

BIRCHFIELD DEVELOPMENT REGULATIONS

Chapter 17.22 BIRCHFIELD FULLY CONTAINED COMMUNITY

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17.22.010 Purpose

These regulations implement Policy 1.0 of the Countywide Planning Policies which calls for urban growth to be encouraged in cities as well as those areas outside urban growth areas which satisfy the requirements set forth RCW 36.70A.350 and implement Lewis County Comprehensive Plan Policy LU 2.4 which calls for the designation of Fully Contained Communities at certain specified locations outside of designated Urban Growth Areas pursuant with RCW 36.70A.350. The purpose of this Chapter is to provide guidelines for development specifically within the Birchfield Fully Contained Community and to ensure that the development in this zone does not create a need for urban services in the rural area or lead to urban development in rural areas.

17.22.020 Supplemental Definitions.

The following definitions are intended to supplement LCC 17.10 to provide clarity as to the true intent of the Birchfield Land Use Plan. Unless otherwise noted, the LCC definitions are adopted.

- A. Multifamily. “Multifamily” means two or more living units under the same ownership where land has not been divided, i.e., duplex, triplex, quadraplex and apartment units.
- B. Net acre. All lands not defined as a critical area or its associated buffer consistent with LCC 17.35.
- C. Single-Family Dwelling. A single unit providing complete, independent living facilities for a family, including permanent provisions for living, sleeping, cooking and sanitation.
- D. Townhouse. A single-family dwelling unit which is part of a group of two or more such units separated by a completely independent structural wall and located on its own independent lot.

17.22.030 Permitted Uses

Permitted uses for this Fully Contained Community include, but are not limited to, all uses proposed within the Fully Contained Communities proposed zoning regulations in Articles III and IV of this section, pollution control structures and associated delivery distribution processing and employee services including without limitation water, sewer, power, phone and natural gas pipelines, electrical substations, tanks, towers and related facilities and on site roads and parking facilities through the Master Plan process provided in LCC 17.20.in

17.22.040 Provision for New Infrastructure Facilities and Services

The LCC 17.20 Master Plan approval shall assure that all new infrastructure is

provided for directly or by agreement by a condition from the Hearing Examiner requiring the applicant to be responsible for all costs of new infrastructure; PROVIDED, however, this requirement does not preclude use of government programs that fund portions of infrastructure to facilitate economic development and needed community facilities. The County may accept the Applicant's voluntary pro rata contributions for any County road improvements identified by the environmental documents prepared for this Fully Contained Community. Water, sewer and natural gas pipelines and electric power lines, telephone and cable lines and facilities and railroad tracks may cross nonurban areas to serve the specific Fully Contained Community. Urban governmental services may be provided to this Fully Contained Community so long as such services are not connected to uses in intermediate non-urban areas; PROVIDED, however, that such intermediate connections may be allowed if they are consistent with state law and the Lewis County Comprehensive Plan and have been approved by Lewis County Consistent with existing local state and federal laws.

17.22.050 Transit Oriented Site Planning and Traffic Demand Management Programs

The Master Plan approved under LCC 17.20 for this Fully Contained Community shall include a condition from the Examiner requiring implementation of transit oriented site planning and traffic demand management programs at the level and timing appropriate for this specific Fully Contained Community. Areas within the FCC shall be linked with pedestrian/bicycle facilities to encourage non-motorized movement of people.

17.22.060 Buffers from Non Urban Areas

To further protect adjacent non urban lands the Master Plan approved under LCC 17 20 for this Fully Contained Community shall include the buffers and setbacks included in the Application as amended together with acceptable recreational amenities.

17.22.070 Phasing Plan, Mix of Uses and Economic Viability

- A. This Fully Contained Community provides a phasing plan to include a mix of residential and non-residential uses within the community to provide opportunities for jobs, housing and services to the residents of the community. Refer to the Official Lewis County Zoning Map for Birchfield in LCC 17.200. The phasing plan shall assure that development opportunities within the Fully contained community will be balanced between residential and non-residential uses so as to avoid undue economic hardship to non-residential uses that require sufficient existing population density in order to be economically viable.
- B. The Birchfield Environmental Impact Statement (EIS) broke the project down into five phases as a means of projecting future growth within assumed time frames. The official Birchfield Zoning map in LCC 17.200 breaks down some of the larger original phases into smaller, sub-phases in order to more specifically address plan for the phased development of Birchfield FCC and environmental impacts within these geographic areas.
- C. While each of the phases has been designated with a numeral, the numerals are not intended to indicate any particular order or sequence of development. They are simply a way to distinguish one geographic area from another. Flexibility to develop

particular phases is important as a means of responding to market demands, infrastructure needs or mitigating public service impacts.

- D. Development permits will be preceded by or reviewed concurrently with a Phased Development Plan (PDP) for any particular phase. The PDP will identify general location of land uses, buildings, streets, and public facilities in order to ensure that:
 - a. Integration of development into the larger Birchfield FCC is apparent;
 - b. Environmental Impact on the surrounding community and the Birchfield built environment can be determined; and,
 - c. Impact fees can be equitably applied to the new development.
- E. The responsibility for approving each individual phase lies with the Director of Community Development or their designee.

