

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, WASHINGTON

IN RE)
) Ordinance No. TLS NOH 23-55A
AN ORDINANCE ADOPTING INTERIM)
AMENDMENTS TO DOUGLAS) TRANSPORTATION AND
COUNTY CODE 18.80.320) LAND SERVICES
CONDITIONAL USE PERMIT MATRIX)
AND 18.80.240 ESSENTIAL PUBLIC)
FACILITIES.)

WHEREAS, Douglas County has adopted a Comprehensive Plan pursuant to the Growth Management Act (GMA), Revised Code of Washington (RCW) Chapter 36.70A, and a series of subarea plans for each municipality in the County. These plans have been found to be consistent with the Growth Management Act and the Douglas County Regional Policy Plan; and

WHEREAS, Douglas County has adopted land use controls implementing the policies found in the comprehensive plan in accordance with the powers granted Counties by RCW 36.32, RCW 36.70A and other applicable laws and statutes; and

WHEREAS, Douglas County Comprehensive Plan Section Chapter 11 adopts policies which guide the siting of Essential Public Facilities (EPF); and

WHEREAS, Douglas County Code (DCC) 18.80.320 Conditional Use Permits designates EPF's as requiring Conditional Use Permits in all zones; and

WHEREAS, DCC 18.80.240 adopts general review criteria for the siting of EPF's; and

WHEREAS; SESSSB 5536 amends the Growth Management Act RCW 36.70A.200 to categorize opioid treatment programs including both mobile and fixed-site medication units, recovery residences, and harm reduction programs excluding safe injection sites as EPF's, with an effective date of July 1, 2023; and

WHEREAS: the Douglas County Board of County Commissioners finds that the DCC does contain sufficient specific review criteria to guide applicants for the effective siting of these land use activities, and

WHEREAS, the Douglas County Board of County Commissioners finds the DCC is in compliance with the requirements of SESSSB 5536; and

WHEREAS, the Douglas County Board of County Commissioners finds that text amendments to the DCC are necessary to resolve a conflict in the language because

the siting of essential public facilities and substance abuse treatment facilities are handled differently although both are essential public facilities; and

WHEREAS, the Douglas County Board of County Commissioners finds a text amendment to the DCC is necessary to require a CUP for all essential public facilities in the urban growth areas of the cities and towns consistent with other unincorporated areas of the county; and

WHEREAS, the Douglas County Board of County Commissioners finds the expeditious adoption of the proposed amendments herein benefits the public by bringing the DCC into compliance with the Growth Management Act and by providing guidance to applicants for the effective siting of these land use activities; and

WHEREAS, RCW 36.70A.390 requires a county or city governing body that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption; and

WHEREAS, if the governing body does not adopt findings of fact justifying its action before the public hearing, then the governing body shall do so immediately after the public hearing.

NOW, THEREFORE, the Douglas County Board of County Commissioners hereby adopts the proposed amendment to DCC 18.80 found as attachment A to this Ordinance, and

BE IT FURTHER ORDAINED, the Douglas County Board of Commissioners amends DCC 18.80.320 to require a Conditional Use Permit for the siting of EPF's in all areas designated as Urban Growth Areas; and

BE IT FURTHER ORDAINED that the Board of County Commissioners hereby adopts the Findings of Fact and Conclusions recited herein, and

BE IT FURTHER ORDAINED, the Board of County Commissioners hereby sets a public hearing for October 24, 2023 at 9:00 a.m. in Waterville, WA, to take testimony regarding this interim Ordinance as required by RCW 36.70A.390.


Dated this 12th day of September, 2023 in Waterville, Washington.

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, WASHINGTON





Dan Sutton, Chair



Kyle Steinburg, Vice Chair



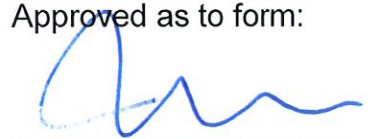
Marc Straub, Member

ATTEST:



Carlye Baiter, Clerk of the Board

Approved as to form:



Jim Mitchell, Civil Deputy Prosecuting Attorney

ATTACHMENT A
Applicable Portions of SESSSB 5536

**SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL (2E2SSB)
5536. Part IV – Opioid Treatment Rural Access and Expansion**

Sec. 12. RCW 36.70A.200 and 2021 c 265 s 2 are each amended to read as follows:

(1)(a) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, opioid treatment programs including both mobile and fixed-site medication units, recovery residences, harm reduction programs excluding safe injection sites, and inpatient facilities including substance (abuse) use disorder treatment facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020.30

(b) Unless a facility is expressly listed in (a) of this subsection, essential public facilities do not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Facilities included under this subsection (1)(b) shall not include facilities detaining persons under RCW 71.09.020 (7) or (16) or chapter 10.77 or 71.05 RCW.

(c) The department of children, youth, and families may not attempt to site new community facilities as defined in RCW 72.05.020 east of the crest of the Cascade mountain range unless there is an equal or greater number of sited community facilities as defined in RCW 72.05.020 on the western side of the crest of the Cascade mountain range.

(d) For the purpose of this section, "harm reduction programs" means programs that emphasize working directly with people who use drugs to prevent overdose and infectious disease transmission, improve the physical, mental, and social well-being of those served, and offer low threshold options for accessing substance use disorder treatment and other services.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17A.005, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

(b) A consideration for grants or loans provided under RCW 943.17.250(3); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

ATTACHMENT B
DCC 18.80 Code Amendments

Chapter 18.80 CONDITIONAL USES

Sections:

- [18.80.010 Purpose.](#)
- [18.80.020 Authorization.](#)
- [18.80.030 Evaluation criteria.](#)
- [18.80.040 Governing standards.](#)
- [18.80.050 Alterations to existing uses.](#)
- [18.80.060 Revisions to permits.](#)
- [18.80.070 Compliance.](#)
- [18.80.115 Preschool/child care.](#)
- [18.80.120 Churches, schools, hospitals, and government buildings.](#)
- [18.80.140 Utilities, communication and transmission facilities.](#)
- [18.80.150 Solid waste handling facilities.](#)
- [18.80.160 Dependent care housing.](#)
- [18.80.180 Mineral extraction.](#)
- [18.80.230 Recreational vehicle parks or campgrounds.](#)
- [18.80.240 Essential public facilities.](#)
- [18.80.250 Commercial kennels.](#)
- [18.80.260 Bed and breakfast facilities.](#)
- [18.80.280 Manufactured home parks.](#)
- [18.80.290 Farm labor center.](#)
- [18.80.300 Agricultural market.](#)
- [18.80.310 Day care centers, preschool.](#)
- [18.80.315 Recreational facilities.](#)
- [18.80.320 Conditional use permit use matrix.](#)

18.80.010 Purpose.

Conditional uses are those uses and activities that may be appropriate, desirable, convenient or necessary in the district within which they are allowed, however, due to inherent characteristics of the use, may be injurious to the public health, safety, welfare or interest unless appropriate conditions are established. This chapter describes the criteria for review, authority for action on and minimum conditions applied to certain uses. The requirements of this chapter and the authorization to conduct a conditional use do not supersede, and in fact rely upon, other requirements and standards of this title and other provisions of the DCC. (Ord. TLS 03-01-01B Ex. B (part); Ord. TLS 97-10-71B Ex. F (part))

18.80.020 Authorization.

A. The hearing examiner and the zoning adjustor are authorized to approve, approve with conditions or deny permits for conditional uses as specified in this chapter. Uses designated in this title as conditional shall be permitted, enlarged or altered only upon approval of the hearing

examiner or zoning adjustor in accordance with the standards and procedures specified in this title and other applicable provisions of the DCC.

