubmit the application as outlined within this section and incorporate the council's comments within the proposal.

(7) Should the preliminary plan be approved with minor adjustments required, the council may direct that the proposal be resubmitted to the Forks planning commission at its regular session to insure that the modified proposal conforms to the city comprehensive plan. The commission's findings shall be forwarded to the applicant and the city council at the next regular meeting. Once a preliminary plan is approved by the city council, acceptance of the final plan will be based upon conformance to the preliminary proposal. (Ord. 433 § 16.70.010, 1997)

17.80.080 Final plan considerations.

The applicant shall submit three copies of a final plan for filing based upon the approved preliminary plan to the city clerk/treasurer within one year of the preliminary plan approval. The final plan shall consist of information required in the preliminary plan application updated and corrected. The final plan shall also include:

(1) Total estimated floor space and specific location of buildings;

(2) Any engineering reports or drawings completed for the development especially related to water and sewer installation, street and circulation specifications, and surface design; and

(3) Detailed construction schedule of proposal. The city planning director shall forward a copy of the final plan to the Forks planning commission for their consideration at their next regular meeting.

(a) If the Forks planning commission determines that the final plan submitted conforms to the approved preliminary plan, and approved and proposed minor adjustments, it shall so report in writing to the city council and recommend approval of the final plan.

(b) If the Forks planning commission finds that the final plan does not conform to the preliminary plan, it shall so report to the city council. Notice of a public hearing by the city council shall be made within 21 days after the Forks planning commission reports the finding to the city council. Following acceptance of public opinion at the final hearing, the city council may act upon the final plan.

(4) If the plan is accepted, the planned unit development shall be formally recorded, building permits under the authority of the building inspector may be issued, and construction may begin.

(5) If the final approval is subjected to minor modifications of the proposal, the conditions shall be agreed to in writing by the developer prior to formal acceptance. (Ord. 433 § 16.70.020, 1997)

17.80.090 Expiration.

If a building permit has not been obtained within one year of a final approval, the approval shall expire. The Forks planning commission may at any time after the expiration of the final plan, recommend to the city council an action to extend or renew the planned unit development designation. For phased or staged developments, the Forks planning commission may set expiration dates based on the separate stages of the development. The expiration date may be set at one year for the first stage of the development and one additional year for each subsequent stage of development as defined by the Forks planning commission. (Ord. 433 § 16.80, 1997)

Chapter 17.85
CONDITIONAL USE
PERMITS

Sections:

17.85.010 Purpose.

17.85.020 Application.

17.85.030 Authorization.

17.85.040 Findings and appeal.

17.85.050 Consideration of the appeal.

17.85.060 Expiration.

17.85.010 Purpose.

The conditional use permit procedure is used to review certain proposed uses to assure that certain conditions within the city are maintained. These conditions include the maintenance of compatibility between uses within the various areas of the city; the prevention of nuisances, hazards, and other adverse impacts; and the conformance of development to the comprehensive plan and city codes. These proposed uses may be permitted, with or without special requirements, or denied, based on whether the proposed use would jeopardize the conditions described above or would not conform to the requirements of the comprehensive plan and this code. The special requirements imposed shall be those which will reasonably assure that these conditions are maintained and adverse impacts prevented. In no case shall a conditional use permit be used to reduce the requirements of the zone in which the use is located. (Ord. 433 § 17.10, 1997)

17.85.020 Application.

- (1) The applicant seeking a conditional use permit shall submit the proposal to the city planning director at least 20 days prior to the Forks planning commission meeting along with the fees required for conditional use permits noted elsewhere in this code.
- (2) Once a hearing time is established, proper notification shall be given concerning time, place, and purpose of such a hearing, and shall be in conformance with this code. (Ord. 433 § 17.20, 1997)

17.85.030 Authorization.

- (1) A conditional use permit may be authorized by the Forks planning commission within 21 days following the close of the hearing described in FMC 17.120.010.
- (2) In reviewing a conditional use permit, the commission may attach thereto such conditions regarding the location, character, and/or other features of the proposed use as the commission deems necessary in the public interest, in the interest of furthering the purpose of this code, and for the purpose of fulfilling the Forks comprehensive plan. These conditions must be stated in writing as part of the permit and must state the connection between the use, condition and public interest being invoked. (Ord. 433 § 17.30, 1997)

17.85.040 Findings and appeal.

- (1) The Forks planning commission shall report to the city council its findings regarding an application for a conditional use permit within 15 days of its decision. Any affected party, including a member of the city council may appeal the decision to the city council within 15 days of the date the

report of the Forks planning commission is issued to the city council.

(2) The appeal shall be filed in writing with the city clerk/treasurer on forms established for this purpose. Once a hearing time is established, proper notification shall be given concerning time, place and purpose of such a hearing, and shall be in conformance with provisions of Chapter 17.120 FMC. (Ord. 433 § 17.40, 1997)

17.85.050 Consideration of the appeal.

(1) Upon receipt of the appeal the city clerk/treasurer shall publicize and schedule a public hearing by the council pursuant to Chapter 17.135 FMC.

(2) The city council within 21 days of the close of the hearing shall affirm, reverse, remand, or modify (including attaching additional conditions) the decision of the Forks planning commission. (Ord. 433 § 17.50, 1997)

17.85.060 Expiration.

(1) A conditional use permit shall become void if after the expiration of one year from the permit date, no substantial construction has taken place in accordance with the plans for which such conditional use permit was authorized.

(2) The city of Forks city council may extend the permit an additional year upon a showing of good cause by applicant at any time up until the permit has expired. (Ord. 433 § 17.60, 1997)

Chapter 17.90
SPECIAL USE
PERMITS

Sections:

17.90.010 Purpose.

17.90.020 Application.

17.90.030 Authorization.

17.90.040 Findings and appeal.

17.90.050 Consideration of the appeal.

17.90.060 Expiration.

17.90.010 Purpose.

The special use permit procedure is used to permit the city planning director to review certain proposed uses to assure that certain conditions within the city are maintained. These conditions include the maintenance of compatibility between uses within the various areas of the city, the prevention of nuisances, hazards, and other adverse impacts, and the conformance of development to the comprehensive plan and city codes. These proposed uses may be permitted, with or without special requirements, or denied, based on whether the proposed use would jeopardize the conditions described above or would not conform to the requirements of the comprehensive plan and this code. The conditions imposed shall be those which will reasonably assure that these conditions are maintained and adverse impacts prevented. In no case shall a special use permit be used to reduce the requirements of the zone in which the use is located. (Ord. 433 § 18.10, 1997)

17.90.020 Application.

The applicant seeking a special use permit shall submit the proposal to the city planning director. The planning director, upon receipt of the permit with the applicable fees as delineated elsewhere within this code, shall provide notice, in a manner described elsewhere within this code, of the application and determination on the application. (Ord. 433 § 18.20, 1997)

17.90.030 Authorization.

(1) A special use permit may be authorized by the planning director. Decision of the planning director must occur within 21 days of receipt of the application.

(2) In reviewing a special use permit, the planning director may attach such conditions regarding the location, character, and/or other features of the proposed use as the commission deems necessary in the public interest, in the interest of furthering due purpose of this code, and for the purpose of fulfilling the Forks comprehensive plan. These conditions must be stated in writing as part of the permit and must state the connection between the use, condition and public interest being invoked. (Ord. 433 § 18.30, 1997)

17.90.040 Findings and appeal.

(1) The decision of the planning director, as well as a brief description of the application, and basis for approval or disapproval shall be published in a manner described within FMC 17.120.010. Any affected party may appeal the decision to the Forks planning commission within 15 days of the date of decision by the planning director.

(2) The appeal shall be filed in writing with the city planning director on forms established for this purpose. Once a hearing time is established, proper notification shall be given concerning time, place and purpose of such a hearing, and shall be in conformance with provisions of Chapter 17.135 FMC. (Ord. 433 § 18.40, 1997)

17.90.050 Consideration of the appeal.

(1) Upon receipt of the appeal the city planning director shall publicize and schedule a public hearing before the Forks planning commission pursuant to Chapter 17.120 FMC.

(2) The Forks planning commission within 21 days of the close of the hearing shall affirm, reverse, remand, or modify (including attaching additional conditions) the decision of the planning director.

(3) The decision of the Forks planning commission may be appealed by either the planning director or the appealing party within 15 days from the date of decision. Notice and appeal procedures for this second appeal shall comply with FMC 17.135.040 and 17.135.050.

(4) In a second appeal, the city council shall only affirm or reverse the decision of the Forks planning commission. A reversal would let stand the decision of the planning director as binding upon the applicant for the special use. (Ord. 433 § 18.50, 1997)

17.90.060 Expiration.

(1) A special use permit shall become void if after the expiration of one year from the permit date no substantial construction has taken place in accordance with the plans for which such conditional use permit was authorized.