17.22.080 Mix of Residential Uses

The Fully Contained Community shall contain a mix of residential uses to meet the full range of market conditions and income levels as specified in LCC 17.20.060(e). A minimum of four different housing types (e.g., single-family residences, townhomes, multi-family residences, and apartment homes) shall be incorporated throughout the Fully Contained Community.

17.22.090 Environmental Protection

Environmental protection issues including air quality, water quality, and water Quantity, are partially addressed by mitigation measures included in the Final Environmental Impact Statement FEIS published on February 05, 2007. More detailed environmental analysis will be performed for each of the major phases described in the EIS and further delineated in the official Birchfield Zoning Map in 17.200 prior to or concurrently with development proposals being approved in those phases. To further protect water quality and quantity any additional groundwater withdrawn for this specific Fully Contained Community shall require necessary permits from Department of Ecology or the Lewis County Water Conservancy Board. To further protect water quality and quantity, stormwater shall be managed as required by LCC 15.45. All provisions of the County's Critical Areas Ordinance, LCC 17.35, shall be followed.

17.22.100 Protection of Non Urban Lands

By operation of state law the site of any Fully Contained Community approved under this title becomes an unincorporated Urban Growth Area but surrounding lands will remain designated rural and those surrounding lands may potentially be designated in part as Resource Lands. The following measures assure the protection of such lands from urban growth;

- a) This specific Fully Contained Community shall be consistent with the uses authorized in RCW 36.70A.350.
- b) No new water, sewer or wastewater facility shall be extended to uses outside the boundaries of this specific Fully Contained Community except where such services must extend through the rural or resource areas between this Fully Contained Community and another urban growth area or Public Utility District,

PROVIDED, however, such extensions must be consistent with state law and the Lewis County Comprehensive Plan and have been approved by Lewis County. No boundary change to this Fully Contained Community site shall be made without an amendment to the Comprehensive Plan Land Use Map consistent with the requirements of RCW 36.70A.350 and LCC 17.20.

17.22.110 Mitigation of Adverse Impacts on Resource Lands

This specific Fully Contained Community has no adverse impact on any adjacent or nearby Resource Lands.

17.22.120 Allocation of Community Reserve Populations to FCC

Pursuant to RCW 36.70A.350 and WAC 365-195-335, the County has reserved a portion of its twenty-year population projection in anticipation of the proposed Birchfield FCC.

17.22.130 Development Limited

Land Development in a proposed Fully Contained Community shall be limited to those uses permitted by the current or underlying zoning district until the Fully Contained Community is approved as provided in LCC 17.20.

17.22.140 Intent.

The general purpose of this code is to protect and promote health, safety, and the general welfare through the regulation of development within the Birchfield FCC.

To that end, this code classifies the land within Birchfield into various urban zones and establishes the use of land and nature of buildings within those zones; controls the form of plats and subdivisions; regulates the construction of commercial and residential structures; and protects critical and sensitive areas within Birchfield.

The provisions of this code are designed to consider light, air and access; to conserve and protect natural beauty and other natural resources; to provide coordinated development; to avoid traffic congestion; to prevent overcrowding of land while complying with the State's Growth Management Act; to facilitate adequate provisions for transportation, water, sewage, schools, parks and other public requirements;

This code is to be interpreted as a whole, in view of the purpose set out in this section.

If the general purpose of this development code conflicts with the specific purpose of any chapter of this development code, the specific purpose shall control.

17.22.150 Validity.

If any section, paragraph, subsection, clause or phrase of this code is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this code. Lewis County hereby declares that it would have passed this code and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses, or phrases were unconstitutional or invalid.

17.22.160 Road Standards

- A. Lewis County Road Standards, LCC 12.60, shall govern roadway development within Birchfield except as noted in this section.
- B. Urban Style Road Design Standards for roadways with Average Daily Traffic (ADT) of 400 or more shall comply with roadway sections BF-2 or BF-3 dependent on the projected ADT, Attachment B. Birchfield Parkway may be constructed to a different section (BF-1) as determined by a Traffic Impact Analysis and the County Engineer.
- C. Private Lane Standards for roadways with ADT of 400 or less may comply with section BF-4, Attachment B, in order to facilitate creative subdivision design and promote a more rural character.

17.22.170 Garages and other accessory buildings.

A. Accessory buildings, including garages, are not allowed in required yards except as herein provided.

B. Attached Accessory Building. An attached accessory building shall comply with the requirements of this code applicable to the main building.

C. Detached Accessory Building. Accessory buildings are not allowed in required yard setbacks; provided, one detached accessory building with a gross floor area of 120 square feet or less and a height of 12 feet or less may be erected in the rear yard setback. If such an accessory building is to be located less than five feet from any property line, a joint agreement with the adjoining property owner(s) must be executed and recorded with the County.

D. Garages and Carports. Garages and carports may be built to within 10 feet of the front property line if the front yard of the lot, measured at the midpoint of the wall of the garage closest to the front yard property line, is more than four feet above or below the existing grade at the point on the front property line closest to the midpoint of the wall of the garage at its proposed location. The height of such garage shall not exceed 12 feet from existing grade for that portion built within the front yard.