B. The department shall not accept an application for a conditional use permit which was the subject of a prior application that was denied during the previous twelve months unless there has been substantial modification or reduction in the intensity of the proposal as determined by the director pursuant to DCC Section [14.10.020](#). (Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. F (part))

18.80.030 Evaluation criteria.

A. The proposed use will be harmonious and in accordance with the general and specific objectives of the comprehensive plan and all subarea plans.

B. The proposed use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity of the area.

C. The traffic generated by the proposed use shall be mitigated so as not to burden the traffic circulation system in the vicinity.

D. The proposed use will be served adequately by facilities and services such as highways, roads, law enforcement, fire protection, drainage, refuse disposal, domestic water and sanitary sewers, and schools; or that persons or agencies responsible for the establishment of the proposed use shall provide adequate services.

E. The proposed use will not create excessive additional requirements at public cost for public facilities and services.

F. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare by reasons of excessive production of traffic, noise, smoke, fumes, vibration, glare, or odors.

G. Proposed ingress and egress, driveway widths, parking, and road improvements shall be approved pursuant to DCC Title [20](#) and to the satisfaction of the county engineer.

H. Adequate buffering devices such as fencing, landscaping, or topographic characteristics shall be in place in order to mitigate, and protect adjacent properties from potential adverse impacts of the proposed use, including visual or auditory effects. (Refer to DCC Chapter [20.40](#), Landscaping standards, for specific requirements.)

I. Conditional use permits shall comply with the DCC and all applicable local, state, or federal regulations.

J. The hearing examiner is the review authority and may approve, conditionally approve or deny a request for changing the minimum lot size of a conditional use. Any waiver of minimum lot size shall not be construed as an exemption from the requirements of DCC Title [17](#) and RCW Chapter [58.17](#). (Ord. TLS 03-01-01B Ex. B (part); Ord. TLS 01-04-07B Ex. B (part); Ord. TLS 97-10-71B Ex. F (part))

18.80.040 Governing standards.

A. A conditional use shall ordinarily comply with the standards of the district within which the use is located and with the other applicable provisions of the DCC, except as modified by the approval of the conditional use permit and the standards of this chapter or as otherwise specified in the DCC.

B. The hearing examiner and zoning adjustor may, in addition to the standards and regulations specified in the DCC, establish other conditions found necessary to protect the health, welfare, safety and interest of surrounding properties, the neighborhood and the county as a whole. These conditions may address the following:

1. Increasing or decreasing the required lot size or increasing yard dimensions;
2. Limiting the coverage or height of buildings;
3. Mitigating traffic impacts through on-site and off-site improvements;
4. Increasing the number of off-street parking and loading requirements;
5. Limiting the number, location, design and size of signs and illumination devices;
6. Increasing required landscaping components to reduce noise and visual impacts including glare;
7. Specifying time limits for construction and operation;
8. Requiring performance assurance pursuant to DCC Chapter [14.90](#);
9. Specifying time frames for compliance review; and
10. Other conditions deemed appropriate to address the requirements and intent of this chapter, the DCC and the comprehensive plan. (Ord. TLS 03-01-01B Ex. B (part); Ord. TLS 97-10-71B Ex. F (part))

18.80.050 Alterations to existing uses.

A change in use, expansion or contraction of site area, or alteration of structures or uses which are classified as conditional and existed prior to the effective date of the ordinance codified in this title shall conform to the provisions of this chapter. (Ord. TLS 03-01-01B Ex. B (part); Ord. TLS 97-10-71B Ex. F (part))

18.80.060 Revisions to permits.

A. Minor revisions to an approved conditional use may be approved by the director when the revisions may affect the precise placement or dimensions of buildings but do not change approved uses, affect the basic building character or arrangement, increase the site area, increase the total floor area or required off-street parking spaces by more than five percent, increase the density or intensity of residential or recreational uses or alter specific conditions of approval. Requests for minor revisions shall be considered through the process for full administrative review pursuant to DCC Chapter [14.10](#) of the DCC.

B. Requests for revisions determined by the director not to be minor in nature shall be processed for quasijudicial review pursuant to DCC Chapter [14.10](#) and this chapter. (Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. F (part))

18.80.070 Compliance.

The property owner/operator of any conditional use shall maintain compliance with the standards of this title and of the conditional use permit at all times. Violation of the terms of the permit and/or requirements of the DCC not expressly modified by the permit shall be processed as a violation pursuant to DCC Chapter [14.92](#). (Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. F (part))

18.80.115 Preschool/child care.

The following minimum conditions shall apply:

- A. A landscape screen or fence shall be provided which is sufficient to visually separate the child care use from adjacent residences and to ensure child safety as prescribed by the review authority;
- B. The gross floor area of the room(s) used shall provide at least thirty-five square feet per child;
- C. Any likely inconvenience or nuisance generated by the facility such as, noise, dust, lighting or traffic congestion shall be considered and adequate measures taken to protect nearby uses;
- D. Any outside play area must be completely enclosed with a fence at least forty-two inches high. Fencing shall comply with the minimum provisions set forth in DCC Chapter [18.16](#); and
- E. An appropriate off-street patron loading area shall be designated and located on the same lot as the facility. Loading areas shall be designed and located so that vehicles using these spaces do not project into any public right-of-way or necessitate vehicular maneuvering on a road. (Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 00-02-06 Exh. B (part); Ord. TLS 97-10-71B Exh. F (part))

18.80.120 Churches, schools, hospitals, and government buildings.

The following minimum conditions shall apply:

- A. The property shall have a minimum lot size of one acre and be located within one thousand feet of a designated collector or arterial street;
- B. Ingress and egress to the facility shall be subject to DCC Title [12](#) and as approved by the county engineer;
- C. Minimum lot frontage shall be one hundred feet;
- D. Adequate buffering devices such as berms, landscaping, or topographic characteristics shall be used in order to mitigate and protect adjacent properties from adverse effects of the proposed use, including adverse visual or auditory effects. (Refer to DCC Chapter [20.40](#) for specific landscaping requirements);
- E. Agricultural Interface. When a use, lot, or parcel is proposed for a church, school, hospital, or government building and adjoins or is within an agricultural district, all uses shall be set back a minimum of one hundred feet from the property line. Buildings, structures and/or uses may setback a minimum of sixty feet from the property line, provided the applicant submits an enhanced alternative buffering method approved by the review authority;
- F. Signs shall be in accordance with DCC Chapter [20.44](#);
- G. Off-street parking and loading shall be in accordance with Chapter [20.42](#). (Ord. TLS 09-02-22B Exh. B (part); Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. F (part))

18.80.140 Utilities, communication and transmission facilities.

The following minimum conditions shall apply:

- A. Facilities shall be designed and constructed in accordance with all applicable provisions of the DCC;
- B. The facility and site shall be designed to be compatible with the surrounding neighborhood;
- C. Landscaping shall be in accordance with DCC Chapter [20.40](#);
- D. The site shall be maintained in a clean and orderly manner free of weeds;
- E. Adequate ingress and egress to the site shall be provided in accordance with DCC Title [12](#);
- F. If the use requires parking, said parking shall be in accordance with DCC Chapter [20.42](#);
- G. The minimum lot size in the district that a utility structure is located in may be waived upon a finding that the waiver will not result in detrimental effects to adjacent properties.