(2) The planning director may extend the permit an additional year upon a showing of good cause by applicant at any time up until the permit has expired. (Ord. 433 § 18.60, 1997)

Chapter 17.95

VARIANCES

Sections:

17.95.010 Purpose and intent.

17.95.020 Authorization.

17.95.030 Application.

17.95.040 Notice of hearing.

17.95.050 Criteria for granting a variance.

17.95.060 Revocation.

17.95.010 Purpose and intent.

A variance is granted to allow relief from total compliance with the zoning code where such compliance would create an unnecessary hardship or deprive an owner of any reasonable use of the property. (Ord. 433 § 19.10, 1997)

17.95.020 Authorization.

The Forks planning commission is empowered to hear and recommend to city council for determination all applications for variance from the provisions of this code. (Ord. 433 § 19.20, 1997)

17.95.030 Application.

Written application for variance shall be filed with the city planning director and be accompanied by the fees for variance applications noted elsewhere in this code. (Ord. 433 § 19.30, 1997)

17.95.040 Notice of hearing.

Prior to the consideration at a public hearing of an application for a variance, proper public notification shall be given concerning the time, place, and purpose of such hearing. Such notifications shall be made in accordance with the notice provisions of this code found in Chapter 17.120 FMC. (Ord. 433 § 19.40, 1997)

17.95.050 Criteria for granting a variance.

A variance shall not be granted unless it is found:

(1) That the applicant experiences unnecessary hardship and that this hardship:

(a) Does not result from the applicant's own action;

(b) Arises from unique physical circumstances relating to the size, shape, topography, locations, or surroundings of the subject property which deprives the owner of the use, right, and privileges permitted to owners of other property in the same zoning classification in which the subject property is located;

(2) That the granting of such variance will not adversely affect adjacent property;

- (3) That the variance does not constitute a "use" variance or a special privilege to the applicant to use property for purposes other than those allowed within the zone district in which the property is located;
- (4) That the variance does not create a conflict between the variance and the comprehensive plan;
- (5) That the variance will not result in the change of the boundaries of a zoning district. (Ord. 433 § 19.50, 1997)

17.95.060 Revocation.

A variance may be revoked on any one or more of the following grounds:

- (1) That the variance was obtained by fraud;
- (2) That the variance is being exercised contrary to its terms and conditions or in violation of law;
- (3) That the variance is being exercised so as to be detrimental to public health, safety or welfare;
- (4) That the variance is contrary to the provisions in the comprehensive plan. The Forks planning commission may initiate proceedings to revoke a variance. The building inspector or any other aggrieved person may petition the commission to conduct a revocation hearing on the grounds previously listed. Notice requirements and hearing procedures shall be the same as required for the initial consideration thereof. The city council shall make the final determination. (Ord. 433 § 19.60, 1997)

Chapter 17.100
NONCONFORMING
USES, LOTS, OR
STRUCTURES

Sections:

17.100.010 Purpose.

17.100.020 Provisions for nonconforming uses.

17.100.030 Alteration of nonconforming uses.

17.100.040 Previously granted conditional use permits and variances.

17.100.050 Nonconforming lots.

17.100.010 Purpose.

The following guidelines are provided to regulate uses or structures which were lawfully established at the time this code was adopted but which do not conform to the requirements of this code.
(Ord. 433 § 20.10, 1997)

17.100.020 Provisions for nonconforming uses.

(1) Any nonconforming structure or land use including but not limited to parking lots and fences may be continued subject to the following provisions:

(a) A pre-existing structure or use which is nonconforming may be continued and maintained and may be extended or expanded; provided, that no additional land is required, following the effective date of this code to accommodate said expansion or extension. This provision applies only to the specific use that exists on the date that this code is adopted.

(b) If a pre-existing, nonconforming use or structure is destroyed by any natural or accidental cause, said use or structure may be rebuilt within three years following destruction, devoted only to the use existing prior to destruction. If possible, the rebuilt structure shall conform to the setback standards of the zone in which it is located.

(2) The sale of any land, use or structure shall not modify or affect the rights to nonconforming uses, land or structures detailed within this chapter. (Ord. 433 § 20.20, 1997)

17.100.030 Alteration of nonconforming uses.

Any building or structure nonconforming as to use at the effective date of this code may be altered or repaired provided such alteration or repair shall not increase the existing degree of nonconformity as determined by the city planning director. (Ord. 433 § 20.30, 1997)

17.100.040 Previously granted conditional use permits and variances.

Any conditional use permit, or a variance granted under previous regulations, is hereby declared to be continued subject to any conditions and/or time limits specified in the original permit; provided, that if the particular use is not otherwise permitted by this code in the zone in which it is located, such established uses and improvements incident thereto shall be considered nonconforming, and shall be subject to the provisions of this section and chapter. (Ord. 433 § 20.40, 1997)

17.100.050 Nonconforming lots.

A lot (as determined in Chapter 17.10 FMC) which existed prior to the effective date of this code and which is nonconforming as to area, or dimension, as required by the districts where the lot is located

shall be considered a legal building site provided:

(1) Such lot has at least 20 feet of frontage on a public street; or adequate easement to a public street;

(2) All other regulations for the district, and other rules and regulations of the city shall be satisfied. (Ord. 433

§ 20.50, 1997)

Chapter 17.105
DEVELOPMENT REGULATIONS FOR DESIGN, CONSTRUCTION AND INSTALLATION OF
ROADWAYS, SIDEWALKS AND UTILITIES

Sections:

17.105.010 Purpose and intent.

17.105.020 Applicability.

17.105.030 General design and construction standards.

17.105.040 Security requirements – Bonds, insurance, registrations.

17.105.050 Street requirements.

17.105.060 Utilities – General.

17.105.070 Required improvements by district.

17.105.010 Purpose and intent.

(1) The purpose of this chapter is to protect and plan for the health, safety and welfare of the city and its public through development regulations that:

- (a) Ensure the city's compliance with state laws relating to growth and its management; and
- (b) Encourage full utilization of existing services; and
- (c) Economize on the city's capital expenditures; and
- (d) Establish a relationship between land development, utility needs, and land use planning.

(2) This chapter is not designed to prohibit land development. The aim of this chapter is to establish minimum standards for land development based upon the consideration of the following:

- (a) Protection of city and public property from damage or loss associated with flooding, landslides, abnormal erosion, and other natural hazards;
- (b) City utility plans;
- (c) Capacity of utilities operated within the city of Forks;
- (d) Potential needs for utility expansion;
- (e) Access to utility locations as well as access to developments by emergency service providers;
- (f) Proper design and construction of public and private roadways that are safe and integrated into the city's traffic system;
- (g) Protection of public rights-of-way from encroachment resulting from poor development planning and implementation;
- (h) Protection of the public's interest in the management of surface water drainage,

ground water recharge, and related functions of drainage basins, water courses, and shoreline areas.

This chapter shall be used in conjunction with the city's zoning code, critical areas ordinance, wetland ordinance, and sign ordinance. (Ord. 435 § 1, 1997)

17.105.020 Applicability.

(1) These regulations shall apply to the following land development actions or permits:

- (a) Subdivisions of 10 lots or greater;
- (b) Short subdivision/short plats of two through nine lots;
- (c) Condominiums;
- (d) Planned unit developments;
- (e) Business and professional parks;
- (f) Shopping centers;
- (g) Mobile home/manufactured home parks and/or subdivisions;
- (h) Campgrounds and recreational facilities;
- (i) Industrial parks;
- (j) Building permits for structures in excess of 3,500 square feet of total floor area, unless otherwise stated herein;
- (k) Grading and clearing of land for development;
- (l) Construction or development activity related to the approval of rezones, conditional use permits, binding site plans, and/or shoreline substantial development permits.

(2) Commencement of construction work under any of the above permits or applications to include the initial clearing of any proposed land development, shall not begin until such time as final approval of the drainage, erosion control, traffic control (if applicable), and/or grading plan is obtained from the city planning department.

(3) Application of this chapter shall be made in the review period associated with the above land developments and may incorporate the longer of the periods required by state law or local ordinance. When applying for approval of one of the above development types, the applicant shall note on the application for approval those issues associated with this chapter where the applicant is seeking the approval of the city to do something other than what is required by this title. A letter of approval from the city utilities superintendent shall be required prior to the final approval of the "final plat" or other such document associated with the above land developments.

(4) This chapter shall not apply to any division of land where such division is being done solely, or for the primary purpose, of expanding upon existing public road, utility or drainage rights-of-way; or, to such divisions undertaken by or with the consent of a public government agency for the purpose of obtaining new public road, utility or drainage right-of-way. This exemption does not apply to

developments by private individuals where the dedication of right-of-way for roads, utilities or drainage is a condition to the approval of the development or the mitigation of impacts pursuant to the SEPA process. (Ord. 452 § 1, 1999; Ord. 435 § 2, 1997)

17.105.030 General design and construction standards.

(1) Standards. The following are hereby adopted by reference as the official standards of the city of Forks and shall be utilized with the design, platting, layout, and/or construction of land development improvements within the city:

(a) Washington State Department of Transportation's standard specifications and plans for roads, bridges, and municipal construction;

(b) Washington State Department of Transportation Design Manual, latest edition.

(2) Modifications. Modifications to design criteria may be authorized where strict adherence would be counterproductive to the purpose and intent of this chapter, and when such modifications can be shown to be a safe alternative.

