

COPY

**Pend Oreille County
Washington**

Ordinance No. 2006-1

**AN ORDINANCE OF THE BOARD OF COUNTY
COMMISSIONERS OF PEND OREILLE COUNTY,
WASHINGTON ADOPTING INTERIM ZONING
CONTROLS; ESTABLISHING A MORATORIUM;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING
AN EFFECTIVE DATE.**

WHEREAS, Pend Oreille County Board of Commissioners adopted Resolution 90-113 on December 28, 1990 indicating its decision to comply with the requirements of the Washington State Growth Management Act; and

WHEREAS, the Board of Commissioners requested that the County Planning Commission guide the preparation of the draft Plan and the supporting development regulations; and

WHEREAS, after receiving a recommendation of the Planning Commission the Board of County Commissioners adopted a Comprehensive Plan in accordance with the provisions of the Washington State Growth Management Act; and

WHEREAS, Pend Oreille County has recently initiated a process to update the County's Development Regulations in accordance with the provisions of the new Comprehensive Plan and the Growth Management Act; and

WHEREAS, the County has established a work program for this update process that features the active involvement of the Planning Commission and that provides several opportunities for public review and comment; and

WHEREAS, it is anticipated that this update process will result in revisions to the application requirements, processing procedures, and standards governing RV Parks, mobile home parks, and binding site plans; and

WHEREAS, RCW 36.70A.390 authorizes the County to adopt interim zoning controls and moratoria; and

WHEREAS, the Board of County Commissioners finds that it is in the public interest to adopt interim zoning controls to clarify the County regulations governing RV parks pending the

preparation, public review, and the approval of a comprehensive set of revisions to the County development regulations consistent with the new Comprehensive Plan; and

WHEREAS, the board of County Commissioners further finds that a moratorium on the acceptance of applications for new RV parks and/or new applications to alter or extend an existing RV park is necessary in order to allow the County Planning Commission additional time to formulate recommended RV park development standards; and

WHEREAS, the Board of County Commissioners will conduct a public hearing on the interim zoning measures within 60 days of adoption of this Ordinance; and

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF PEND OREILLE COUNTY WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Ordinance 86-3 Amended. Pend Oreille County Ordinance No. 86-3, An ordinance providing for the approval of Mobile Home Parks and Recreational Vehicle Parks and establishing standards related thereto; establishing violations hereof as misdemeanors, repealing Ordinance 71-1 adopted February 15, 1971, and the regulations governing Travel Trailer Parking Areas adopted February 16, 1971, and Mobile Home Park Rules and Regulations, adopted April 22, 1974. Amended March 30, 1998. Amended September 20, 2004 is hereby amended to read as set forth in the attached Exhibit A and by this reference fully incorporated herein;

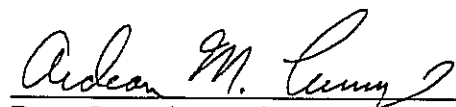
Section 2. Moratorium Established. A moratorium is hereby established on the acceptance of applications for new RV parks and/or new applications to alter or extend existing RV parks in Pend Oreille County pending the adoption of updated regulations and design standards.

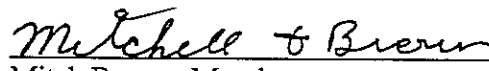
Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances; and

Section 4. Effective Dates. This Ordinance shall be effective immediately upon approval and shall remain in full force and effect for one year from the effective date of this ordinance unless terminated sooner or extended in accordance with the provisions of state law.

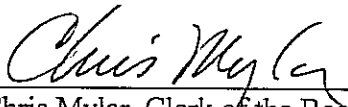
ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS AT A REGULAR MEETING THEREOF ON THE 6th DAY OF June, 2006.


Kenneth Oliver, Chairman


Dean Cummings, Vice-chair


Mitch Brown, Member

ATTEST/AUTHENTICATED:


Chris Mylar, Clerk of the Board

Approved as to form:

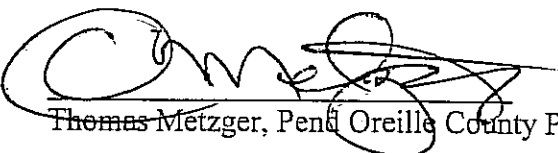

Thomas Metzger, Peoria Oreille County Prosecuting Attorney

EXHIBIT A
AMENDED ORDINANCE NO. 86-3

An ordinance establishing interim standards for Recreational Vehicle Parks and procedures for processing Binding Site Plans, repealing Ordinance 71-1 adopted February 15, 1971, and the regulations governing Travel Trailer Parking Areas adopted February 16, 1971, Amending Ordinance 86-3, Amended March 30 1998, Amended September 20, 2004 and Amended April 18, 2006.