E. Pedestrian Walkways. Enclosed or covered pedestrian walkways may be used to connect the main building to a garage or carport. Enclosed pedestrian walkways shall not exceed six feet in width and 12 feet in height calculated from finished grade or 30 feet above average building elevation, whichever is less.

17.22.180 Fences, retaining walls and rockeries.

A. This section on fences applies to new fences, walls and rockeries associated with new residential or commercial construction. This section does not apply to fences, walls and rockeries associated with Birchfield common areas, neighborhood entries or those areas established by the developer.

B. Location in Required Yard. Fences, retaining walls and rockeries may be located within any required yard.

C. Location in Street.

1. Fences. No fence shall be located in any improved street.
2. Retaining Walls and Rockeries. No retaining walls or rockeries may be allowed in any street unless they are specifically an integral part of the roadway construction.

D. Height Measurement.

1. Fences. The height of a fence is measured from the top of the fence, including posts, to the existing grade or finished grade, whichever is lower, directly below the section of the fence being measured.
2. Retaining Walls and Rockeries. The height of a retaining wall or rockery is measured from the top of the retaining wall or rockery to the existing grade or finished grade, whichever is lower, directly below the retaining wall or rockery.

E. Fences.

1. Maximum Height in Required Yard. Fences or any combination of retaining walls, rockeries and fences are allowed to a maximum height of 72 inches within the required yards. All fences, retaining walls and/or rockeries within a required yard shall be included in calculating the maximum height of 72 inches; provided, fences, rockeries or retaining walls used to protect a fill, or any combination thereof, are limited to a maximum height of 42 inches within that portion of any required yard which lies within 20 feet of any improved street.
 - a. Exception. Open latticework or a similar architectural feature up to 18 inches above the maximum 72 inch height allowed may be constructed, provided it is of open work design with at least 50 percent of its total surface area consisting of evenly distributed open spaces. This exception does not apply to any fence, rockery or retaining wall, or any combination thereof, limited to a maximum height of 42 inches; however, where the height of any fence, rockery, retaining wall, or any combination thereof is limited to 42 inches, an architectural feature of open work design as described above that is limited to the entrance of a walkway may be allowed if its total height is no greater than 90 inches.
2. Fill/Berms. No person shall place fill upon which to build a fence unless the total height of the fill plus the fence does not exceed the maximum height allowable for the fence without the fill.

17.22.190 Zone establishment.

A.	Zone	Symbol
	Single-Family Residential 4/acre	SR-4
	Medium Density Residential 6/acre	MDR-6
	High Density Residential	HDR-12
	Employment Center	EC
	Neighborhood Commercial	NC
	Public Services	PS
	Cultural Center	CC
	Inn/Conference Center	IC
	Open Space & Buffer	OS

B. The location and boundaries of the various zones of Birchfield are shown and delineated on the Official Birchfield Zoning map in LCC 17.200..

C. Any modification to a zone boundary will require a Lewis County Comprehensive Plan amendment and be subject to the annual amendment process as allowed under the Growth Management Act.

D. Any modification to a zone which changes the density of development will require a Lewis County Comprehensive Plan amendment and be subject to the annual amendment process as allowed under the Growth Management Act.

17.22.200 Nonconforming structures, sites, lots and uses.

An applicant for a permit under this development code may continue nonconforming uses consistent with LCC 17.155.

17.22.210 Variance and deviation procedures.

An applicant for a permit under this development code may request a variance or deviation from those numeric standards set out in the Birchfield FCC development regulation that are applicable to the permit. The applicant shall make such a request to the official or body designated in LCC 17.165.

17.22.211 Birchfield Land Use Zoning Summary

In order to assure protection of the elements of urban character and to implement the intent of the Birchfield Land Use Plan, Lewis County has identified a two-tier system of uses in Birchfield and are as follows:

Tier I: Permitted uses commonly found in urban zones requiring Administrative review.

Tier II: Permitted uses but subject to a public hearing process (subdivision or special use) to assure that the project is consistent with development regulations and meets the special standards for Lewis County.

TABLE 1: Non-Residential Land Use –Zoning Summary

Use Tier	Birchfield Land Uses	Employment Center	Neighborhood Commercial	Public Services	Cultural Center	Inn/Conference Center	Open Space - Buffer
I	Sales service (non-resource use)	P	P	P - Accessory	P- Accessory	P- Accessory	X
I	Retail sales (non-resource use)	P - Accessory	P	P - Accessory	P- Accessory	P- Accessory	X
I	Professional services (includes offices) (non-resource use)	P	P	P	P- Accessory	P- Accessory	X
I/II	Health Care – Personal Services	P	P	X	SUP	SUP	X
II n/a	Essential public facilities – Local Major	SUP	SUP	P	SUP	SUP	SUP
I	Public facilities, public services, Utilities, & Transp.	P	P	P	P	P	P
I	Schools, cemeteries, community centers	P	P	P	P	P	P
II	Churches,	SUP	SUP	SUP	SUP	SUP	X
I	Wineries	X	X	X	P	P	X
I	Libraries, Museums, Art Galleries	P – Accessory	P – Accessory	P	P	P	X
I	Parks, Recreation, hospitality, and tourist: Bed and breakfast (up to 10 guest suites); Motels (100 units); Restaurants (150 seats)	P X X P	P X X P	P X X X	P P P	P P P	P X X X
N/a	Residential single family, 4 units/acre	X	X	X	X	X	X