1. When a minimum lot size is waived, a note shall be placed on the face of the plat that the parcel is not a building site other than for the permitted utility use. The requirement for verification of adequate provisions for water and sewage disposal may be waived.

2. When the minimum lot size is waived for utilities exempted from platting by RCW [58.17.040](#)(9), a notice to title shall be recorded with the county auditor stating that the parcel is not an allowable building site other than for the permitted utility use. The notice shall be in a form approved by the land services director. (Ord. TLS 08-03-05 Exh. B (part); Ord. TLS 05-02-34B Att. B (part); Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. F (part))

18.80.150 Solid waste handling facilities.

The following minimum conditions shall apply to municipal solid waste landfills with a lifetime capacity of two hundred thousand or more cubic yards and other solid waste handling facilities:

A. Projects shall be designed and operated in compliance with all applicable provisions of the DCC and other local, state and federal regulations;

B. Property proposed for municipal solid waste landfill use shall be at least one mile from the closest residence and two miles from a general aviation airport, existing at the time of complete application. New municipal solid waste landfills or expansions to legally established municipal solid waste landfills within one mile of the closest residence or within two miles of a general aviation airport may only be considered when: residential impacts can satisfactorily be avoided or mitigated, and the Federal Aviation Authority provides a written determination that the proposed landfill expansion would not interfere with airport operations or create an airport safety hazard;

C. All buildings and structures shall meet the required yard standards of the district. The review authority may establish setbacks greater than those required in the district for buildings, structures, excavation and fill areas, stockpiles and nonmobile machinery to minimize potential adverse impacts to adjoining lands and public rights-of-way;

D. A dust abatement plan shall be submitted for approval by the review authority that specifies dust control measures to be employed throughout the life of the operation to assure that fugitive dust from all sources does not escape on-site containment. The dust abatement plan shall identify the names and telephone numbers of persons responsible for dust control on a twenty-four-hour basis;

E. A haul route agreement shall be submitted for approval by the county engineer prior to the commencement of operations;

F. Adequate buffering measures such as landscaping, use of topographic features, etc., may be required by the review authority to visually screen the project from public view;

- G. Site illumination shall be designed and oriented so as not to create glare and that lighting sources are not visible from off-site residences and public roads with a classification of, or greater than, an arterial;
- H. Fill, top soil and other stockpiled materials shall be vegetated or treated with dust suppression agents, as approved by the review authority. Stockpile heights may be specified by the review authority but in no case shall exceed thirty feet;
- I. The review authority may specify the hours and duration of the operation;
- J. A perimeter security and/or site-obscuring fence may be required by the review authority;
- K. A reclamation plan shall be submitted for approval by the review authority that discloses final proposed topography, measures to retain slopes as appropriate, methods for reserving top soil for final grading, revegetation of the site and phases of reclamation. Reclamation shall be undertaken in accordance with the approved plan;
- L. The review authority may require financial assurance in accordance with DCC Chapter [14.90](#) to guarantee/warranty compliance with permit conditions, completion of the reclamation, protection of public facilities and conformance with other applicable requirements of the DCC.
- M. The applicant shall demonstrate compliance with county noise standards. The county review authority may specify site design which further lessens off-site noise impacts.
- N. The applicant shall review site conditions, wind and weather patterns and propose management practices to avoid off-site air quality impacts, including but not limited to odor and dust.
- O. New municipal solid waste landfills or expansions to legally established municipal solid waste landfills within two miles of a public or private school may only be considered when impacts to the use or enjoyment of school facilities can satisfactorily be avoided or mitigated. (Ord. TLS 06-01-31B Exh. B: Ord. TLS 03-01-01B Exh. B (part): Ord. TLS 97-10-71B Exh. F (part))

18.80.160 Dependent care housing.

The following minimum conditions shall apply:

- A. Dependent care housing may be provided as a temporary use to assist in the care of persons in need of special assistance by reason of advanced age, infirmity or disability;
- B. The second residence shall be a manufactured home as defined in the DCC Title [14](#);
- C. The owner of the property shall reside in either the existing dwelling or the second dwelling;
- D. Only one dependent care manufactured home shall be permitted on a lot, tract or parcel under ownership by the care provider or recipient;

E. No rent, fee, payment or charge in lieu thereof may be made between the care provider and the recipient for the use of the primary dwelling or the manufactured home;

F. A written statement by a licensed physician and by the care provider shall be submitted with the application attesting that the recipient of the dependent care is physically or mentally incapable of caring for themselves and/or their property;

G. The manufactured home shall meet all applicable building, health and zoning codes, except those relating to density, home size and home width of the district in which it is located. The hearing examiner or zoning adjustor may also waive or prescribe alternatives to requirements for perimeter masonry foundation and provisions of required garage/storage buildings during the time the manufactured home is used for dependent care purposes;

H. Utilities for the dependent care manufactured home shall be connected with those utilities for the primary residence, unless the appropriate purveyor or agency with jurisdiction certifies that connection to the utilities for the primary residence is not feasible or is unlawful and that other standard utility provision will be made;

I. Conditions addressing landscaping, parking and other design and placement details may be adopted by the hearing examiner or zoning adjustor to assure that normal residential appearances are maintained as much as practical;

J. Upon approval for dependent care housing, and prior to the issuance of a manufactured home placement permit, the applicant shall submit documentation that a notarized statement by the owner of the property has been recorded with the county auditor acknowledging:

1. That the placement of the manufactured home is temporary,
2. That the use of the primary residence and the manufactured home is for the owner and care provider/recipient,
3. The manufactured home cannot be transferred with the property should it be sold, leased or transferred, unless the property is divided in accordance with this title and other applicable provisions of the DCC,
4. The manufactured home shall be removed within thirty days after the need for the dependent care housing ceases,
5. Other acknowledgments determined by the hearing examiner or zoning adjustor as appropriate to the specific permit, and
6. The statement shall include the legal description of the property, the assessor's parcel number and the conditional use permit file number.

K. Permit approval shall be granted for a maximum period of twelve months. The director may renew permit approval for consecutive periods of time; provided, that all conditions of the permit are being maintained and updated statements required in subsection F of this section are submitted. Renewal of permits shall not be made in increments of time greater than twelve months each. (Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. F (part))

18.80.180 Mineral extraction.

The following minimum conditions shall apply:

- A. Mineral extraction sites shall be located on designated mineral resource lands of long-term commercial significance;
- B. The operation(s) will not result in excavation, or location of structures, buildings or nonmobile machinery within one thousand feet of any residential zoning district. Excavation activities shall be a minimum of five hundred feet from any county or state road right-of-way. The review authority may reduce the minimum setbacks from a county or state right-of-way where the applicant can demonstrate one of the following:
 - 1. The setback may be reduced to one hundred feet if the extraction site is at the same elevation of the road right-of-way or below so that the extraction site is not visible from the roadway utilizing the natural topography and the screening standards in subsection F of this section.
 - 2. The setback may be reduced to two hundred fifty feet if the extraction site is at an elevation greater than the state or county right-of-way and has slopes steeper than two horizontal to one vertical feet.
 - 3. The setback may be reduced to one hundred feet where the applicant can demonstrate that prior legally established mineral extraction operations extracted minerals within one hundred feet of the road right-of-way and the proposed extraction fronting road right-of-way would be equal to or less than the existing lineal width of extraction which has occurred within one hundred feet of the road right-of-way.
 - 4. The setback may be reduced to two hundred fifty feet where the applicant can demonstrate that prior legally established mineral extraction operations extracted minerals within an area between one hundred and two hundred fifty feet of the road right-of-way, and that the proposed extraction fronting road right-of-way would be equal to or less than the existing lineal width of extraction which has occurred within one hundred to two hundred fifty feet of the road right-of-way.
 - 5. A reduced setback may be approved by the review authority in those instances where the applicant can demonstrate that visual, noise, and air quality impacts to surrounding properties and the public will satisfactorily be addressed by the existing natural features.