SECTION 1 - DEFINITIONS.....	3
SECTION 2 - ADMINISTRATION.....	4
SECTION 3 - APPLICABILITY.....	4
SECTION 4 - PROCEDURAL REQUIREMENTS.....	4
SECTION 5 - APPLICATION REQUIREMENTS.....	5
SECTION 6 - FEES.....	7
SECTION 7 - BINDING SITE PLAN REQUIREMENTS.....	7
SECTION 8 - RECREATIONAL VEHICLE PARK DEVELOPMENT STANDARDS.....	10
SECTION 9 - FILING.....	12
SECTION 10 - REPEALER	12
SECTION 11 - SEVERABILITY.....	12
SECTION 12 - VIOLATIONS.....	12
SECTION 13 - EFFECTIVE DATES.....	12
SECTION 14 - ADOPTION.....	13

SECTION 1 – DEFINITIONS

- 1.1 PERSON means an individual, firm, trust, partnership, public or private association, agency or corporation.
- 1.2 RECREATIONAL VEHICLE is a vehicular type unit primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that has either its own power or is mounted on, or towed by, another vehicle and legally licensed for over the road travel. All recreational vehicles shall be in compliance with WAC 296 and certified by the manufacturer as complying with ANSI 119.5. Recreational vehicles include camping trailers, fifth wheel trailers, motor homes, travel trailers, truck trailers and shall also mean any of the following:
- A. TRAVEL TRAILER is a vehicular portable structure built on chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses.
 - B. PICK-UP CAMPER is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
 - C. MOTOR HOME is a portable temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
 - D. TENT TRAILER is a canvas folding structure, mounted on wheels and designed for travel, recreation and vacation.
 - E. DEPENDENT VEHICLE shall mean a vehicle which is dependent upon a service building for toilet and lavatory facilities.
 - F. SELF-CONTAINED VEHICLE shall mean a vehicle which can operate independent of connections to sewer, water and electrical systems. It contains a water-flushed toilet, lavatory, shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the vehicle.
 - G. TENT shall mean a cloth folding structure which is designed for shelter, recreational

or vacation use.

H. PARK MODEL shall mean any modular or mobile structure designed for human habitation with an area of less than 400 square feet whether on wheels or not and not permanently connected to utilities.

1.3 RECREATIONAL VEHICLE PARK shall mean a parcel(s) of land in which three (3) or more spaces are occupied or intended for occupancy by recreational vehicles.

1.4 OPEN SPACE AREA means a designated area(s) within the RV Park available for use by the park users. Open space may include ponds, wetlands, storm drainage areas, buffers, and up to 25% of the floor area of designated recreational facilities. Open space shall not include roads, driveways, parking lots, small areas of land between lots, driveways, and roads, the lots themselves, or the areas of land occupied by structures.

SECTION 2 - ADMINISTRATION

2.1 The Pend Oreille County Planning Department is charged with administering the provisions of this Ordinance.

A. The County Planning Director is authorized to make an administrative interpretation of the applicability of the application requirements, procedural requirements, or standards applicable to RV Parks and associated binding site plan applications as authorized by the County Commissioners and in accordance with the provisions of Ordinance 96-1.

SECTION 3 - APPLICABILITY

3.1 The requirements of this Ordinance shall apply to any person who proposes to construct, alter or extend any recreational vehicle park for three (3) or more units within the unincorporated area of Pend Oreille County, provided that:

A. Any proposed new RV Park, or proposed alteration or extension to an existing RV

park, and any existing RV Park must also apply for and receive approval from the County for a binding site plan in accordance with the provisions of County ordinances and RCW 58.17.

SECTION 4 – PROCEDURAL REQUIREMENTS

- 4.1 The construction of new RV park and the alteration, or extension of any existing park or recreational vehicle parking area requires the approval of the Board of County Commissioners, provided that:
- A. The temporary expansion of existing recreational vehicle parks for not more than 72 hours may be approved by the Planning Director, provided that sewage and water supply plans for the temporary expansion are approved in accordance with the provisions of this and related County ordinances.
 - B. New recreational vehicle parks and additions to existing parks of twenty (20) sites or less, and binding site plan applications for existing RV or mobile home parks may be administratively approved by the County Planning Director, provided:
 - (1) That the development standards of this Ordinance are met;
 - (2) That notice of the administrative action is given in accordance with the provisions of Ordinance 96-1; and
 - (3) That all administrative decisions may be appealed to the Board of County Commissioners in accordance with the provisions of Ordinance 96-1.
- 4.2 Applications subject to approval by the Board of County Commissioners shall be processed in accordance with the provisions of Ordinance #96-1, Ordinance 2003-3 and this Ordinance.
- 4.3 It is the intent to process applications for RV parks concurrent with any associated permits and approvals that may be required.