(3) Easements and Covenants. Whenever utilities must be installed under or over private property, the contractor/developer shall provide the city of Forks a maintenance easement of 15 feet in width centered on the installed utilities. The installation of above ground utilities on an exterior side line of a subdivision shall be so installed that the subdivision corner and side line remain unoccupied so that a survey instrument may be used on said boundary. Easements must be provided to assure the permanent ability of the city of Forks and utility maintenance crews to inspect, repair, replace or enlarge side utility lines. No trees will be planted, nor any structures, including fences, built on any such easement.

(4) Utility Extensions. If the city, through its comprehensive plan, utility plan, sewer system plan, water plan or other land use plans show an existing or future need for the extension of any utility, the appropriate action must be taken to assure construction of those utilities. Such action may include the granting of approval of the development on the condition that the necessary easement be provided to the city.

(5) Trenching. All material excavated from trenches shall be piled in such manner as will cause the minimum inconvenience to public travel and provisions shall be made for merging traffic, where necessary. Clearance shall be left to enable the free flow of stormwater in all gutters, conduits and natural water courses.

(6) Pavement Repair. Prior to the removal of any pavement, or damaging any pavement, a pavement repair plan must be approved by the city utilities superintendent. Any removal and/or damage, as well as its subsequent repair, must be done in accordance with WSDOT standard specifications.

(7) Pipe Bedding Material. Bedding material shall be placed in conformance with WSDOT standards or if standards are not applicable to a specific aspect of the development, then approval of the city utilities superintendent must be obtained.

(8) Traffic Maintenance. If traffic is to be disrupted in any way, the contractor/developer may be required to submit a plan to the city utilities superintendent describing his proposed signing, barricades, etc. Approval of this plan shall be attained before any work is started. The plan shall take into account the following:

(a) The traffic plan shall be given to the city utilities superintendent 10 working days prior to the anticipated implementation of the plan;

(b) Notification of the implementation of the plan shall be given one work day in

advance of implementation;

(c) Where access to residences or businesses will be affected, those impacted will be given a copy of the plan and be given the opportunity to provide their comments which may be adopted by the city as a means of reducing any potential impacts to those affected;

(d) If access is expected to be disrupted or denied for a period of more than two hours, those individuals shall be notified one work day to the implementation of the plan;

(e) The city reserves the right to limit the amount of disruption that may result from the plan, as well as the right to require mitigation in the form of alterations to the plan or compensation for the disruption.

(9) Air Pollution and Noise Control. The contractor/developer shall take adequate measures to control dust. These control measures shall be exercised at all times, including weekends and holidays. A permit must be obtained from the fire chief for fire and smoke generating activities.

The contract will also be required to comply with any and all city regulations associated with noise and noise control.

(10) Access to utilities during period of construction. The contractor/developer may obtain water for the purpose of construction from the city at the rate established by ordinance or policy. Any such use of water, include the accessing of the water system, must be approved in writing in advance by the city utilities superintendent.

Any and all power, sewer, communications or other utilities necessary for construction must be obtained by the contractor/developer in accordance with the applicable agency's process.

(11) Open Space Requirements. Pursuant to the Forks zoning code, as required by the Growth Management Act, the creation of new "open space" is a required need within GMA defined urban areas. While the city of Forks is surrounded by tens of thousands of acres of open space in the forms of commercial forest lands, national forests, and/or national parks, compliance with state law is required. Therefore the following open space requirements shall be applicable:

(a) Residential development has 20 or more lots, condominiums, apartments of dwelling units and/or mobile home lots. In such developments, the contractor/developer shall be required as part of final approval to create open space in an amount equal to the average of all of the lots in the development. In the case of condominiums, apartments, townhouses, etc., the contractor/developer shall establish one-twentieth of the entire development area as communal open space. In developments that exceed 30 lots, the open space requirement shall be established as one lot per 20 new lots.

(b) Residential development has 19 lots or less. The developer is encouraged to create communal open space. However, the creation of such space is optional and can only be required by the city as part of the final approval when the open space would mitigate some other aspect of the development.

(c) Commercial Development. When the commercial development involves the creations of retail shopping facilities with more than 10,000 gross square feet, or business/professional parks consisting of more than 10 tenant units, then open space requirements shall be created at the rate of one-twentieth of the entire development area or parcel size, whichever is greater. This space can be developed into common areas.

In all cases requiring open space, the open space shall be denoted on the final plat. In addition, responsibility for the maintenance of the open space shall be that of the contractor/developer or the owners/tenants. In the latter case, a binding maintenance agreement shall be executed, after review

by the city, and recorded with the final plat. Open space requirements may be fulfilled with the dedication of critical areas as open space, even if density transference options found within the Forks zoning code are utilized. In no situation may open space be utilized by the contractor/developer to meet the requirements of setbacks, front, side or back yards, parking, or buffer zones (with the exception of critical area buffers as already noted above).

(12) Notification. The contractor/developer shall provide in writing the name, address and telephone numbers of the individuals who shall be the point of contact for all aspects of the proposed development.

(13) Testing. Testing shall comply with that specified in the adopted specifications. If additional testing is ordered by the city to determine if the work is in compliance with these specifications, that testing will be performed at the cost of the city unless agreed otherwise in advance by the city and the contractor/developer. All costs of the original work shall be borne by the contractor/developer.

(14) Inspection. All work to be deeded to the city shall be inspected by a qualified inspector appointed by the city, as well as any state agency that may require an inspection pursuant to state law. All costs associated with inspection shall be borne by the contractor/developer. City inspections shall be completed within seven days, or less, of the city being notified by the developer that the work in question has been completed. (Ord. 435 § 3, 1997)

17.105.040 Security requirements – Bonds, insurance, registrations.

(1) In order to ensure that the public is protected from inferior work, the city shall require that contractors/developers provide the securities listed below regarding bonding, insurance and registrations. No application shall be approved without the city being supplied the items noted below. Commencement of a project by the contractor/developer without the prior approval of the city, or without complying with the requirements of this section shall be a violation of this chapter and subject to the penalty requirements found herein.

(2) Requirements.

(a) Maintenance Bond. The contractor/developer shall guarantee that all of the work, materials or equipment furnished by the contractor/developer will fully meet the requirements established herein for workmanship, materials, strength and any and all other requirements associated with the agreed to materials and equipment.

In the case of failure of any part of the work, materials, or equipment under test or otherwise, the contractor/developer, without delay, shall make changes, replacements and/or renewals as may be necessary to meet fully all of the requirements and guarantees of the specifications associated with the development and this chapter.

Upon completion of the work, the contractor/developer shall furnish a surety bond to guarantee work against faulty workmanship or materials for a period of one year following acceptance of the work by the city. Upon the expiration of the one-year period, and an inspection by the city utilities superintendent, the city will relinquish the bond.

(b) Insurance. Prior to the commencement of any work covered by this chapter, the contractor shall submit copies of public liability and property damage insurance policies naming the city of Forks as an insured party, if the work is to be performed within public streets and rights-of-way, or if the work is being performed per a contract with the city.

(c) License and Registration. The contractor/developer, prior to the commencing of any work, shall provide the city planning department with a copy of a current state business license and proof of registration with the appropriate state agencies.

(d) Performance Bond. The contractor/developer, prior to the commencing of any work, shall be required to provide the city with a performance bond to insure the completion of the agreed to improvements. If the city determines that corrections to the work or the nature of the work are required, the city shall provide due notice by certified mails to the contractor/developer listing therein the problem discovered and the needed for corrections to be made. If the contractor/developer fails to make the corrections within 10 days after due notice has been given by the city, the city shall have the right to replace the defective work or equipment at the expense to the contractor/developer. Due notice shall mean written notification to the address provided by the contractor/developer and written notice to the surety that issued the contractor's/developer's performance bond. If the work is done by the city, or its assigned agents, the city reserves the right to execute the bond.

In all cases, the city reserves the right to take any and all immediate corrective action deemed necessary to protect the public health, safety and welfare without given notice, if a serious threat to the public health, safety and welfare would exist otherwise. (Ord. 435 § 4, 1997)

17.105.050 Street requirements.

(1) General Requirements.

(a) Conformity. The arrangement, character, extent, width, grade and location of all streets shall conform to the map found within the Forks urban growth area comprehensive plan transportation element. If a development occurs and no street is projected within that area in the plan, then the city shall consider the proposed street location in relationship to existing and planned streets, topographical conditions, impact upon public safety, impact upon other streets within that area, and traffic flow. Contractors/developers creating new streets shall comply with the provisions of this chapter.

(b) Basic concepts associated with integration of new streets within the existing street system.

(i) Major streets (an example would be a street like Spartan, or Russell Road) shall be properly integrated within the existing and proposed transportation system of existing major streets and highways.

(ii) Collector streets (an example would be Calawah Way and Bogachiel Way) shall be properly related to the public transit system where applicable, to locations generating high volumes of traffic such as but not limited to churches, schools, and shopping centers, to large concentrations of residential units, and to major streets into which they feed.

(iii) Minor streets, which include local access and/or cul-de-sac streets, shall be laid out to conform as much as possible to the transportation plan, when such proposed streets are noted therein in, or when no plan exists to the following: topography, to limit through traffic flow, to permit efficient drainage and utilities, and to require the minimum amount of street necessary to provide convenient, safe access to the property.