In no case shall the setback be reduced to less than one hundred feet from the edge of the right-of-way;

- C. The applicant shall submit documentation prepared by an engineer, and/or geologist as appropriate, that the operation(s) will not create hazardous conditions, adversely impact lands and transportation systems in the vicinity, impair the slope stability or cause lateral movements such as slump, creep or landslide, or cause soil erosion or sedimentation;
- D. A water supply and management plan shall be submitted for approval in conjunction with the application that discloses the source and volume of water necessary and available for dust control and associated mineral extraction, and how waste water from operations and stormwater retention will be accomplished. The plans shall be implemented through all phases of the operation(s);
- E. A dust abatement plan shall be submitted for approval that specifies dust control measures to be employed throughout the life of the operation to assure that fugitive dust from all sources does not escape on-site containment. The dust abatement plan shall identify the names and telephone numbers of persons responsible for dust control on a twenty-four-hour basis;
- F. Adequate buffering measures shall be taken to screen the project from public view. Such devices may include landscaping or topographic characteristics or a combination thereof as approved by the review authority;
- G. Site illumination shall be designed and located so that lighting sources are not directly visible from residential uses or public roads. Lighting shall not cast glare on adjacent properties;
- H. Hours of operation and duration of the project shall be established by the review authority;
- I. Drainage and stormwater runoff control shall be designed and implemented as approved by the county engineer in accordance with DCC Chapter [20.34](#);
- J. Haul route agreements for internal access and external ingress and egress to, and travel on, public roads shall be required between the operator and the department prior to commencing any operations;
- K. The review authority may establish minimum setbacks and other requirements for the excavation area, structures, buildings or nonmobile machinery associated with extraction, washing, sorting or crushing that will be adequate to minimize potential adverse impacts to adjoining properties or public road rights-of-way;
- L. The maximum height of stock piles shall be determined by the review authority and at no time shall exceed a height of thirty feet. Appropriate measures identified in the dust abatement and water management plans shall be implemented;
- M. Any topsoil retained on site shall adhere to the stockpile height requirements and shall be maintained free of noxious weeds;

N. Concurrent with the submittal of the County or Municipal Approval for Surface Mining (Form SM-6) to Douglas County, the applicant shall provide a copy of the reclamation plan submitted to the Department of Natural Resources. Prior to signing the SM-6 form, Douglas County shall verify consistency of the reclamation plan with the comprehensive plan; and

O. The review authority may require financial assurance in accordance with DCC Chapter 14.90 to guarantee/warranty compliance with permit conditions, completion of the reclamation, protection of public facilities and conformance with other applicable requirements of the DCC. (Ord. TLS 15-03-08C Exh. B; Ord. TLS 09-03-22D Exh. C (part); Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. F (part))

18.80.230 Recreational vehicle parks or campgrounds.

The following minimum conditions shall apply to all recreational vehicle (RV) parks and campgrounds:

A. Location.

1. Any parcel of property being considered for an RV park or a campground shall have at least one hundred twenty-five feet of direct frontage on a public road. Primitive county roads shall not be considered suitable for access to an RV park or a campground.
2. RV parks and campgrounds shall not be permitted in any area found unsuitable for such development due to poor drainage, physical topography, soil characteristics, rock formations, or other features that may be harmful to the public health, safety, or general welfare.

B. Site Requirements.

1. Size of RV spaces:
 - a. The minimum area of an RV/camp space shall be one thousand two hundred fifty square feet.
 - b. The maximum number of RV/camp spaces shall be twenty per acre of project site area.
 - c. The minimum width of an RV/camp space shall be twenty-five feet.
2. Yard requirements and spacing:
 - a. All RV units/camp sites and park/ campground buildings shall observe the applicable zoning district requirements pertaining to setbacks from public roads.

- b. There shall be a minimum distance of five feet between an individual RV unit/camp space and an adjoining interior park street.
- c. There shall be a minimum distance of five feet between an RV unit/camp space and the interior line of a perimeter buffer.
- d. There shall be a minimum distance of ten feet between RV units and between an RV unit/camp space and unattached structures.
- e. An RV unit may be located on a side space line provided that a minimum separation of ten feet is maintained between units.

C. Road System. All RV park/campground roads and access roads shall be designed and constructed to the specifications of the county engineer. The road system within an RV park/campground shall be privately owned, constructed, and maintained. General standards are as follows:

- 1. Access junctions with public roads shall be as approved by the appropriate public agency. Ingress and egress shall be designed to prohibit traffic discharging into a residential district on any public road not classified as an arterial.
- 2. Interior roads shall have the following minimum paved widths:

No On-street Parking	On-street Parking One Side Only
One-way streets: 12 feet	One-way streets: 20 feet
Two-way streets: 22 feet	Two-way streets: 30 feet

- 3. Road termini shall be provided with a loop to permit relative ease of turning.
- 4. Additional ingress/egress routes for emergency access to a public road shall be required for parks designed for one hundred or more RV/camp spaces.

D. Off-street Automobile Parking Facilities.

- 1. Off-street parking shall be provided at the rate of one space for each RV/camp site. The review authority may require additional off-street parking space as deemed appropriate to accommodate the parking needs of an RV park or campground.
- 2. There shall be at least four off-street parking spaces provided for the RV park or campground office, together with one additional parking space for each twenty-five RV/camp spaces.

E. Sewage Disposal Requirements.

1. Provisions for the disposal of gray water shall be made at fifty-foot radii from those sites not connected to the park/campground sewer system.
2. Utility buildings providing flush toilets and showers for each sex shall be provided at convenient intervals throughout the park. Utility buildings shall be located within three hundred feet of those spaces that are not provided with individual sewer connections. The number of toilets and showers shall be determined by the review authority upon recommendation by the health district. All sewage from RVs and park buildings shall be discharged into a sewage disposal system approved by the appropriate agency.

F. Fire Protection Standards.

1. All RV park or campground proposals shall be reviewed by the fire marshal to ensure adequate ingress and egress and internal circulation for emergency vehicles.
2. The fire marshal shall review all RV park or campground proposals to determine what fire protection measures are necessary for the park/campground.
3. In the absence of adequate on-site water sources, as determined by the fire marshal, such as reservoirs, swimming pools, lakes, rivers, and streams, the provisions of the International Fire Code shall apply for purposes of satisfying the required fire flows.

G. Solid Waste.

1. The storage, collection and disposal of solid waste in an RV park or campground shall be accomplished so as to prevent fire and health hazards, rodents, insect breeding, accidents, and odor. Upon the recommendation of the health district, the operator of an RV park/campground may be required to enter into a contract for regular collection with an approved solid waste disposal firm.
2. Approved solid waste containers shall be located not more than one hundred fifty feet from any RV/camp site.
3. Collection areas shall be screened with a view-obscuring fence and properly identified.

H. Utilities.

1. All RV parks/campgrounds located within five hundred feet of a public sewer trunk line shall be required to connect to the line if the owner of the line permits.

2. All utilities such as domestic water, irrigation water, fire protection, storm drainage systems, etc., shall be installed in accordance with established guidelines. All power and communication lines shall be placed underground.