- A. The County Planning Director shall be responsible for determining the required permits and establishing the appropriate review and public comment procedures.

SECTION 5 – APPLICATION REQUIREMENTS

- 5.1 All applications for the approval of a recreational vehicle park and related permits and approvals shall be submitted in accordance with forms and procedures established by the Pend Oreille County Planning Department.
- 5.2 Prior to submitting an application(s) for a new RV park or an associated binding site plan, prospective applicants must schedule and participate in a pre-application review conference.
- 5.3 At a minimum RV park or associated binding site plan applications shall include the following:
 - A. The name and address of Applicant and property owner(s);
 - B. A complete description of the interest of the Applicant in the property and a thorough project description including sales, lease, and/or marketing plans;
 - C. A statement of any proposed or anticipated limitations or conditions on the use of the land;
 - D. Ten copies of a site plan drawing(s) that is neat and accurate at a scale not less than one inch for each two hundred feet on a sheet or sheets measuring eighteen by twenty four inches that depicts:
 - (1) The location of all existing and proposed structures lots, sites, tracts, and/or open spaces along with required buffers or setbacks;
 - (2) Known or potential environmentally sensitive areas and the associated buffers or setbacks;
 - (3) Streets, roads, access points, parking areas, trails and driveways;
 - (4) Existing and proposed easements;

- (5) Existing and proposed water and sewer system improvements, storm water facilities, and utilities; and
 - (6) Existing and proposed recreation areas.
 - E. A copy of a survey prepared by a registered land surveyor, along the perimeter of the property, provided that:
 - (1) The County shall prescribe more extensive survey requirements for projects that may involve the sale or transfer of ownership of real property, shared ownership of real property, and/or the creation of a condominium in accordance with the provisions of RCW 58.17, RCW 64.32, and RCW 64.34.
- 5.4 All applications for more than 20 spaces shall be accompanied by a SEPA environmental checklist pursuant to WAC 197-11, and Ordinance 84-2.
- 5.5 All applications for parks within a shoreline area as defined by the Washington State Shoreline Management Act shall submit an application for Shoreline Substantial Development Permit and shall be accompanied by a SEPA environmental checklist.

SECTION 6 – FEES

- 6.1 Application fees as established by the Board of County Commissioners shall be paid to the Pend Oreille County Department of Planning at the time of application.

SECTION 7 – BINDING SITE PLAN REQUIREMENTS

- 7.1 Preliminary approval for binding site plan applications may be granted, subject to conditions, based on a review for compliance with the provisions of this Ordinance and:
 - A. The Pend Oreille County Comprehensive Plan, County Shoreline Master Plan, and applicable County land use ordinances and regulations;
 - B. The Revised Codes of Washington, including but not limited to RCW 58.17, RCW 64.32, RCW 64.34, and the Washington Administrative Code, and the Washington State Environmental Policy Act (SEPA); and
 - C. The standards for RV parks in this Ordinance, provided that:

- (1) The Planning Director may waive or vary any standards or requirements for existing RV parks based on a finding of unique and unusual circumstances.

7.2 Upon satisfactory completion of all terms and conditions of preliminary approval including the inspection and approval of all required improvements, the Applicant shall be authorized by the County to proceed with the filings necessary for final binding site plan approval, provided that:

- A. Final binding site plans for recreational vehicle or travel trailer parks shall include all conditions of approval and shall incorporate by reference all requirements and conditions of associated permits and approvals;
- B. All required improvements shall be installed by the Project Sponsor, and approved by the County prior to any public use or occupancy of the site;
- C. Improvements and other requirements shall be provided to the extent that each specific binding site plan will be adequately served by all roads, utilities, drainage facilities, easements and other amenities necessary to its existence in the event that subsequent phases are not completed;
- D. As an alternate to complete installation of required improvements, the Applicant may propose to post securities in a form prescribed by the County and subject to County approval, guaranteeing completion of the work. No occupancy permit, final inspection, or use of the lot(s) created by a binding site plan shall be issued or allowed until all necessary infrastructure improvements as specified by this Chapter have been met: and
- E. Failure to comply with the terms and conditions of approval may result in the suspension or revocation of permits and approvals and/or civil or criminal penalties.

7.3 Requests to revise approved Binding Site Plans shall be processed as:

- A. An administrative decision, subject to review and approval by the Board of County Commissioners in accordance with the provisions of Ordinance 96-1, if the proposed revisions do not result in substantial changes as determined by the County; or
- B. A new application for purposes of vesting and shall be processed as a new application in accordance with the provisions of this Chapter.
- C. For the purpose of this section substantial change includes:

- (1) The creation of additional lots;

- (2) Changes in access points; or
- (3) Changes in the proposal that may lead to built or natural environmental impacts that were not addressed in the original approval.