(c) Relation to Adjoining Street System. The arrangement of streets in new developments shall be done in such a manner as to ensure their connection into existing streets when deemed appropriate by the city.

(d) Projection of Streets. Where adjoining areas to a new development are not subdivided, the arrangement of streets in the new subdivision shall be such that a projection of the street can be made into the undeveloped area.

(e) Streets to Be Carried to Property Lines. When the new development adjoins unsubdivided land and the new development is occurring in an area identified by the comprehensive plan as

needing a major street, collector street, or a street that would better improve traffic flow, the new development's street shall be carried to the boundaries of the property associated with the new development.

(f) Limited Access Highways. Where a subdivision borders on or contains a limited access highway right-of-way, the city may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land as for park purposes in residential districts or for commercial or industrial purposes in other districts.

(g) Street Names. Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing, platted or planned street. House numbers shall be assigned in accordance with the house number system of the city. All names and numbers must be approved prior to development or filing of plat maps by the city utilities superintendent.

(h) Alleys.

(i) General Purpose. Alleys are permitted in all developments upon the approval of the city street superintendent. In commercial areas, alleys are the preferred means of providing delivery and product suppliers access to a commercial development.

(ii) In commercial and industrial zones, alleys shall be provided, however, this requirement may be waived by the planning commission where other definite and assured provisions are made for service access that would not impact traffic flows on adjacent streets, nor off-street parking.

(iii) In residential zones, alleys are permitted. Any alley must be approved by the city street superintendent.

(iv) Dead-end alleys are prohibited. Crooked and "T" alleys shall be prohibited.

(2) Design.

(a) Width. The right-of-way of all streets shall be of the width specified on the official map or master plan, or, if no width is specified, they shall be not less than the width specified below, unless necessitated by unusual topographic, physical or design features:

Right-of-Way

Arterials 80 feet

Collectors 60 feet Local:

Local access 60 feet Cul-de-sac 50 feet* Alley ways 25 feet

Minimum pavement widths for arterials, streets, cul-de-sacs, sidewalks, curbs and gutters shall be as indicated on the drawings attached to the ordinance codified in this chapter.

(b) Cul-De-Sac or Dead-End Streets. Streets designed to have one end permanently closed shall be no longer than 600 feet in length, with the preferred length being 400 feet. Such streets shall terminate in a closed end with a circular turn-around having a minimum curb radius of not less than 50 feet.

(c) Grade. The grade of major and collector streets shall not exceed 10 percent and the grade of all other streets shall not exceed 15 percent unless necessitated by exceptional topography and approved by the city of Forks.

(d) Horizontal Curves. The minimum sight distance with clear visibility, measured along the center line, shall be provided, of at least 135 feet on major streets, 75 feet for collector streets, and 50 feet on minor streets, unless otherwise approved by the city of Forks.

(e) Vertical Curves. All changes in street grades shall be connected by vertical curves of a minimum length equivalent to four times the algebraic difference in the rate of grade for major streets and collector streets, and one-half of this minimum length for all other streets, unless otherwise approved by the city of Forks.

(f) Intersections.

(i) Rounded. Property lines at street intersections shall be rounded with a minimum radius of 20 feet or of a greater radius of where the planning commission determines it to be necessary.

(ii) Jogs. Streets with centerline offsets of less than 125 feet shall be avoided, and only permitted if no other alternative exists. Where streets intersect major streets, their alignment shall be continuous, unless otherwise approved by the city of Forks.

(3) Plans for Construction of Streets, Utilities and Drainage Structures. The designing engineer shall submit to the city street superintendent plans and specifications which shall include a vicinity map, and a plan and profile consisting of the following:

(a) Plan. A plan of the proposed construction shall be submitted to the city street superintendent for approval prior to construction, if not required at the time of the subdividing of property, and shall include:

(i) Street alignment in stations of 100-foot intervals;

(ii) Bearing on street centerlines;

(iii) Radius of horizontal curves;

(iv) Proposed right-of-way width limits;

(v) Label all sheets and adjoining subdivisions;

(vi) Typical roadway sections, including utility locations;

(vii) Existing and proposed drainage structures, showing the type and size of culverts with the direction of flow indicated;

(viii) Street cross sections, showing the location of utilities, pavement width, sidewalks, etc.;

(ix) Suggested scales: one inch equals 50 feet, or one inch equals 100 feet.

(b) Profile. A profile shall also be required and be submitted to the city street superintendent for approval prior to construction, if not required at the time of the subdividing of property, and shall include:

(i) Original Ground Line. The ground lines for road extending to the perimeter of any developments shall be extended a sufficient distance beyond the perimeter to include any change in contours which would affect the profile of the proposed street, which extension shall in no event be less than 200 feet;

(ii) Stationing in intervals of 100 feet;

(iii) Proposed grade line showing percent grade and vertical curves;

(iv) Elevation datum;

(v) Horizontal scale shall be the same as the plan; vertical scale shall be at the ratio of 10 to one with horizontal scale.

(4) Sidewalks, Curbs and Gutters.

(a) Sidewalks. Sidewalks shall be constructed with Portland cement and shall be constructed in accordance with WSDOT specifications. The concrete shall meet the requirements of WSDOT specifications. In addition, all sidewalks shall comply with the requirements of the Americans with Disabilities Act.

Joint filler shall be in conformance with WSDOT specifications and be at least three-eighths of an inch in thickness and shall be placed as detailed on the plans. Thickness shall be a full six inches at driveway sections.

(b) Curb and Gutter. The integral Portland cement concrete curb and gutter shall be constructed in accordance with WSDOT specifications.

Curb and gutter materials shall be in accordance with WSDOT specifications and materials shall be installed pursuant to the same specifications.

Where water is carried on the surface through an intersection, there shall be a cement concrete inverted gutter section provided as detailed in the curb and gutter plate.

All concrete delivery receipts shall be inspected by the city street superintendent or designated person.

(5) Entry Permits for Driveways. A no cost entry permit shall be required for all driveways for vehicular access to private property from public streets. Determinations regarding the installation of the culverts and drainage pipe shall be made by the city street superintendent. Such determinations shall be made in light of the city's comprehensive flood plan and other factors relevant to the city's drainage system. (Ord. 435 § 5, 1997)

*Cul-de-sacs will have to have sufficient room for turn-arounds of emergency equipment.

17.105.060 Utilities – General.

(1) Water. A water distribution system and/or water system connection, including the location of fire hydrants, valves and other fittings shall be designed and installed in accordance with WSDOT standards and specifications and in consultation with the city utilities superintendent.

(2) Sanitary Sewer. A sewer system and/or a sanitary sewer system connection must be approved by the city of Forks utilities superintendent. Septic systems must be approved by the Clallam County health department, and where a conflict exists between the required lot size needed to contain a septic system pursuant to state and local health codes and the minimum lot size permitted by the zoning code, the health code requirements shall prevail.

(3) Storm Drainage. A storm drainage system adequate for proper drainage of potential surface water runoff must be developed. Such a system must keep all stormwater drainage on-site. Any system must be approved by the city utilities superintendent and must be consistent with the Forks comprehensive flood management plan.

(4) Other Utilities. Other utilities including telephone, electricity and television cable shall be underground where existing overhead lines are not already established.

(5) Fire Hydrants. Fire hydrants shall be installed in accordance with city of Forks standards and shall require the approval of both the fire chief and the city utilities superintendent.

(6) Private Fire Lines. Any pipeline to private property or to a building that is solely for fire protection shall not be metered but shall be provided with:

(i) An isolation valve at the city's main at the edge of the right-of-way.

(ii) A detector type check valve (UL and FM approved) installed at the right-of-way in an approved vault.

(7) All materials used in construction of utilities installed in city right-of-way shall conform to the city's approved material lists.

(8) Any person or contractor/developer making repairs or installing new utilities in city right-of-way shall furnish to the city an "as built" diagram of the improvements being made prior to the commencement of the work.

(9) Whenever a contractor/developer intends to install a utility service that must cross SR 101, above or below ground, the contractor/developer shall provide the city with a copy of the permit obtained from the Washington State Department of Transportation that permits the installation of the utility service across SR 101. (Ord. 435 § 6, 1997)

17.105.070 Required improvements by district.

(1) All new developments that are located in the high residential and/or high commercial zoning districts shall have the following improvements, unless determined otherwise by the city council:

(a) Paved streets;

(b) Sidewalks;

(c) Curb and gutter if, after a review of the proposed plans, required by the city street superintendent;

(d) Street lights;

(e) Utilities;

(f) Street names;

(g) Traffic control;

(h) Entry permits for driveways;

(i) Open space if applicable.

(2) In all other zoning districts, the following improvements shall be required unless determined otherwise by the city council in its approval of the development:

(a) Paved streets;

(b) Curb and gutter if, after a review of the proposed plans, required by the city street superintendent;

(c) Street lights;

(d) Utilities;

(e) Street names;

(f) Traffic control;

(g) Entry permits for driveways;

(h) Open space if applicable.