I. Sanitary Dump Stations. A conveniently located dump station for the disposal of self-contained sewage shall be provided in RV parks with twenty-five or more spaces. Additional dump stations may be required in parks having one hundred or more RV spaces. All dump stations shall be designed and developed to the standards of the Chelan-Douglas Health District and the Department of Health.

J. Perimeter Buffer Yards, Landscaping and Fencing.

1. The external boundaries of an RV park/campground shall be developed with at least a twenty-foot wide buffer consisting of Type II landscaping as described in DCC Chapter [20.40](#). The buffer shall include a berm at least five feet in height above the grade of adjoining lands and constructed with slopes no greater than two horizontal units to one unit vertical. The requirement for a berm may be waived by the review authority where existing natural features and vegetation are adequate to satisfy the visual and auditory impact mitigation measures otherwise provided by a berm.

2. The review authority may require perimeter fencing to further mitigate visual and land use impacts including the potential for trespass, and the protection of adjoining properties and critical areas.

K. Open Space and Recreation Areas. A minimum of twenty percent of the project site shall be devoted to open space and recreation. Required buffer yards, parking areas, and RV/camp spaces shall not constitute open space or recreational areas. Usable recreation area shall be provided at a rate of not less than five hundred square feet for each RV/camp site in the park or ten percent of the total area of the park, whichever is greater. Each one square foot of intensively developed recreational area (swimming pool, recreation/game rooms, and game courts such as tennis, badminton, etc.) shall be calculated as 1.25 square feet toward each square foot of usable recreation area required.

L. Lighting.

1. All lighting shall be designed so as to eliminate light and glare spillover onto adjoining properties.

2. Community structures shall be adequately lit at night.

3. Adequate lighting shall be provided at the park entrance.

M. Signs. Signs and advertising devices shall be permitted in an RV park/campground in accordance with DCC Chapter [20.44](#).

N. Required Plan. All applications for an RV park/campground shall be made on forms provided by the director and shall, at a minimum, include scaled drawings and descriptions disclosing the following information: location of existing and proposed buildings, RV/camp spaces, domestic and irrigation water distribution, sewage collection system, electrical and communication lines, solid waste collection areas, fire hydrants, public and private roads, ingress-egress routes, stormwater drainage system, location of lighting and signs, perimeter buffer and site boundaries and recreation areas and open space. Contour information shall be provided at two-foot intervals for slopes of zero percent to ten percent and five-foot intervals for slopes greater than ten percent. Plans for landscaping, signs, storm drainage, parking and roads shall be prepared in accord with the provisions of DCC Title 20, Development Standards. Applications proposing to create lots for the purpose of sale, lease or transfer of stalls or other parcels associated with the RV park shall include materials required by DCC Title 17, Subdivisions, for a preliminary binding site plan.

O. Division of Land. Stalls and other parcels associated with an RV park may be subdivided through a binding site plan in accordance with DCC Title 17, Subdivisions. Stall and parcel configurations are exempt from the lot size standards of the underlying zoning district; provided, that the stalls and parcels meet the minimum standards of subsection B of this section, Site Requirements, and so long as the use remains an RV park. Dwelling units shall not be authorized on stalls of an RV park created through a binding site plan. Appropriate declarations and disclosures regarding lot size and density exemptions, and the prohibition of dwelling units on stalls, shall be noted on any final binding site plan. (Ord. TLS 17-12-44C Exh. A (part); Res. TLS 06-13 § 1 (part); Res. TLS 04-39 Att. (part); Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. F (part))

18.80.240 Essential public facilities.

Essential public facilities (EPF) shall comply with the following review criteria and requirements:

- A. EPF siting shall conform with the comprehensive plan;
- B. Facility siting and design shall be based on supporting the needs of the twenty-year projected population as demonstrated by the applicant;
- C. Facility siting and design shall be in accord with local, state and federal siting standards;
- D. A fiscal analysis of the long-term and short-term public costs shall be submitted by an EPF applicant and shall include a strategy to mitigate identified disproportionate financial burdens on Douglas County that may result from facility siting;
- E. The facility shall be designed with surrounding land use, existing zoning classification, and the present and projected population density of surrounding areas;
- F. An analysis of the likelihood of associated development being induced or precluded by the siting of an essential public facility shall be submitted by an EPF applicant and shall include an analysis of the nature of the facility, the existing urban growth near the facility site, the compatibility of the

facility to continued urban growth and the location of the facility in relation to any nearby urban growth areas;

G. Essential public facilities shall not be located on designated resource lands or critical areas, open spaces and historic, archaeological and/or cultural sites unless it can be demonstrated that facility design and operation will not be incompatible with these designated areas;

H. Facility, design and operation for specific facilities shall include mitigation measures necessary to alleviate identified adverse environmental impacts;

I. EPF shall not adversely impact existing public facilities and services;

J. EPF that are appropriate for location outside of urban growth areas due to exceptional bulk or potentially dangerous or objectionable characteristics shall be self-contained or served by governmental services in a manner that will not promote sprawl through further service extension or connection;

K. Public hearings for permits required by county, federal or state laws may be combined with any public hearings required by the DCC; and

L. Effective and timely notice and an opportunity to comment on a proposed EPF shall be provided to citizens, affected agencies, and to municipalities when an EPF is proposed to locate within five miles of an urban growth area within which the municipality is located. (Ord. TLS 08-03-05 Exh. B (part); Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. F (part))

18.80.250 Commercial kennels.

The following minimum conditions shall apply:

A. The structure(s) housing the animals shall be soundproofed and shall be located a minimum distance of two hundred feet from off-site dwellings;

B. Outside runs shall be completely screened from view by sight-obscuring fencing or landscaping or both as determined by the review authority to serve as a visual and noise abatement buffer;

C. All animals shall be housed within a structure and no outside boarding or activities of animals shall be permitted between the hours of nine p.m. and six a.m.;

D. The facility shall meet the minimum standards set forth in DCC Chapter [20.42](#), Off-Street Parking and Loading Standards, and DCC Chapter [20.44](#), Sign Standards;

E. The permit shall be granted for a period not to exceed two years. At the end of such period an inspection shall be made of the premises and a review conducted by the hearing examiner or zoning adjustor to determine compliance with all the conditions of approval. The applicant/owner shall be

responsible for scheduling inspections and reviews with the department. (Res. TLS 04-39 Att. (part); Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. F (part))

18.80.260 Bed and breakfast facilities.

The following minimum conditions shall apply:

- A. Bed and breakfast facilities shall meet all applicable health, fire safety, and building codes;
- B. The bed and breakfast facility shall be the principal residence of the operator;
- C. One sign nonilluminated or lighted with external direct lighting not to exceed thirty-two square feet in area shall be permitted;
- D. Driveways accessing a bed and breakfast shall be approved by the fire marshal and shall have a minimum easement width of thirty feet with an improved all-weather surface of twenty feet and be constructed at an acceptable grade;
- E. One off-street parking space shall be provided for each room available for patrons in addition to the off-street parking spaces required for the underlying district. Patron parking shall not be located within any required front or side yard or setback area;
- F. Outdoor activity shall be limited to the hours of 9:00 a.m. to 10:00 p.m., unless otherwise approved by the review authority; and
- G. A resource disclosure statement shall be recorded on the deed of record in accordance with DCC Chapter [18.16](#) if the facility is located in or adjacent to a designated critical area or resource area. (Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 97-10-71B Exh. F (part))

18.80.280 Manufactured home parks.

The following minimum conditions shall apply:

- A. Density and Stall Standards. Every manufactured home stall shall be of a size and shape which will provide reasonable area of private use, convenient placement of an occupied manufactured home and the following standards.
 - 1. Site size: Not less than two acres in size.
 - 2. Density: Eight units per acre maximum.
 - 3. Stall size: The minimum stall size shall be not less than four thousand square feet in area.