Use Tier	Birchfield Land Uses	Employment Center	Neighborhood Commercial	Public Services	Cultural Center	Inn/Conference Center	Open Space - Buffer
I	Auto oriented businesses inc. gas stations.	P	P	P	X	X	X
N/A	Residential: multifamily, min. 12 units/ac.	X	X	X	X	X	X
I	Residential: Multifamily within mixed use building where commercial is the primary use	P	P	P	X	X	X
N/a	Retirement, boarding, convalescent home (not State licensed) 6 persons (in addition owner's family) > 6 persons	X	X	X	X	X	X
		SUP	X	X	X	X	X
II	Group Homes (applies to all State-licensed facilities)	SUP	X	X	X	X	X
N/a	Animal Kennels	X	X	X	X	X	X
I	Home occupations	P	X	X	X	P	X
I	Manufacturing, assembly, and process of goods	P	X	X	X	X	X
I	Storage, transportation & handling of goods	P	X	X	X	X	X
I	Outdoor Storage	P	P	P	X	X	X
I	On-site treatment/storage of hazardous waste	P – accessory	P- accessory	P – accessory	P - accessory	P – accessory	X

KEY

P
X

= Permitted Use
= Prohibited

SUP = Special Use Permit

Table 2: Residential Land Use Zoning Summary

Tier	Use	SR-4	MDR-6	HDR-12
II	Single Family Residential (Attached or Detached)	P	P	P
I	Accessory Unit, Limited to 850 s.f.	P	P	P
I	Multi-Family Residential: Duplexes	X P	P P	P P
II	Churches,	SUP	SUP	SUP
I	Schools – Public or Private	P	P	P
I	Parks, Community Centers, grange halls, buildings of public assembly	P	P	P
II	Group Homes (applies to all State-licensed facilities)	SUP	SUP	SUP
II	Retirement, convalescent homes, and similar uses not requiring State licensing. Number: Up to two per subarea; up to 6 persons; 7 – 20 persons	P SUP	P SUP	P SUP
II	Utilities, Roads, Support facilities; and public facilities, public services, including parks	P	P	P
II	Essential Public Facilities	SUP	SUP	SUP
I	Home-Based Business (cottage industries)	P	P	P
II	E. New golf courses, driving ranges, and related facilities	SUP	SUP	SUP
I	Expansion of existing, lawful Nonconforming Use A. Only on developed legal lot	P	P	P
I	Existing Nonconforming Agricultural Uses	P	P	P

KEY: P= Permitted Use

SUP= Special Use Permit

X= Prohibited

Article II. RESIDENTIAL

17.22.220 Single-family.

A. The purpose of the single-family residential zoning districts is to provide areas for residential uses at the lower range of urban densities and to provide for a mix of housing types for varying income ranges. The desired mix of residential uses need not be accomplished in any one subdivision proposal but throughout the zoning districts as a whole.

B. Uses Permitted in Zones SR-4 and MDR-6.

1. Single-family dwellings, attached or detached.
 - a. The density range with in the SR-4 district shall be a minimum of four units per net acre and a maximum of six units per net acre.
 - b. The density range with in the MDR-6 district shall be a minimum of six units per net acre and a maximum of twelve units per net acre.
 - c. The minimum density for each district can be reduced by 50% if the applicant demonstrates that topographical or other physical limitations of the subject site justify the lower density.
 - d. Residential units intended as rental product, i.e. duplexes, as compared with ownership product, i.e. townhomes, are limited to a maximum of 10% of the total units proposed within any project proposed within the SR-4 district. There is no maximum within the MDR-6 district.
2. Accessory buildings incidental to the main building.
3. Public or private schools, subject to all of the following conditions:
 - a. All structures shall be located at least 35 feet from any abutting property and at least 45 feet from any public right-of-way.
 - b. All parking areas shall conform to design standards set out in the LCC 17.145.050.
4. Home business as an accessory use to the residential use, subject to all of the following conditions:
 - a. The home business may make those improvements to the home business normally allowed for single-family residences. For a day care, play equipment and play areas are not allowed in front yards.
 - b. Only those persons who reside on the premises and one other person shall be permitted to engage in the business on the premises at any one time. This applies to all owners, managers, staff or volunteers who operate the business.
 - c. There shall be no exterior storage or display of materials except as otherwise allowed for single-family residences, and no sign advertising the home business located on the premises.