(3) The requirements and specifications for any of the above required improvements shall be determined by the standards set by this chapter. (Ord. 435 § 7, 1997)

Chapter 17.110

SIGN CODE

Sections:

- 17.110.010 Definitions.**
- 17.110.020 Permit procedure – Permanent signage.**
- 17.110.030 Appeal process.**
- 17.110.040 Permitted signs.**
- 17.110.050 Exempted signage.**
- 17.110.060 General rules.**
- 17.110.070 Enforcement.**
- 17.110.080 Variance.**
- 17.110.090 Banners crossing SR 101.**
- 17.110.100 Advertising off-premises activities prohibited.**
- 17.110.110 Temporary signage in city owned right-of-way or on city owned property.**

17.110.010 Definitions.

- (1) “Building inspector” means the city of Forks building inspector.
- (2) “Commercial/industrial/residential districts” means those land use designated areas as found within the Forks comprehensive plan, and upon adoption of a Forks zoning code, those districts identified in a Forks zoning code as adopted, or subsequently amended, by the city of Forks.
- (3) “Projecting sign” means any sign which extends away from the building or structure to which it is attached.
- (4) “Public service sign” means a permanent sign advertising for public or private “not for profit” purposes.
- (5) “Sign” means any structure, or part thereof, or any device attached, painted, or represented on a structure, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation which is intended to draw attention to a product, service, business, or person, or institution or location.
- (6) “Banner” means a strip of canvas or canvas-like material on which a sign may be painted, which is intended to convey information, attract attention to activities, services, places, subjects, people, public performances, or to convey a message. (Ord. 430 § 2, 1997)

17.110.020 Permit procedure – Permanent signage.

- (1) Application Required. An application to erect or construct a permitted sign, as described elsewhere within this chapter, shall be obtained from the city building inspector (Attachment A).*

The application shall at a minimum include:

- (a) Name of the applicant;
- (b) Name of the business associated with the signage;
- (c) Name of the contact person for the erection or construction of the sign, if different from the applicant;
- (d) Description, including a drawing, of the sign to be erected or constructed.

(2) Review by Building Inspector. Upon receipt of a completed application, the city building inspector shall review the application for compliance with this chapter as well as any other applicable city ordinances to include building and zoning codes. A decision shall be made within 10 days of receipt of the application and shall be made in writing.

- (a) The building inspector may request within the decision period additional information and upon delivering such a request in writing the 10-day period shall be waived.
- (b) The decision of the building inspector shall include an explanation of the appeals process noted within this chapter if the application is denied or modified.
- (c) If the application is denied, and the appeal is waived or upheld, the applicant may reapply within six months without incurring any additional fees or costs to reapply.
- (d) All approvals shall be deemed final unless a written appeal is filed with the building inspector within seven days of the date of the decision.
- (e) All decisions to modify or deny an application may be appealed.

(3) Notice of the Decision. Notice of the building inspector's decision on the application shall be provided in the following manner:

- (a) Mailed to the applicant;
- (b) Mailed to the property owners of record immediately adjacent to the property upon which the sign is to be located;
- (c) Posted on the property in a conspicuous location.

(4) Issuance of Permit and Permit Fee. Upon the expiration of the appeal period, the building inspector is authorized to issue a sign permit; provided, that payment of \$15.00 is obtained from the applicant. (Ord. 430 § 3, 1997)

*Attachment A is attached to Ordinance No. 430 and can be found on file in the office of the city clerk/treasurer.

17.110.030 Appeal process.

(1) All decisions made by the building inspector are subject to appeal; provided, that the request for an appeal is filed with the city planning director with the following time periods:

- (a) Approvals: seven days from date of decision.
- (b) Denials and/or modifications: 15 days from date of decision.

(2) Request for an appeal must be made in writing and must state specific reasons for which an appeal should be granted from the decision made by the building inspector.

(3) Upon receipt of a properly filed appeal, the city planning director shall review the materials provided and may make additional inquiries of all parties involved. Within seven days of receipt of the appeal, the city planning director shall render a decision and shall do so in writing. That decision shall include information on how such a decision may be appealed. Notice of that decision shall be provided in the manner specified in FMC 17.110.020(3).

(4) Appeal of Planning Director's Decision. An appeal of the planning director's decision must be filed with the city clerk/treasurer within seven days from the date of decision. The appeal must be in writing and state specific reasons for the appeal. Notice of the appeal shall be published in the city's journal of record and the appeal shall be forwarded to the Forks planning commission. The Forks planning commission shall hold a hearing on the appeal at their next regularly scheduled meeting. Upon conclusion of the hearing, the Forks planning commission shall render a decision on the appeal, which shall be put in writing by the chair of the commission.

(5) Appeal of Planning Commission's Decision to the City Council. An appeal of the planning commission's decision can only be raised to the city council by either the owner of the proposed sign, or the party which had filed a written appeal with the city clerk/treasurer to initiate an appeal with the planning commission. Either of these parties may initiate an appeal within seven days of the planning commission's decision by filing a written request for an appeal with the city clerk/treasurer. Said appeal shall be limited to the decision of the planning commission. All decisions of the city council shall be rendered in written form and shall be final.

(6) Failure to comply with the appeal process noted above shall constitute a waiver of any and all rights to appeal that the applicant or other parties may have under this chapter. (Ord. 430 § 4, 1997)

17.110.040 Permitted signs.

(1) In all districts noted within the adopted Forks comprehensive plan, and the subsequently adopted Forks zoning code, the following signs shall be permitted and may or may not require an application depending upon type:

(a) A residential nameplate, which may be indirectly lighted, bearing the name of the occupant and not exceeding six square feet in advertising area. No permit required.

(b) Identifying signs and/or bulletin board for a church, school, or other public or semi-public institutions, which may be indirectly lighted, not exceeding 32 square feet in advertising area; provided, that it is located no closer than two feet from any property line. Permit required.

(c) No more than two signs advertising or identifying a subdivision or housing development; located on the premises thereof, unilluminated, not exceeding a total signage of 32 square feet in advertising area each and located no closer than two feet from any property line. Permit required.

(d) Unilluminated signs not exceeding an advertising area of six square feet each and not more than two in number, pertaining to the sale, rental, or lease of the residential property upon which said sign(s) are located. Such signs must be of a temporary nature only. No permit required.

(e) One sign which may be indirectly lighted, advertising a home occupation, not to exceed six square feet in advertising area, and attached to the main building. No permit required.

(2) In the Forks comprehensive plan's, and subsequent Forks zoning code's, commercial and industrial

districts, the following signs shall be permitted in addition to signs otherwise permitted by this chapter, and shall require a permit prior to installation:

(a) Unilluminated signs not exceeding 24 square feet in advertising area and not more than two in number, pertaining to the sale, rental, or lease of the commercial or industrial property upon which said sign(s) are located. No permit shall be required for a standard sized real estate sale sign used commonly within the industry.

(b) Public service signs which might illuminate, however, not exceeding 24 square feet in advertising area and not more than two in number; provided, that such signs shall not be subtracted from the property's allowable advertising area.

(c) One freestanding sign, located on the property associated with the commercial or industrial endeavor, which may be illuminated; provided, that it does not exceed 150 square feet per side and that this applied for sign when combined with all other signage does not exceed a maximum of 300 square feet of advertising area located on the premises to which the advertising pertains.

(d) Flush mounted signs not to exceed 150 square feet in total advertising area, located on the premises to which the advertising pertains.

(e) One roof top sign not to exceed 100 square feet per side to a maximum of 200 square feet of advertising area located on the premises to which the advertising pertains.

(f) Off-premises signs not more than two in number, not to exceed 64 square feet in advertising area each, and must be located within two miles of the property or business to which the advertising pertains.

(g) Notwithstanding any other provision in this chapter, a business may use temporary signs to advertise temporary business events, such as sales, grand openings or liquidation. The erection of such a sign will not require a permit from the building inspector and will be exempt from the requirements of this chapter.

(h) No individual business, commercial or industrial, shall be permitted, regardless of the types of signs said business may or may not have, to have more than 350 square feet in total commercial advertising associated with the business on and off the business premises. (Ord. 432 § 1, 1997; Ord. 430 § 5, 1997)

17.110.050 Exempted signage.

(1) Grandfathered Signage. Signs that are in place prior to the effective date of the ordinance codified in this chapter that do not meet the requirements of this chapter shall be allowed to remain until the business is discontinued, or the user of said sign wishes to change the shape, dimensions, or location of the sign. At that time the sign must be brought into conformance within 90 days. If a business is discontinued, the owners of that business shall be notified by the city to remove all signs connected with that business within 90 days.

(2) General Exempted Signage. The following signs are not regulated by this chapter:

(a) Traffic signs;

(b) Street signs;

(c) Legal notices;

- (d) National or state flags;
- (e) Holiday decorations;
- (f) Historic site markers;
- (g) Religious symbols;
- (h) Signs advertising community events or garage sales, if said garage sale sign is not up for more than one week. This exemption shall not waive compliance with other ordinances regarding temporary signage and city property;
- (i) Signs not intended to be viewed from a public right-of-way;
- (j) Window displays or point of purchase advertising displays (such as product dispensers, candy and pop machines).