4. Each stall shall be identified with an individual site number in logical numerical sequence, and shown on the official approved site plan for the manufactured home park.
5. Stall dimension:
 - a. Minimum stall width: Forty feet.
 - b. Minimum stall depth/length: Eighty feet.
6. Stall coverage: Not more than fifty percent of the area of any stall shall be covered by buildings or structures including the home, carports, awnings, decks, ramadas and other accessory structures.
7. Manufactured home size and width: Manufactured home size and width shall be the same as required in the underlying zoning district. Occupied recreational vehicles (RV) shall be prohibited.

B. Yard and Setbacks. The minimum required yards and setbacks for manufactured homes and accessory structures, including awnings and ramadas shall be:

1. Exterior site perimeter boundary: A minimum of twenty feet from the exterior site perimeter boundary.
2. Front yard: A minimum of twenty-five feet from any public or private road right-of-way located on the exterior boundaries of the site. The minimum required front yard setback from an interior access road shall not be less than twenty feet.
3. Side yard: A minimum of five feet from a side stall, except as set forth in subsection (B)(1) of this section.
4. Rear yard: A minimum of fifteen feet from a rear stall line, except as established in subsection (B)(1) of this section.
5. Manufactured home spacing: No manufactured home including decks, awnings or ramadas shall be located within ten feet of another manufactured home.

C. Road and Driveway Standards. A manufactured home park shall have direct access from a public road and shall meet the following standards:

1. Interior roadway design: The interior access road serving the manufactured home park shall have a minimum right-of-way width of not less than forty feet of which thirty-two feet shall be improved with an asphalt surface, curbs and gutters. One side of the street shall be designated for guest parking, unless off-access street guest parking is provided. If all on-street parking is prohibited, the improved street width may be reduced

to twenty-eight feet. The road system within the manufactured home park shall be privately owned, constructed and maintained.

2. Individual access driveways: All driveways shall be improved with an asphalt or concrete surface and measure a minimum of twenty feet wide.

D. Off-Street Parking.

1. Resident parking: A minimum of two off-street parking spaces shall be provided within each stall. RV storage areas shall be provided and designated on the approved site plan unless the storage of such vehicles is prohibited by the park owner/operator.

2. Guest and service parking: Guest and service area parking shall be provided within the boundaries of the park in the amount of one space for each four manufactured home stalls. Such parking areas shall be located along side of the access road or located within satellite parking areas.

3. Satellite parking areas: Satellite parking areas may be provided within a manufactured home park for required parking spaces enumerated within this section provided they are approved by the review authority in accordance with DCC Chapter [20.42](#) and the following requirements:

a. Satellite parking areas shall be improved with an asphalt or concrete surface and each space shall be stripped, signed and reserved for the intended use;

b. The number of parking spaces provided shall not exceed eight parking stalls per satellite parking area;

c. Required off-street parking shall meet the minimum dimensional requirements set forth in DCC Chapter [20.42](#);

d. Satellite parking areas shall be distributed throughout the manufactured home park and shall be located a minimum of five hundred feet apart when located along the same interior road;

e. Satellite parking areas shall be landscaped in accordance with DCC Chapter [20.40](#); and

f. Satellite parking areas shall not interfere with, or impede traffic on designated road rights-of-way and access and design and construction of such facilities shall be approved by the county engineer.

E. Pedestrian/Bicycle Access. A pedestrian circulation system shall be provided in accordance with DCC Chapter [18.16](#).

F. Required Open Space/Amenities. A minimum of eight thousand square feet or ten percent of the manufactured home park, whichever is greater, shall be developed and reserved for common open space. Required buffer yards, parking areas, service buildings, park maintenance and laundry facilities, and manufactured home stalls shall not constitute open space or recreation area. Each one square foot of intensively developed recreational area (swimming pool, recreation/game rooms, and game courts) shall be calculated as one and one-quarter square feet toward each square foot of usable recreation area required. Required open space shall meet the provisions of this chapter and shall be preserved in perpetuity pursuant to DCC Chapter [18.16](#);

G. Open Space/Amenities Design Requirement. Open space shall be designed subject to the following criteria:

1. The location, shape, size and character of the open space shall be configured appropriate to the scale and character of the planned density, expected population, and topography of the area;
2. Common open space shall be concentrated and centrally located in large usable areas within the development and designed for active and passive recreation, unless otherwise allowed herein;
3. A minimum of sixty percent of the total required open space may be located in a central/concentrated area provided the total required open space is greater than one half acre in size. The remaining forty percent may be located throughout the site as streetscape, clubhouses, recreational facilities, and/or used for a natural trail system or other uses approved by the review authority;
4. Required open space shall be improved into a park-like setting with a vegetative cover/lawn grass, unless otherwise approved by the review authority;
5. Common open space may contain such complimentary recreational structures and/or improvements as are necessary and appropriate for the benefit and enjoyment of residents of the manufactured home park; provided, that the building coverage of such buildings or structures shall not exceed thirty-five percent of the minimum required open space if under one-half acre in size and fifty percent of the minimum required open space if greater than one-half acre in size; and
6. Required open space shall not exceed a five percent grade. The common open space shall be located on a public/private road or street and have a minimum frontage of forty feet in width if less than two acres in size. Sites two acres and larger shall have a minimum frontage width of sixty feet.

H. Landscaping/Fencing. All required landscaping shall be a minimum of ten feet wide for side and rear boundaries and twenty feet for the front boundary or perimeter road rights-of-way. Landscaping shall meet the minimum provisions of DCC Chapter [20.40](#).

1. Perimeter side and rear boundary: An ornamental wall or fence measuring a minimum of five feet in height shall be placed along the side and rear property lines. Type I landscaping shall be required. Fences shall comply with the minimum provisions in DCC Chapter [18.16](#);
2. Perimeter front boundary or perimeter road right-of-way: An ornamental wall or fence measuring a minimum of four feet in height and a combination of trees, shrubs and groundcover shall be planted between the wall and the public/private road right-of-way. Landscaping shall be Type III in compliance with DCC Chapter [20.40](#). Fences shall comply with the minimum provisions in DCC Chapter [18.16](#);
3. Accessory service buildings or structures constructed for the use and enjoyment of the manufactured home park residents shall be landscaped with Type IV landscaping in accordance with DCC Chapter [20.40](#); and
4. The review authority may specify modifications to the above minimum standards to mitigate impacts to neighboring properties.

I. Utilities. All manufactured home parks shall have adequate utilities and meet the following:

1. Underground installation: Utilities shall be installed underground.
2. Water supply: A supply of safe and potable water meeting the approval of the Chelan-Douglas health district shall be provided to each stall, and to community buildings as appropriate.
3. Sewage disposal: All sewage and wastewater shall be connected to an approved public or community sewage system.
4. Stormwater drainage system: A detailed on-site drainage system disposal plan for the entire project shall be designed and implemented in accordance with DCC Chapter [20.34](#).
5. Fire protection: Fire protection measures shall be provided as required by the International Fire Code, the DCC and the fire marshal.