- d. No offensive noise, vibration, smoke, dust, odor, heat or glare or excessive traffic to and from the premises shall be produced or generated by the home business.
 - e. The home business shall not involve the use of more than 30 percent of the gross floor area of the residence, not including basements.
 - f. No home business shall be permitted that generates parking demand that cannot be accommodated on the lots consistent with the applicable maximum impervious surface coverage limits of this code.
 - g. The business shall not provide healthcare services, personal services, automobile repairs; serve as a restaurant, commercial stable, kennel, or place of instruction licensed as a school under state law and which will operate with more than three students at a time; or serve as a bed and breakfast without a special use permit as set out LCC 17.160. Nothing contained in this subsection (A)(5)(g) shall be interpreted to prohibit a day care.
 - h. A day care shall be limited to 18 children maximum (not including dependents) at a time.
5. Public or private park subject to the following conditions:
- a. Access to community streets shall be reasonably provided.
 - b. Outdoor lighting shall be located to minimize glare upon abutting property and streets.
 - c. Major structures, ballfields and sport courts shall be located at least 20 feet from any abutting property.
 - d. If a permit is required for a proposed improvement, a site plan, landscape and building plan showing compliance with these conditions shall be filed with the County for its approval.
6. One accessory dwelling unit (ADU) per single-family dwelling subject to conditions set out in LCC 17.102.

C. Special Uses. The following uses are permitted when authorized by the issuance of a conditional use permit when the applicable conditions set forth in this section have been met:

- 1. Government services, public facilities, and utilities, subject to the following conditions:
 - a. All structures shall be located at least 20 feet from any abutting property;
 - b. Off-street parking shall conform to design standards set out in the LCC 17.145.050.
- 2. Reserved.
- 3. Places of worship subject to the following conditions:
 - a. All structures shall be located at least 35 feet from any abutting property.
 - b. Off-street shall conform to design standards set out in the LCC 17.145.050.

D. Building Height Limit. No building shall exceed 35 feet in height above the average building elevation to the top of the structure except that on the downhill side of a sloping lot the building may extend to a height of 40 feet measured from existing grade to the top of the exterior wall facade supporting the roof framing, rafters, trusses, etc.; provided, the roof ridge does not exceed 35 feet in height above the average building elevation. Antennas, lightning rods, plumbing stacks, flagpoles, electrical service leads, chimneys and fireplaces and other similar appurtenances may extend to a maximum of five feet above the height allowed for the main structure.

The formula for calculating average building elevation is as follows:
Formula:

Average Building Elevation = (Mid-point Elevation of Individual Wall Segment) x (Length of Individual Wall Segment) ÷ (Total Length of Wall Segments)

17.22.230 Lot requirements.

A. Minimum Lot Area for detached single-family units.

SR-4 The lot area shall be at least 5,000 square feet. Lot width shall be at least 45 feet and lot depth shall be at least 90 feet.

MDR-6 The lot area shall be at least 4,000 square feet. Lot width shall be at least 35 feet and lot depth shall be at least 80 feet.

1. Minimum lot area requirements do not apply to any subdivision intended for attached single-family dwelling units (townhomes)

B. Street Frontage. Each building lot shall have a minimum lot frontage of 20 feet to any street, alley or private easement acceptable within Birchfield.

C. Yard Requirements.

1. Minimum. Except as otherwise provided in this section, each lot shall have front, rear, and side yards not less than the depths or widths following:

a. Front yard depth: 10 feet, except 20 feet to the face of the garage.

b. Rear yard depth: 15 feet.

c. Side yard depth: 5 feet, except no side yard abutting a street shall be less than 10 feet.

2. Yard Determination.

a. Front Yard. The front yard is the yard abutting an improved street from which the lot gains primary access or the yard abutting the entrance to a building and extending the full width of the lot. If this definition does not establish a front yard setback, the code official shall establish the front yard based upon orientation of the lot to surrounding lots and the means of access to the lot.

b. Rear Yard. The rear yard is the yard opposite the front yard. The rear yard shall extend across the full width of the rear of the lot, and shall be measured between the rear line of the lot and the nearest point of the main building including an enclosed or covered porch.

c. Corner Lots. On corner lots the front yard shall be measured from the narrowest dimension of the lot abutting a street. The yard adjacent to the widest dimension of the lot abutting a street shall be a side yard. If a setback equivalent to or greater than required for a front yard is provided along the property lines abutting both streets, then only one of the remaining setbacks must be a rear yard.

d. Side Yard. Any yards not designated as a front or rear yard shall be defined as a side yard.

3. Intrusions into Required Yards.

a. Minor Building Elements. Porches, chimney(s) and fireplace extensions, and unroofed, unenclosed outside stairways and decks shall not project more than three feet into any required yard. Eaves shall not protrude more than 18 inches into any required yard;

b. Platforms, Walks, and Driveways. Platforms, walks, and driveways not more than 30 inches above existing grade or finished grade may be located in any required yard.

c. Fences, Retaining Walls and Rockeries. Fences, retaining walls and rockeries are allowed in required yards.

d. Garages and Other Accessory Buildings. Garages and other accessory buildings are not allowed in required yards, except for alley loaded lots or as provided in this code.

e. Architectural Features. Freestanding architectural features such as columns or pedestals that designate an entrance to a walkway or driveway and do not exceed 42 inches in height are allowed in required yards.