(3) Specific Exempted Signage. The following signage shall be exempt from this chapter:

- (a) Signs associated with a government agency or public policy;
- (b) Signs of a temporary nature associated with the promotion and sale of real estate;
- (c) Signs of a temporary nature associated with a construction company's jobs;
- (d) Signs erected in connection with a political campaign. All political signage must be removed within 10 days following the election. Political signs erected for candidates or campaigns that prevail in a primary may remain until 10 days after the subsequent general election if the candidate or campaign is subject to the general election. (Ord. 430 § 6, 1997)

17.110.060 General rules.

(1) Good Repair. All signage shall be maintained in good repair and condition, well maintained, and in good working order. If the building inspector, after an on-site inspection, determines that the sign is not being maintained in good repair or condition, notice of failure to comply with this chapter shall be delivered to the owner of the sign.

The notice shall state that the owner has 30 days to bring the sign into compliance. In addition, the notice shall also state that if the owner fails to make the noted changes, the city may make the changes or remove the sign at the owner's expense.

After the 30 days within the notice has expired, the building inspector shall have the authority to make repairs, alterations, or remove the signage that is not in compliance. Costs associated with such an action shall be billed to the owner of the sign. Failure by the property owner to pay said costs within 90 days from date of mailing shall result in the city having the authority to place a lien against the property for these costs.

(2) Projecting Signs. Signs shall not be allowed to project over a public right-of-way except in the Forks comprehensive plan's, and subsequent Forks zoning code's, commercial and industrial districts where they will be subject to obtaining a conditional use permit from the Forks planning commission. In those incidents, all projecting signs shall meet the following requirements:

- (a) Project signs shall not exceed 100 square feet (50 feet per side) in advertising area.

(b) Projecting signs shall be no closer than nine feet six inches to the ground.

(c) Projecting signs shall not project more than 10 feet over the public right-of-way nor come lower than two feet to the motor-traveled-way.

(d) Projecting signs shall not be illuminated.

(3) Allowable Height. No signage shall be allowed to exceed 35 feet in height, at the tallest point of the sign, measured from ground level.

(4) Public Property/Public Right-of-Way. Unless permitted elsewhere within this chapter, no private signage shall be allowed to be placed upon public property or within the public right-of-way. In the case of illuminated signage next to the public right-of-way, indirect illumination, or internal illumination may be allowed; provided, that the lighting is shielded and/or aimed so that no direct light or glare falls within the right-of-way and/or lane of travel.

(5) Prohibition against Strobes. No signage shall be illuminated in such a manner as to produce a strobe-type flashing effect.

(6) Prohibition against Audible Signage. No signage shall be permitted to be equipped with an audible speaker or similar device. (Ord. 430 § 7, 1997)

17.110.070 Enforcement.

(1) If the building inspector, after an on-site inspection, determines that a sign is in violation of this chapter, the inspector shall serve upon the owner or occupant of the premises upon which the sign is located a written notice that the sign is in violation of the sign ordinance. The notice shall set for the nature of the violations and also state if the violations are not corrected within 30 days of the notice, then the sign shall be removed by city personnel at the owner's expense.

After the 30 days within the notice has expired, the building inspector shall have the authority to make repairs, alterations, or remove the signage that is not in compliance. Costs associated with such an action shall be billed to the owner of the sign.

(2) If a person upon which a notice has been served believes the sign conforms with the city ordinance, or needs additional time to correct the deficiency, then he may appeal the building inspector's finding to the city planning director. The appeal shall be taken by giving written notice to the city clerk/treasurer within 10 days after the building inspector gives the notice. If notice is not timely given to the city clerk/treasurer, then the building inspector's decision shall be final and binding.

(3) Request for an appeal must be made in writing and must state specific reasons for which an appeal should be granted from the decision made by the building inspector.

(4) Upon receipt of a properly filed appeal, the city planning director shall review the materials provided and may make additional inquiries of all parties involved. Within seven days of receipt of the appeal, the city planning director shall render a decision and shall do so in writing. That decision shall include information on how such a decision may be appealed.

(5) Appeal of Planning Director's Decision. An appeal of the planning director's decision must be filed with the city clerk/treasurer within seven days from the date of decision. The appeal must be in writing and state specific reasons for the appeal. Notice of the appeal shall be published in the city's journal of record and the appeal shall be forwarded to the Forks planning commission. The Forks planning commission shall hold a hearing on the appeal at their next regularly scheduled meeting. Upon conclusion of the hearing, the Forks planning commission shall render a decision on

the appeal, which shall be put in writing by the chair of the commission. Decision of the planning commission shall be final. (Ord. 430 § 8, 1997)

17.110.080 Variance.

(1) Who May Request. Any owner, business, or tenant may request a variance to the requirements of this chapter from the Forks planning commission.

(2) Granting Agency. The written request for a variance must be submitted to the Forks planning commission via the city planning director and be accompanied by a \$25.00 fee (which shall be used to defray the costs of public notice). Notice of the request shall be published within the city's journal of record. The Forks planning commission shall hold a hearing on the request at their next regularly scheduled meeting. A decision shall be made and put into written form by the chair of the Forks planning commission.

(3) Basis for a Variance. A variance shall not be granted unless it is found by the Forks planning commission that:

(a) The applicant experiences unnecessary hardship due to this chapter, and that this hardship:

(i) Does not result from the applicant's own action; and

(ii) Arises from unique circumstances relating to the sign, the business advertised by the sign, or the location of the sign; and

(b) The granting of such a variance will not adversely affect adjacent property.

(4) Appeal from the Forks Planning Commission. An appeal of the Fork's planning commission's decision must be filed with the city clerk/treasurer within seven days from the date of decision. The appeal must be in writing and state specific reasons for the appeal. Notice of the appeal shall be published in the city's journal of record and the appeal shall be forwarded to the Forks city council. The city council shall hold a hearing on the appeal at their next regularly scheduled meeting. Upon conclusion of the hearing, the city council shall render a decision on the appeal, which shall be passed in the form of a resolution. (Ord. 430 § 9, 1997)

17.110.090 Banners crossing SR 101.

(1) Policy Associated with Banner Displays.

(a) Banners shall be permitted only when they provide direct and positive benefits to the residents of the city of Forks and to separate community activities and city functions.

(b) The design and message of the banner should make a strong impression upon residents and visitors viewing the banner.

(c) The public works department may approve a request for a banner to be displayed across SR 101.

(2) Procedures.

(a) Before a banner is authorized by the public works director or their designee, the requester must complete a "banner reservation form" (Attachment B),* available from the city building inspector or from the city planning department.

(b) The requester must ensure that the following information is provided:

(i) Name of organization sponsoring the activity, address and contact person;

- (ii) Preferred location for the banner (north set of poles, and/or south set of poles);
- (iii) Sketch of the banner;
- (iv) Date of event, and dates during which the requester wants the banner displayed;
- (v) Material used for the banner.

(c) Upon receipt of a banner reservation form, the public works director or their designee shall consider the request and make a determination as to whether or not to grant the request within seven to 10 business days from the date of receipt. The public works director or their designee will base their decisions on the following criteria:

- (i) Proposed design of the banner, including materials used;
- (ii) Whether or not the proposed banner is intended for advertising for a profit making corporation or venture;
- (iii) Whether or not the proposed banner protects and promotes the general health, safety, and/or welfare of the community;
- (iv) Whether or not the proposed banner separates city functions and community activities from “for profit” activities of private enterprise, political issues and the messages of religious organizations.

(d) Any decision of the public works director or their designee will be noted on the application and the applicant will be informed of the decision in writing in an expedient and cost-efficient manner. If the public works director or their designee denies the request, they will ensure that a written explanation is provided to the applicant clearly articulating the reason for the denial. Any applicant whose request has been denied may seek the review of that request by the mayor, provided they make such a request in writing. The mayor will provide a response to that request in writing within 10 business days from the date of the request for such review. If the applicant is not satisfied with the position of the mayor regarding the requested review, the applicant may seek a final review of that decision by the city council. However, such a request must be made in writing in advance of the meeting in order to ensure that the request is incorporated into the distributed agenda.

If the public works director or their designee is uncertain about whether or not the applicant’s request for displaying a banner conforms with the criteria found within this chapter, they may request that the city council make a determination on the application at its next meeting. Such a request for council review will be articulated in writing to the applicant.

Any decision of the city council shall be reflected in the council’s meeting minutes and also in a letter to the contact person associated with the banner request. All decisions of the city council are final.

(e) Conflict between Requested Dates. In the event that there is a conflict between requesters for a given set of dates, the public works director or their designee shall make their decision as to which request will be given priority in the following manner:

- (i) City sponsored events;
- (ii) Established community festivals such as Rainfest, 4th of July, Forks Fly-in, or Heritage Days;

(iii) Events that would have the most benefit to the community.

(3) Permitted and Prohibited Banner Displays.

(a) Permitted Displays. The following types of banners are permitted, upon approval of the city council:

(i) Advertisements or promotions for nonprofit organizations or said organizations' events;

(ii) Advertisements or promotions of community activities and/or festivals;

(iii) Activities sponsored by the city of Forks;

(iv) Athletic and special community events that are commercially sponsored when proceeds are used for community service projects or organizations;

(v) Welcome messages for events such as, but not limited to, class reunions, conventions, conferences, athletic tournament participation, local winners of state or national events, etc.;

(vi) Promotion of sales and/or money raising efforts on behalf of youth organizations for program support, nonprofit and community service organizations when a major portion of the profit will be for community and/or youth projects;

(vii) Events that promote education or the arts;

(viii) Nonpartisan and noncandidate voting information.