J. Sale and/or Transfer of Stalls or Lots. It is unlawful to offer for sale, sell or transfer ownership of any portion of a manufactured home park or individual manufactured home lots, stalls or other properties located within the boundaries of an approved manufactured home park.

K. Permits and Enforcement.

1. It is unlawful for any person to construct a new manufactured home park or enlarge an existing manufactured home park in the unincorporated areas of the county without an approved conditional use permit meeting the requirements of this chapter and other applicable provisions of the DCC. Redevelopment of an existing manufactured home park

involving fifty percent or more of the stalls and/or park area shall comply with these provisions.

2. It shall be the responsibility of the park owner/operator to assure that valid placement and building permits are obtained for the placement of manufactured homes and other associated buildings and accessory structures within the park. (Res. TLS 06-13 § 1 (part); Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 00-02-06 Exh. B (part); Ord. TLS 97-10-71B Exh. F (part))

18.80.290 Farm labor center.

The following minimum conditions shall apply:

- A. The dwelling units are used exclusively to house farm laborers and their family members;
- B. The facilities conform to applicable building and health regulations;
- C. Farm labor centers shall be owned and maintained by the owner(s) or operator(s) of an agricultural operation that clearly evidences the need for farm laborers; or by an established nonprofit organization, housing authority, grower's co-op, or other corporate entity with a binding commitment to long-term maintenance and operation of the center;
- D. The facilities are subject to an annual inspection for compliance with this section;
- E. The location for the units will be reviewed to evaluate access, public safety considerations, impact on critical areas, and provisions for potable water and sewage disposal, with preference given to community systems;
- F. Structures shall be sited with consideration to minimizing negative effects on agricultural productivity of the site and adjoining farm operations, and minimizing effects on neighboring residences;
- G. A covenant shall be recorded in a form acceptable to the director, stipulating that the farm labor center is exclusively for use by farm laborers and their family members;
- H. Farm labor shelters and farm labor centers shall also be subject to Chapter [70.114A](#) RCW when the Washington Department of Health issues a license for temporary worker housing. (Ord. TLS 03-01-01B Exh. B (part))

18.80.300 Agricultural market.

The following minimum conditions shall apply:

- A. The agricultural market shall be centered on an agricultural theme and may include agritainment activities;

- B. The county engineer and/or WSDOT, if appropriate, shall approve ingress and egress to the site;
- C. Off-street parking shall be required in accordance with DCC Chapter [20.42](#); and
- D. A sign plan in accordance with DCC Chapter [20.44](#) shall be submitted with the application and approved by the reviewing authority. (Ord. TLS 15-12-32B Ex. B (part); Ord. TLS 03-01-01B Ex. B (part))

18.80.310 Day care centers, preschool.

- A. The minimum lot size for a day care center or preschool shall be fifteen thousand square feet with one hundred twenty-five feet of continuous frontage on a public or private road.
- B. Any outside play area shall be a minimum of fifty feet from any road right-of-way and shall be completely enclosed with a minimum four-foot-high fence.
- C. An appropriate off-street loading area shall be designated and located on the same lot as the facility for the purposes of providing a safe loading and unloading zone for persons using the facility.
 - 1. Loading areas shall be designed and located so vehicles using these spaces do not project into any public right-of-way.
 - 2. Loading areas shall be clearly marked as such and not be included in an area used to satisfy off-street parking requirements. (Ord. 08-03-05 Ex. B (part))

18.80.315 Recreational facilities.

Recreational development shall comply with the provisions of this chapter and the DCC. The review of an application shall be based on the potential impacts of a proposed development on surrounding properties, the environment, resource lands, critical areas and the orderly development of the county. The following standards shall be applied at an appropriate level in order to protect public health, safety and welfare:

- A. General Character. Development of recreational facilities shall be designed with an interior road network, perimeter landscaping or buffering mechanisms.
- B. Minimum Size. The minimum size for the establishment of a recreational facility is five acres, except for historical/cultural interpretative sites and water dependent activities.
- C. Buffers. Buffering shall be required in a form adequate to provide site screening, noise attenuation, safety separation and reduction of light and glare. Acceptable methods of buffering include undulated berms, planting, sight-obscuring fencing, security fencing or any combination thereof. At least two of these buffering methods shall be incorporated into the design of the project to off-set impacts to surrounding properties

from higher intensity uses. Buffer and landscaping shall meet the minimum provisions as set forth in DCC Chapter [20.40](#) and maintained throughout the life of the project.

D. Light and Glare. Any outdoor lighting shall be directed towards the site and/or shielded in accordance with DCC Chapter [18.16](#).

E. Parking. Adequate off-street parking shall be provided for the expected average use and off-street accommodations shall be made for expected peak use. The number of parking spaces required shall be based on the level of public demand and the number of public seating areas proposed. Parking and loading standards shall be in compliance with the minimum standards set forth in DCC Chapter [20.42](#).

F. Access. Access drives shall be constructed in a manner to safely carry the expected traffic flow. Provisions shall be made to limit access to the site to a maximum of two points, unless additional access points are deemed necessary in order to protect the public health, safety and welfare. Specific design requirements for width and type of surface shall be determined by the review authority pursuant to DCC Title [12](#), DCC Chapter [18.16](#) and other applicable sections of the DCC.

G. Solid Waste Management. Provisions shall be made for refuse disposal by a licensed commercial hauler approved by the Douglas County department of solid waste, or successor agency. All outdoor trash, garbage and refuse storage areas shall be screened from all sides from public view and be designed of such materials which are compatible with the overall architectural theme of the associated structure or use.

H. Signs. All signs used in conjunction with the proposed use shall meet the minimum provisions of DCC Chapter [20.44](#).

I. Fire Safety. Provisions shall be made for fire safety. All development activity shall meet the minimum provisions for fire suppression pursuant to DCC Title [15](#) and as approved by the fire marshal. No permit shall be issued until the applicant has shown that the fire chief of the fire protection district or as contracted with the nearest fire district in which the use is to be located has approved fire protection devices and equipment to be available during the use.

J. Emergency Response. An analysis shall be conducted by the applicant for emergency assistance which may include fire, law enforcement, and medical services. The analysis shall include confirmation that the minimum local and state codes and regulations have been met including Chapter [246-374](#) WAC when applicable. Any additional costs of providing such services shall be the applicant's expense.

K. Health and Utilities. Adequate provisions, verified in writing by the appropriate agency with expertise, shall be made for sanitary sewer, domestic water for public use, irrigation water for landscape maintenance, and/or other health and safety related concerns as deemed necessary.

L. Amplified Sound. No sound-amplifying device or speaker emitting loud and raucous noise shall be operated closer than two thousand five hundred feet from any school, church or residence, unless the governing body and/or owner of each such use has agreed in writing to waive this prohibition.

M. Noise. Uses and activities shall not exceed the maximum environmental noise level established by DCC Chapter [8.04](#) or Chapter [173-60](#) WAC, as administered by the Douglas County sheriff.

N. Agricultural Interface. When a use, lot, or parcel is proposed for recreational development and adjoins or is within an agricultural district, all uses, including the storage of materials, shall be set back a minimum of one hundred feet from the property line. Buildings, structures and/or uses may be set back a minimum of sixty feet from the property line, provided the applicant submits an enhanced alternative buffering method for approval by the review authority.

O. Resource/Critical Areas. It shall be the responsibility of the operator and/or proprietor of any permitted use to provide, analyze and make adequate provisions for the protection of groundwater, wetlands, sensitive wildlife species, resource lands, and other critical areas in accordance with DCC Title [19](#). Development located within the above areas shall be evaluated for impacts and may be limited in intensity, location and/or prohibited if found to measurably degrade the integrity of the resource or critical areas.