D. Lot Coverage.

1. Maximum Impervious Surface Limits for Lots. The total percentage of a lot that can be covered by impervious surfaces (including buildings) is limited to 70%:

2. Exemptions. The following improvements will be exempt from the calculation of the maximum impervious surface limits set forth in subsection (D)(1) of this section:

a. Decks/Platforms. Decks and platforms constructed with gaps measuring one-eighth inch or greater between the boards which provide free drainage between the boards as determined by the code official shall be exempt from the calculation of maximum impervious surface limits so long as the surface below the deck or platform is not impervious.

b. Porous Hard Surfaces. Porous Hard Surfaces intended to implement low impact development techniques, installed with a slope of five percent or less. Porous surfaces

exceeding five percent slopes will be calculated at 50 percent impervious.

c. Patios/Terraces. Uncovered patios/ terraces constructed of pavers shall be exempt from the maximum impervious surface limits.

d. Pedestrian-Oriented Walkways. Uncovered pedestrian walkways constructed with gravel or pavers not to exceed 36 inches in width shall be exempt from the maximum impervious surface limits.

e. Public Improvements. Open storm water retention/detention facilities, public rights-of-way and public pedestrian trails shall be exempt from the maximum impervious surface limits.

f. Rockeries/Retaining Walls. Rockeries and retaining walls shall be exempt from the maximum impervious surface limits.

E. Parking.

1. Each single-family dwelling shall have at least two parking spaces sufficient in size to park a passenger automobile.

17.22.240 Accessory dwelling units.

Accessory dwelling units are allowed in accordance with LCC 17.102.

17.22.250 Multiple-family.

A. The purpose of the multiple-family residential zoning districts is to provide areas for residential uses at medium to high urban densities and to provide for a mix of housing types for varying income ranges. The desired mix of residential uses need not be accomplished in any one project proposal but throughout the zoning districts as a whole.

B. Uses Permitted in Zone MDR-6 and HDR-12.

1. Any use permitted in the SR-4 and MDR-6 districts as described in section 17.22.200

a. The density range with in the MDR-6 district shall be a minimum of six units per net acre and a maximum of twelve units per net acre.

b. The density range with in the HDR-12 district shall be a minimum of twelve units per net acre and a maximum of twenty four units per net acre.

c. The minimum density for each district can be reduced by 50% if the applicant demonstrates that topographical or other physical limitations of the subject site justify the lower density.

2. Multiple-family dwellings.

C. Yard Requirements. Except as provided elsewhere in this section, each multiple-family parcel shall have front, side and rear yards not less than the depths described below:

1. Front yard depth: 10 feet or more
2. Rear yard depth: 15 feet or more
3. Side yard depth: 5 feet or more

D. Lot Coverage. Except as otherwise provided in this section, not more than 70 percent of any lot shall be covered with structures.

17.22.260 Parking requirements.

A. Parking Lot Dimension. All parking areas shall conform to the design standards set out in the LCC 17.145.050 except as outlined in sub-section B below and unless alternative design standards are approved by the County engineer.

B. Except as otherwise provided in this chapter, each lot shall also meet the following parking requirements.

1. Off-street parking shall be established and maintained at a minimum ratio of 1.5 parking spaces for each unit in a multiple-family dwelling.
2. Parking shall not be allowed in front yard setbacks.
3. The county engineer shall have the authority to fix the location and width of vehicular entrances and exits to and from property, and to alter existing entrances and exits as may be required to control street traffic in the interest of public safety and general welfare.
4. Off-street parking shall meet the relevant state design standards for the physically handicapped.
5. Up to 50 percent of the required off-street parking spaces may be designed for accommodating compact vehicles. Such parking spaces shall be clearly designated as compact stalls. The county may increase the percentage of compact stalls permitted if the applicant can demonstrate that no adverse impacts will occur.

Article III. COMMERCIAL

17.22.290 Employment Center – EC.

A. The purpose of the employment center (EC) zoning district is to provide a location for a mix of professional office, commercial services and residential uses in high quality, coordinated developments which are compatible with adjacent residential areas. Development in the EC zone will be subject to requirements and design standards as further set forth herein.

B. Uses Permitted.

1. Government services, utilities,
2. Educational Facilities including schools, colleges or universities
3. Day care.
4. Healthcare services.
5. Personal services.
6. Professional, scientific, and technical services.
7. Office uses.
8. Park and Ride facilities
9. Repair services.
10. Restaurants, cafeterias, catering.
11. Retail stores.
12. Financial and insurance services.
13. Commercial recreational areas.
14. Multi-family dwellings consistent with the development standards in the HDR zone.
15. Commercial public storage facilities, including screened outdoor storage and indoor storage and accessory caretaker office/residence.

C. Development Standards – General.

1. Buffer Requirements. All structures and off-street parking shall be set back from the perimeter property line of the EC:
 - a. 30 feet for nonresidential uses.
 - b. 20 feet for residential uses.
2. Landscaping Requirements. Required yards shall be landscaped, the landscaping to include incorporation of existing landscaping along with new shrubs and trees making the employment center compatible with surrounding uses and controlling objectionable views, glares or noise as further specified in the design standards. The installation and maintenance of such landscaping may be secured by a bond.
3. Minimum Open Space Requirements. A minimum of 15 percent of the EC shall be maintained in open space, including buffers and setbacks.
4. Modification of Development Standards. It is the intention of this EC to encourage superior development proposals and toward that end, deviation from the development standards set forth in this section may be authorized when the County or the code official (whichever is appropriate to review the deviation) finds that, compared to such development standards, the deviation would advance the achievement of the stated purposes of the EC district and the spirit and intent of the design standards.
5. Relationship to Other Code Provisions. To the extent that other County development standards are in conflict with those herein, the EC standards shall control.