(b) Prohibited Displays. The following are examples, and are not intended by the parties to be all inclusive, of the types of banner displays that are not permitted:

(i) Personal messages for family members;

(ii) Promotion of a commercial enterprise "for profit" that is not associated with a fund raising activity for a community based nonprofit or not-for-profit organization;

(iii) Advertisements for religious organizations with a message not related to an allowed category;

(iv) Messages of political parties, political groups, or political candidates that are not related to an allowed category, or that are purely political in nature;

(v) Advertisements for clubs or organizations for events which would be primarily for listed membership participation.

(4) Banner Design. The following requirements shall apply to all permitted banners:

(a) Banners shall be made of either sail cloth, canvas, or Tyvek material. No banner shall be made of plastic or reinforced plastic materials due to the lack of durability associated with said material when exposed to prevailing weather in Forks.

(b) Banner design must be of at least that of a "semi-professional" nature in appearance.

(c) Banners must be at least 30 feet in length and 25 inches in width, yet not wider than 40 inches.

(d) Banners must have at least a two-and-one-half-inch hem on all four sides.

(e) Banners shall have five-eighths inch grommets in all four corners and at least every six feet running along the top and bottom edges.

(f) Banners must have reinforced air flaps or slits to prevent sailing. (Ord. 590 § 1, 2011; Ord. 577 § 1, 2010; Ord. 430 § 10, 1997)

*Attachment B is attached to Ordinance No. 430 and can be found on file in the office of the city clerk/treasurer.

17.110.100 Advertising off-premises activities prohibited.

Signs advertising any activity located off the site where the sign is located shall not be put up in Forks. (Ord. 334, 1991)

17.110.110 Temporary signage in city owned right-of-way or on city owned property.

(1) Prohibition.

(a) No sign of a temporary nature shall be affixed to nor attached to property owned by the city of Forks (e.g., road signs, utility poles, street lights, etc.), nor attached to property owned by a public utility (utility poles, signage, etc.), unless permitted as provided below.

(b) No sign, erected as a temporary notice, other than official legal public notice, shall remain in place upon the city right-of-way for more than two days after the last date noted on the temporary notice for the event being advertised.

(2) Penalty. The city police department shall cite violators of subsection (1) of this section via infraction and the penalty associated with such a violation shall be as follows:

(a) First violation, \$15.00 fine.

(b) Second violation, \$25.00 fine.

(c) Third violation, \$50.00 fine.

(d) Fourth violation, \$75.00 fine.

(e) Fifth and subsequent violations, \$150.00 fine.

In addition to the above fine, the court shall assess the appropriate amount for "court costs."

(3) Variances. Individuals seeking a variance to the above prohibition may file a request with the city planner prior to affixing or erecting such a sign. If said request is granted, notice will be given to the city police department. No sign shall be erected or affixed until permission is granted by the planner, and any such sign put up without permission shall be subject to the penalties noted above. Any rejection of an application by the city planner may be appealed in writing to the Forks planning commission for final decision. Such an appeal must be acted upon by the planning commission within 15 days of the date of receipt by the city planner. (Ord. 406 §§ 2 – 4, 1996)

Chapter 17.115
AMENDMENTS AND
CHANGES

Sections:

17.115.010 Purpose.

17.115.020 Initiation of amendment.

17.115.030 Referral to Forks planning commission.

17.115.040 Forks planning commission action.

17.115.050 Council action.

17.115.010 Purpose.

Public necessity and general welfare determined through council motion, through public application, or through recommendation of the Forks planning commission or implementation of the Forks comprehensive plan may require the city council to amend or supplement the regulations or defined districts of this code. (Ord. 433 § 21.10, 1997)

17.115.020 Initiation of amendment.

(1) An amendment or supplement to the text or the zoning district boundaries of this title may be initiated by:

- (a) A resolution of request by the city council/county commissioners;
- (b) An official proposal by the Forks planning commission;
- (c) An application to the city or county planning director listing the names, mailing addresses, and property description of the legal owners of property proposing amendments or supplements.

(2) Application shall be filed with the city clerk/treasurer and shall be accompanied by the fee indicated in Chapter 17.125 FMC which covers expenses incident to the investigation of such application and the cost of public notification.

(3) Amendments not involving zoning boundaries or zoning designations may occur at any time during the course of a calendar year; provided, that the procedures found elsewhere within this section are satisfied.

(4) Amendments proposing changes to zoning boundaries or designations shall be reviewed to determine whether or not the proposed amendment would result in an inconsistency with the land use element of the Forks urban growth area comprehensive plan. Compliance with the State Environmental Policy Act shall be required. Where a finding and a determination can be made by the Forks planning commission that no inconsistency would result from the proposed amendment, it shall be considered in the manner described in FMC 17.115.040(2).

(5) Amendments proposing zoning boundaries or designations found and determined in writing by the Forks planning commission to be such that they would be inconsistent with the comprehensive plan shall be considered in the manner described in FMC 17.115.040(1). However, upon such a finding and determination by the Forks planning commission, the city council may consider the amendment

if the council finds and determines that the amendment is to address a critical community need. In such an action, the council shall hold a public hearing, provide the opportunity for the Forks planning commission to explain its decision, as well as provide an opportunity for the public to comment upon the proposed council action. (Ord. 445 § 1, 1998; Ord. 433 § 21.20, 1997)

17.115.030 Referral to Forks planning commission.

All proposed changes to the zoning code shall be referred to the Forks planning commission for its consideration. Changes to the zoning boundaries or designations, if different from the comprehensive plan, shall be considered at one time pursuant to the portions of this code. Grammatical changes may be done at any time. (Ord. 433 § 21.30, 1997)

17.115.040 Forks planning commission action.

(1) Proposed amendments to zoning boundaries or zoning designations that may be inconsistent with the comprehensive plan.

- (a) The Forks planning commission shall at its first meeting in February hold a hearing on recommended amendments received prior to December 31st of each year.
- (b) The city planner shall provide a written report to the Forks planning commission regarding the impact of all proposed changes upon critical areas, the FUGA comprehensive plan, and the State Environmental Policy Act.
- (c) As a result of the hearing held by the Forks planning commission, that body may or may not recommend approval of such requested or proposed amendment or change. The findings and determinations of the Forks planning commission resulting from the hearing shall be made in writing and a copy shall be transmitted to the applicant and to the city council within 14 days of the date of such hearing.

(2) Proposed amendments that are either: (i) technical changes; (ii) clarifying amendments; (iii) changes to the land use matrix; and/or (iv) changes to zoning boundaries or zoning designations that are not inconsistent with the comprehensive plan.

- (a) Changes of this nature shall be presented to the Forks planning commission for their consideration during a scheduled meeting. Recommendations shall be made and forwarded to the city council for action.
- (b) The city planner shall provide a written report to the Forks planning commission regarding the impact, if any, of the proposed zoning boundaries and/or designation changes upon critical areas or the State Environmental Policy Act.
- (c) Amendments recommending changes to zoning boundaries, zoning designations, and/or the land use matrix shall require a public hearing before the commission. (Ord. 445 §§ 2, 3, 1998; Ord. 433 § 21.40, 1997)

17.115.050 Council action.

Upon receipt of the recommendations of the Forks planning commission, the council shall instruct the city clerk/treasurer to set a date for a public hearing to hear public reactions to the commission's recommendations on the proposed amendment or supplement. Such hearing shall be established according to the provisions outlined elsewhere within this code. Upon conclusion of the public hearing held by the city council, the council, within 45 days, shall either affirm, disapprove, or modify in whole or in part the recommendations made by the Forks planning commission. Such action shall be in writing, to include a reason/finding for the action taken by the council. (Ord. 433 § 21.50, 1997)

Chapter 17.120 HEARINGS

17.120.010 Notice of public hearing.

(1) Notice, as required by this code, shall be provided to the community by using the following methods:

- (a) Posting notice, as described below, ~~in a conspicuous place upon the property in question; in a conspicuous place on the City's website;~~ and
- (b) Posting notice at a designated location accessible by the public in City Hall; and
- (c) Publication of the notice 10 days prior to a public hearing, or within five days of a decision of the planning director, in the newspaper of record for the city of Forks; and
- (d) Mailing of the notice shall be to all property owners within 500 feet of the outer boundary of the property mentioned in any notice associated with an appeal, rezone/redesignation request, hearing, special use, conditional use or variance. However, nothing in this section shall require a mailing of a public notice for public hearings and decisions associated with the amending of this code, not to include a rezone/redesignation.

(2) For the purposes of this section, notice is defined as including the following:

- (a) Name of applicant; and
- (b) Location of property subject to the proposal; and
- (c) Description of the proposal; and
- (d) Legal description of the property; and
- (e) Explanation of the appeals process available to interested parties, to include the impacts of failing to appeal; and
- (f) Name, address, and telephone number of the planning director; and
- (g) A statement stating that the proposal was approved, denied, or approved with conditions, and the basis for the decision.