SECTION 8 - RECREATIONAL VEHICLE PARK DEVELOPMENT STANDARDS

- 8.1 No park shall be approved without the approval of a sewage disposal plan by the Washington State Dept. of Health, Dept. of Ecology, and the Tri-County Health District, as applicable.
- 8.2 No park shall be approved without the approval of a community water supply plan by the Washington State Dept. of Health, Dept. of Ecology and Tri-County Health District, as applicable, provided that:
 - A. Water from a public water system(s) shall be provided to serve each lot, lease space, or site;
 - B. The applicant shall demonstrate that adequate water right(s) exist to serve the binding site plan, except when water withdrawal is exempt from obtaining a water right permit under RCW 90.44.050; and
 - C. All requirements of Chapter 246-290 WAC, Group A Public Water Systems, or Chapter 246-291 WAC, Group B Public Water Systems, must be met prior to specific binding site plan approval.
- 8.3 Access to the park shall be on a road built and maintained to County standards with a minimum width of 60 feet of right-of-way connected to an existing maintained public road.
- 8.4 Interior park roads shall meet the following requirements:
 - A. Two-Lane Road:
 - (1) Right-of-way 30 feet required for fee simple lot sales only; and

- (2) Road surface 24 feet.
 - B. One-Way Road:
 - (1) Right-of-way 30 feet required for fee simple lot sales only; and
 - (2) Road Surface 14 feet.
 - C. All streets shall be provided with a smooth gravel surface which shall be durable and well drained;
 - D. Grades of all streets shall be sufficient to insure adequate surface drainage, but shall not be more than eight percent; and
 - E. Within 100 feet of an intersection streets shall intersect at approximately right angles. Intersections of more than two (2) streets at one point should be avoided.
- 8.5 Recreational vehicles shall be separated from each other by at least 10 feet.
- 8.6 Recreational vehicles shall be setback from exterior property lines at least ten (10) feet, except that a 25 foot setback from public rights-of-way shall be maintained.
- 8.7 For each 100 RV sites, or fractional part thereof, there shall be one (1) approved toilet,/lavatory/shower facility for each sex.
- 8.8 In all recreational vehicle parks , there shall be one (1) or more recreational and/or open areas which shall be free of traffic hazards , provided that:
- A. Each park with up to ten (10) RV sites shall provide at least 10,000 square feet of recreational area or open space and an additional 5,000 square feet of recreational area or open space for each additional ten (10) RV sites or fraction thereof.
- 8.9 The storage, collection and disposal of solid waste in recreational vehicle parks shall not create a health hazard.

- A. All solid waste shall be stored in closed containers and shall be emptied at least once weekly, with the solid waste disposed of at a sanitary landfill or other approved facility.
- 8.10 All improvements to existing and proposed recreational vehicle parks shall conform to the current building, plumbing, mechanical and fire codes of Pend Oreille County, and/or the State of Washington.
- 8.11 Only one address shall be assigned and one mailbox permitted at each park.

SECTION 9 - FILING

A reproducible copy of all approved recreational vehicle parks and mobile home parks and associated binding site plans shall be prepared and filed as required by the County. Failure to do so may result in the suspension or termination of any approvals granted by the County.

SECTION 10 - VIOLATIONS

The failure to comply with the terms and conditions of approval of a binding site plan and/or RV park permits may result in civil or criminal penalties, and/or the suspension or revocation of plans or permits.

- A. Violations of the provisions of this ordinance shall be deemed a misdemeanor and any individual violating the aforesaid terms shall upon conviction thereof be fined a minimum of \$500.00 or shall suffer imprisonment of thirty days in jail. Each day's failure of compliance with any provision shall constitute a separate violation.
- B. Continued non-compliance may result in the suspension or revocation of binding site plans, permits, and approvals and the full recovery of costs incurred by the County in conjunction with the enforcement.

SECTION 11 - SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the provisions to other persons or circumstances is not affected.

SECTION 12 - REPEALER

Ordinance 71-1 adopted February 16, 1971, and Regulations Governing Travel Trailer Parking Areas adopted February 16, 1971, are hereby repealed.

SECTION 13 – EFFECTIVE DATES

This ordinance shall be effective immediately upon approval and shall remain in full force and effect for one year from the effective date of this ordinance unless terminated sooner or extended in accordance with the provisions of RCW 36.70A.390.

SECTION 14 - ADOPTION

Approved and adopted this **6th** day of **June** 2006.