E. Development Standards – Nonresidential.

1. Building Height Limit. No nonresidential structure shall exceed 36 feet in height.

2. Minimum Parcel Area Requirements. There shall be no minimum parcel size for nonresidential uses.

3. Parking Requirements. All nonresidential uses permitted in this zone shall comply with the parking requirements set out in LCC 17.145.050.

F. Division of Land through Binding Site Plan.

1. Application. Property that contains the following types of development in the EC may be divided through a binding site plan process as set out in LCC 16.15:

a. A division of lots or parcels when the use is a permitted light industrial or commercial use in the EC; and/or

b. A division of land made by subjecting a portion of a parcel of land to Chapter 64.34 RCW (Condominium Act) for the purpose of creating condominiums parcels.

2. Binding Site Plan Requirements.

a. If new construction is proposed concurrent with the binding site plan, approval of a EC site plan is required. If no new construction is proposed, a binding site plan may be approved subject to the requirements of the County's subdivision code.

b. Submittal of an application for a binding site plan shall be in compliance with application requirements established by the Community Development Department. Binding site plans shall be drawn to a reasonable scale to clearly identify required features of the site plan and shall include the design of any lots or building envelopes and the areas designated for landscaping and parking. The application shall contain all conditions, covenants, easements and restrictions for use of the land. Setbacks shall not be applied to internal lot lines.

c. The binding site plan is subject to review and approval by the process outlined in the County's subdivision code.

d. A copy of an approved binding site plan shall be filed for record with the County auditor. Prior to recording, the applicant shall submit the original binding site plan mylar to the development services group for signatures. One reproducible copy shall be furnished to the development services group after recording.

e. Approved binding site plans shall be binding and all provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any person acquiring a lease or ownership interest of any lot or parcel created pursuant to the binding site plan. A sale, transfer, or lease of any lot or parcel created pursuant to the

binding site plan that does not conform to the requirements of the binding site plan approval shall be considered a violation of this code and shall be restrained by injunctive action and shall be illegal as provided in Chapter 58.17 RCW, Plats, Subdivisions Dedications.

f. Amendments to or vacations of an approved binding site plan shall be made through the process outlined in this section for the original binding site plan.

17.22.300 Neighborhood Commercial.

A. The purpose of the Neighborhood Commercial (NC) zoning district is to provide a location and opportunity for convenience commercial uses intended to serve the day to day needs of the residents of Birchfield and the surrounding community. This zone also permits mixed use buildings that contain residential units where commercial establishments are the primary use.

B. Uses Permitted.

1. Government services.
2. Professional services.
3. Office uses.
3. Commercial retail uses.
4. Grocery Stores
5. Restaurants.
6. Automobile services, including gas stations.
7. Healthcare services.
8. Park and Ride facilities.
9. Auxiliary uses directly related to the principal use.
10. Wireless communications facilities.
11. Residential uses intermixed with commercial buildings.

C. Required Conditions.

1. Not more than 70 percent of a lot may be covered by buildings, structures, and other impervious surfaces, including outdoor storage areas, provided the exemptions for decks, pavers, patios and walkways detailed in section 17.22.210(D)(2) shall apply. The building footprint shall occupy no more than 45 percent of the gross lot area.
2. Outdoor storage facilities, including storage areas for official vehicles, shall be obscured by an approved architectural screen specified on the plot plan and approved by the design commission.
3. A site plan, landscape, and building plan showing compliance with these conditions shall be filed with the Community Development Department for its approval, and the construction and maintenance of building and structures and the establishment and

continuation of uses shall comply with the approved site, landscape, and building plan.

4. On-site hazardous waste treatment and storage facilities as defined in the Lewis County Code 8.25 are allowed as accessory uses to a permitted use in this zone.

D. Building Height Limit.

1. Structures shall not exceed 36 feet in height.
2. Outdoor storage facilities shall not exceed 20 feet in height.
3. Rooftop building appurtenances, including but not limited to mechanical equipment, chimneys, and roof access structures, may extend up to 10 feet above the maximum building height allowed. Rooftop appurtenances shall be located at least 10 feet from the exterior edge of any building and shall not cover more than 10 percent of the rooftop area.

E. Lot Area Requirements. There are no requirements for minimum or maximum lot areas in this zone except that lots shall conform to site and building plans approved by the Community Development Department and kept on file with the County.

F. Yard Requirements. The minimum setback from all rights-of-way shall be 20 feet. The minimum rear yard setback shall be 20 feet. The sum of the side yards shall be at least 10 feet,

G. Parking Requirements. All uses permitted in this zone shall comply with the parking requirements set out in LCC 17.145.050 except as specified in this section.