(3) Notice shall be required, in the manner set forward within this code and the applicable section requiring the notice, for the following:

- (a) Application for planned unit development;
- (b) Application for use of density transfer provisions of this code;
- (c) Application for a temporary entertainment/amusement use as noted within this code;
- (d) Decision on the application for a special use permit;
- (e) Application and decision thereon for a conditional use permit;
- (f) Application and decision thereon for a variance;

(g) Reclassification/rezone of property subject to this code;

(h) Amendments to this code, however, such processes shall be exempt from the requirement to mail notice as mentioned above in this section;

(i) Public hearings associated with the activities of the Forks planning commission or city council for subsections (3)(c) through (3)(g) of this section. (Ord. 433 § 22.10, 1997)

17.120.020 Waiver of rights.

Failure to present an appeal in the manner required, and/or in the time period stated within the notice waives any interested party's right of appeal or right to challenge the decision of the planning director, the Forks planning commission, or the city council, whichever is appropriate, in any proceedings at a later date. See also FMC 17.135.040 regarding decisions. (Ord. 433 § 22.20, 1997)

Chapter 17.125

FEES

Sections:

17.125.010 Purpose.

17.125.020 Processing fees.

17.125.030 Permit fee.

17.125.010 Purpose.

The following fees shall be paid by every applicant toward defraying the city's costs in connection therewith, including publication and advertising costs, and no application shall be filed or accepted unless the amount specified accompanied the application. (Ord. 433 § 23.10, 1997)

17.125.020 Processing fees.

In addition to any other filing fee required herein simultaneously with the filing of any application and with the payment of the filing fee to the clerk/treasurer of the city for an action which requires a public hearing under this title, the applicant shall deposit with the clerk/treasurer the sum of ~~\$100.00~~ \$250 to be utilized by the responsible official in defraying the cost of publishing such notices as may be required by the various provisions of this code or as may be determined to be appropriate by the responsible official. Upon the publication of all notices required during the proceedings involving the particular application and subsequent to the remaining from said deposit shall be returned to the applicant. In the event that the deposit is not adequate to pay the costs of publication actually incurred and in the further event that the deficit exceeds \$10.00, then the clerk/treasurer shall notify the applicant of the deficit. Upon receipt of the notification, the applicant shall pay such sum to the clerk/treasurer. The payment of any such sum shall be deemed a condition precedent placed upon the approval of any request of application requiring the holding of the hearing to the extent that such condition may be allowed by the laws of the state of Washington. (Ord. 433 § 23.20, 1997)

17.125.030 Permit fee.

Change of a Zone Boundary	\$250	<u>\$1,200</u>
Special Use Permit	\$100	<u>\$ 300</u>
Variance	\$250	<u>\$ 800</u>
Conditional Use Permit	\$250	<u>\$ 800</u>
Planned unit development application fee* (includes SEPA costs)	\$500	<u>\$ 800</u>
Density transfer application* (includes SEPA costs)	\$500	<u>\$1,500</u>
Appeal of decision	\$100	<u>\$ 250</u>
SEPA checklist/determination costs	\$150	<u>\$ 500</u>

Change of zone/boundary	\$250.00
Special use permit	\$100.00
Variance	\$250.00

Conditional use permit	\$250.00
Planned unit development application fee* (includes SEPA costs)	\$500.00
Density transfer application* (includes SEPA costs)	\$500.00
Appeal of decision	\$100.00
SEPA checklist/determination costs	\$150.00

*These could require additional fees associated with short platting or subdividing the property in question.(Ord. 433 § 23.30, 1997)

**Chapter 17.130
ENFORCEMENT,
VIOLATION, AND
PENALTIES**

Sections:

17.130.010 Enforcement.

17.130.020 Applications for building permits.

17.130.030 Violations.

17.130.040 Penalties.

17.130.010 Enforcement.

It shall be the duty of the building inspector to see that this code is enforced through the proper legal channels, including in addition to the imposition of criminal justice penalties hereinafter provided for, any appropriate action or proceeding to require compliance with, or to enjoin violation of, the provisions of this code. (Ord. 433 § 24.10, 1997)

17.130.020 Applications for building permits.

All applications for building permits shall be accompanied by a plan in duplicate drawn to scale showing the actual dimensions of the lot to be built upon, the size, use, and location of existing buildings and buildings to be erected, and such other information as may be necessary to provide for the enforcement of this code. A careful record of such applications and plans shall be kept in the office of the building inspector. (Ord. 433 § 24.20, 1997)

17.130.030 Violations.

It shall be unlawful in any way to violate this code or for any person to use or occupy any portion of any premises, any part of which has been constructed, equipped, or is used in violation of the provisions of this code, until such unlawful use has ceased and such unlawful construction or equipment has been removed. Any premises which have been constructed, equipped, or used in violation of this code shall be posted by the building inspector with a sign directing the vacation of the entire premises within 10 days from the date noted thereon. Any person removing or defacing such sign without the permission of the proper authority shall be subject to the penalties hereinafter provided. (Ord. 433 § 24.30, 1997)

17.130.040 Penalties.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this code shall, upon conviction, be fined \$25.00 for a first offense, \$75.00 for a second offense, \$150.00 for a third offense, \$300.00 for a fourth offense and in any sum thereafter for all further offenses not exceeding \$500.00 each day that a violation is permitted to exist shall constitute a separate offense. (Ord. 433 § 24.40, 1997)

Chapter 17.135

APPEALS

Sections:

17.135.010 Appeals from administrative decisions.

17.135.020 Appeal forms.

17.135.030 Public notification and procedure of meetings.

17.135.040 Decision.

17.135.050 Record.

17.135.010 Appeals from administrative decisions.

The city council shall have the authority to hear and decide variances and appeals to it from any administrative decision or determination made by any officer of the city in the administration or enforcement of this code.

Appeals from administrative decisions may be filed by any aggrieved person, or by any officer, board, or department of the city affected by the decision. Any administrative decision shall become final unless an appeal is filed with the board within 30 days of said decision. (Ord. 433 § 25.10, 1997)

17.135.020 Appeal forms.

(1) The city council shall prescribe the form and information required for applications for appeals from administrative decisions. At a minimum, the following shall be required in writing for an appeal to be accepted:

(a) Name of appellant; and

(b) Address of appellant; and

(c) Description of the issue on appeal, with sufficient information as to identify the decision being appealed; and

(d) Date of decision being appealed, date of appeal, date appeal was filed; and

(e) A signature, witnessed by a notary public, that states:

That the foregoing is a true and accurate representation of the issues raised on appeal by myself. I understand that only those issues raised in this appeal are before the council. I also understand that those issues not raised in this appeal, and not raised within the time associated for an appeal, will result in a waiver of the right to appeal those issues.

(2) The city planning department shall accept no appeal unless it complies with such requirements and is signed under oath.

(3) Four copies of an appeal from an administrative decision must be filed with the city planning department and must be accompanied by the necessary fee as in this code provided and with a certified list of all parties having a financial ownership interest in property within 300 feet from the exterior boundaries of the subject property. (Ord. 433 § 25.20, 1997)

17.135.030 Public notification and procedure of meetings.

Upon receipt of a notice of appeal, the city planning department shall:

- (1) Transmit one copy thereof to the building inspector, one copy to the Forks planning commission, and one copy to the city council. The building inspector or the city planner shall forthwith transmit to the city council all papers constituting the record, findings, and decision relating thereto.
- (2) Schedule a hearing of the city council for the first regular meeting of the council which will allow time for the giving of the notices herein required, and shall notify the council members, the chair of the Forks planning commission, and the building inspector or the planning director of the time and place of said hearing.
- (3) Provide notice for said appeal pursuant to the notice requirements of this code.
- (4) File with the council, at or prior to said hearing, an affidavit that the mailing was made as herein provided. The hearing shall be open to the public. All parties in interest may be present in person and/or represented by counsel. All persons present shall be entitled to be heard. If the hearing cannot be completed in one session, the council may continue the hearing for five days and shall announce publicly to those present at each session the time and place for any subsequent sessions. No further notice shall be required. (Ord. 433 § 25.30, 1997)

17.135.040 Decision.

The city council shall announce its decision within a reasonable time but in all cases within 20 days after the conclusion of the hearing. The decision of the council shall be in the form of a written order and shall contain a recitation of the council's findings in support thereof. Copies shall be delivered to the applicant or appellant, to the building inspector, and one copy shall be filed with the council as a permanent record. The decision of the council shall be final and conclusive unless within 10 days from the date of said decision the original applicant (or appellant) or an adverse party makes application to the Superior Court of Washington for Clallam County for a writ of certiorari, prohibition or mandamus. (Ord. 433 § 25.40, 1997)

17.135.050 Record.

The council shall prescribe record keeping procedures which shall be sufficient in detail to provide a transcript adequate in the event a writ of review is granted. No portion need be transcribed unless an application for a writ of review is granted. A file shall be maintained for each variance and appeal including the application, exhibits, and correspondence. Each file shall, after conclusive action, include a brief record of the findings, action, and decision, and other information deemed necessary to maintain an adequate permanent record. (Ord. 433 § 25.50, 1997)