P. Dimensional Standards. Yard, setback and height regulations for the recreational facility are the same as those in the zoning district in which the project is proposed; except that any buffering required through the site approval process may exceed the fence height restrictions enumerated in DCC Chapter [18.16](#).

Q. Air Emissions. Development and operation of recreational facilities shall not disseminate dust, smoke, fumes, or obnoxious odors nor degrade air quality.

R. Financial Assurance. The review authority may require a bond, cash deposit or other form of financial assurance pursuant to DCC Chapter [14.90](#). Financial assurance may be required for the duration of the activity on an annual basis prior to the scheduled use. Financial surety shall be provided:

1. As an indemnity to protect and repair roads, pavements, bridges, road signs, and other public property from any and all damage that may be caused by vehicles, employees or participants in the uses proposed;
2. To restore the ground where the use is held on county land or other properties;
3. To pay the cost of employment of such county personnel as may be made necessary by the failure to preclude acts which violate this chapter or any county or state law;

4. Other purposes as determined by the review authority.
5. Insurance. The review authority may require that the applicant(s) have personal injury liability insurance in a form and an amount acceptable to the prosecuting attorney. (Ord. TLS 14-09-31C Exh. B (part); Ord. TLS 08-11-47D Exh. B (part))

18.80.320 Conditional use permit matrix.

The following table is a list of conditional uses that may be authorized within the districts established by this title. Application for conditional uses not listed shall be prohibited unless the director determines that an unlisted use is similar to one that is already enumerated in this table and may therefore be allowed, subject to the requirements associated with that use, this chapter and other applicable provisions of the DCC.

Table 18.80.320
Conditional Use Permit Matrix

	R- REC	RR- 2	RR- 5	RR- 20	RSC	AC- 5	AC- 10	A- D	R- EPF	I- G
Agricultural housing (as a principal use)					C					
Agricultural market on a parcel not located adjacent to a state highway	C	C	C	C	C	C	C	C		
Agriculturally related industry					C	C				
Airport, heliport			C	C	C		C	C	C	
Airstrips, helipads		C	C	C	C	C	C	C	C	
Aquaculture	C				C					
Bed and breakfast with 3 or fewer rooms										
Bed and breakfast with 4 to 10 rooms	C	C	C	C	C	C	C	C		
Boarding (rooming) house	C				C					
Bulk fuel storage, sales, distribution				C	C			C		
Cemeteries, mausoleums		C	C	C	C	C	C	C		
Chemical fertilizer distribution, sales, bulk storage—agriculture					C			C		
Chemical, drug and alcohol treatment facility					C					
Church and associated parsonage	C	C	C	C	C	C	C	C		
Community halls, granges	C	C	C			C	C			
Composting, commercial				C		C	C	C	C	
Convalescent/nursing home, assisted living facility					C					

Table 18.80.320
Conditional Use Permit Matrix

	R- REC	RR- 2	RR- 5	RR- 20	RSC	AC- 5	AC- 10	A- D	R- EPF	I- G
Convenience store					C					
Day care center	C			C	C			C		
Dependent care housing	C	C	C	C	C	C	C	C		
Eating/drinking establishment					C					
Education services	C	C	C	C	C	C	C	C		
Essential public facilities	C	C	C	C	C	C	C	C	C	C
<u>A) Chemical, drug, and alcohol treatment</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Farm implement/equipment repair and service					C					
Farm implement/equipment sales					C					
Farm labor center			C	C	C	C	C	C		
Farm supply sales					C			C		
Feed lots, commercial; livestock auction sales				C			C	C		
Food/beverage/convenience sales					C					
Gas/service station					C					
Governmental uses and structures:									C	
Maintenance and storage		C	C	C	C		C	C	C	
Office facilities			C	C	C		C	C	C	
Grain storage (commercial elevator)										
Greenhouse and/or plant nursery, retail	C	C	C	C	C	C	C	C		
Guest ranch, retreat center	C		C	C	C		C	C		
Hazardous waste treatment/storage facility				C				C		
Horse boarding/training facilities					C					
Hospitals										
Inert waste storage, permanent			C	C			C		C	C
Kennels, commercial		C	C	C	C	C	C	C		
Manufactured home parks					C					
Medical/dental outpatient services					C					
Mineral extraction			C	C			C	C		
Asphalt/concrete batch plant			C	C			C	C	C	

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Table 18.80.320
Conditional Use Permit Matrix

	R- REC	RR- 2	RR- 5	RR- 20	RSC	AC- 5	AC- 10	A- D	R- EPF	I- G
Mini storage facilities					C					
Neighborhood retail/service business					C					
Packing houses, warehouses, storage greater than 10,000 square feet										
Reception hall/center, wedding chapel	C	C	C	C	C	C	C	C		
Recreation facilities, public and private										
Golf courses	C	C	C	C	C					
Historical, cultural interpretive sites	C	C	C	C	C	C	C	C		
Outdoor commercial facilities and activities charging an admission fee for participants or spectators, such as motorized vehicle events or horse racing				C				C		
Public and private parks	C	C	C	C	C				C	
Recreational vehicle parks and campgrounds	C		C	C	C				C	
Scale model clubhouses and facilities, e.g., airplanes, railroad, vehicles		C	C	C	C		C	C	C	
Shooting ranges				C				C		
Sports fields and courts	C	C	C	C	C					
Water dependent facilities, including without limitation boat launches, fishing access points, marinas, public docks	C	C	C	C	C	C	C	C		
Sheet metal, welding shops					C			C		
Solid waste disposal sites and handling facilities with a capacity of 200,000 cubic yards or more				C				C	C	
Utilities:										
Distribution/transmission facility	C	C	C	C	C	C	C	C	C	C
Energy generation facility as accessory use not meeting the definition of RCW 80.50.020	C	C	C	C	C	C	C	C	C	C
Offices/maintenance/storage					C				C	
Vehicle repair shops						C			C	
Veterinary clinic		C	C	C	C	C	C	C		
Wrecking, junk, salvage yards			C	C				C		

(Ord. TLS 22-02-02B § 4 (Att. A); Ord. TLS 18-09-38B Ex. B; Res. TLS 14-48; Ord. TLS 13-05-23B Ex. B (part); Ord. TLS 12-13-38B Ex. B (part); Ord. TLS 12-10-17B Ex. B (part); Ord. TLS 10-06-30B Ex. B (part); Ord. TLS 10-05-13B (Ex. B) (part); Ord. TLS 09-02-22B

Exh. B (part); Ord. TLS 08-11-47D Exh. B (part); Ord. TLS 08-03-05 Exh. B (part); Ord. TLS 05-02-34B Att. B (part); Ord. TLS 05-01 Att. B (part); Res. TLS 04-39 Att. (part); Ord. TLS 03-01-01B Exh. B (part); Ord. TLS 01-04-07B Exh. B (part); Ord. TLS 97-10-71B Exh. F (part). Formerly 18.80.310)

R-REC
RR-2
RR-5
RR-20
RSC
AC-5
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A-D
R-EPF
I-G
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The Douglas County Code is current through Ordinance TLS 22-02-02B, passed January 18, 2022, and Resolution TLS 20-03-16B, passed March 17, 2020.

Disclaimer: The clerk of the board's office has the official version of the Douglas County Code. Users should contact the clerk of the board's office for ordinances passed subsequent to the ordinance cited above.

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