17.22.310 - Public Services (PS)

A. The intent of the Public Services (PS) zoning district is to provide an area for development of public or semi-public facilities determined by the community to be essential to the well-being and function of the community. Such facilities generally require strategic locations which may necessitate unique zoning controls.

B. Uses Permitted.

1. Government or quasi-governmental services and offices.
2. Public or private schools.
3. Parks.
4. Transit facilities including transit stops and associated parking lots.
5. Wireless communications facilities.
6. Public and private utilities and associated structures and equipment.

C. General parking requirements shall comply with LCC 17.145.050 and as described below.

D. General Requirements.

1. Ingress and Egress. The County engineer shall have the authority to fix the location and width of vehicular ingress or egress to and from property, and to alter existing ingress and egress as may be required to control street traffic in the interest of public safety and general welfare.

2. Handicapped Standards. Off-street parking shall meet the relevant state design standards for the physically disabled.

3. Compact Vehicles. Up to 50 percent of the required off-street parking spaces may be designed for accommodating compact vehicles. Such parking spaces must be clearly designated as compact stalls. The Community Development Department may increase the percentage of compact stalls permitted if the applicant can demonstrate that no adverse impacts will occur.

E. Cooperative Parking. Cooperative parking between two or more adjoining property owners is allowed; provided, the Community Development Department and County engineer, may reduce the total required spaces by 25 percent of the total combined required spaces when the applicant has demonstrated that no adverse impact will occur due to the reduced number of stalls.

17.22.320 Cultural Center - (CC)

A. The purpose of the Cultural Center (CC) zoning district is to provide areas of land devoted to existing and future use for civic, cultural, educational and similar facilities; to provide for the social needs of the community as those needs relate to the enhancement, identity and image of the community as a desirable place for human growth and development.

B. Uses Permitted.

1. Museums, art exhibitions, and galleries.

2. Libraries.

3. Wineries.

4. Professional, services.

5. Office uses.

6. Restaurants.

7. Retail stores.

8. Accessory uses customarily incidental to a principal use permitted outright in this section.

C. Structure Setback Requirements. All structures shall have a minimum setback from any street of 10 feet;

D. Building Height Limit. Maximum allowable building height shall be three stories or 36 feet, whichever is greater.

E. General parking requirements shall comply with LCC 17.145.050 and as described below.

F. General Requirements.

1. Ingress and Egress. The County engineer shall have the authority to fix the location and width of vehicular ingress or egress to and from property, and to alter existing ingress and egress as may be required to control street traffic in the interest of public safety and general welfare.

2. Handicapped Standards. Off-street parking shall meet the relevant state design standards for the physically disabled.

3. Compact Vehicles. Up to 50 percent of the required off-street parking spaces may be designed for accommodating compact vehicles. Such parking spaces must be clearly designated as compact stalls. The Community Development Department may increase the percentage of compact stalls permitted if the applicant can demonstrate that no adverse impacts will occur.

17.22.330 Inn/Conference Center - (IC)

A. The purpose of the Inn/Conference Center (IC) zoning district is to provide areas of land devoted to the hospitality industry and to compliment the uses provided in the CC and NC zoning districts.

B. Uses Permitted.

1. Hotels/Motels or Inns.

2. Bed & Breakfast facilities

3. Office uses.

4. Restaurants.

5. Retail stores.

6. Wineries

7. Accessory uses customarily incidental to a principal use permitted outright in this section.

C. Structure Setback Requirements. All structures shall have a minimum setback from any street of 10 feet;

D. Building Height Limit. Maximum allowable building height shall be three stories or 36 feet, whichever is greater.

E. General parking requirements shall comply with LCC 17.145.050 and as described below.

F. General Requirements.

1. Ingress and Egress. The County Engineer shall have the authority to fix the location and width of vehicular ingress or egress to and from property, and to alter existing ingress and egress as may be required to control street traffic in the interest of public safety and general welfare.
2. Handicapped Standards. Off-street parking shall meet the relevant state design standards for the physically disabled.
3. Compact Vehicles. Up to 50 percent of the required off-street parking spaces may be designed for accommodating compact vehicles. Such parking spaces must be clearly designated as compact stalls. The Community Development Department may increase the percentage of compact stalls permitted if the applicant can demonstrate that no adverse impacts will occur.

Article IV. Open Space

17.22.340 Open Space – (OS)

- A. The purpose of the Open Space (OS) zoning district is to protect and preserve certain areas of land designated as critical areas as defined in LCC 17.35 and to provide and protect parks, recreational amenities, open space and other natural, physical assets of the community to improve the aesthetic and functional features of the community.
- B. Specific types of permitted uses are those which provide a public service or fill a public need as described in the statement of intent. Uses shall also be appropriate to the specific site and the intent behind each site's designation as OS. OS sites designated as the result of a critical area regulation should only be used for purposes allowed under LCC 17.35. OS sites designated as such for reasons other than critical area classification may be used for such other purposes as allowed in this chapter. Such uses include the following:
1. Parks, greenbelts and open space for active or passive recreation or enjoyment.
 2. Buildings and structures accommodating or complimenting recreational uses including a caretakers residence.