

ORDINANCE NO. 08-2692

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON, AMENDING SECTION 17.10 "ZONES AND MAP," CHAPTER 17.12, BMC AND RELATED TEXT, AND AMENDING THE CITY OF BLAINE COMPREHENSIVE PLAN TO ADD LANGUAGE TO THE LAND USE ELEMENT AND REVISE THE LAND USE DESIGNATION FOR A 35 ACRE SITE FORMALLY USED AS BLAINE'S MUNICIPAL AIRPORT AND SIX ADJACENT PROPERTIES.

WHEREAS, on February 26, 2007, the City Council voted to close the City owned airport effective no later than December 31, 2008, and directed staff to develop changes to the Comprehensive Plan and Blaine Municipal Code to accommodate a mix of commercial and light impact industrial uses; and,

WHEREAS, all application materials were prepared by staff for a Comprehensive Plan amendment and Zoning Map amendment and duly filed; and,

WHEREAS, Section 365-195-630 of the Washington Administrative Code allows the plan to be amended once every year; and,

WHEREAS, on April 9, 2007, the City Council docketed said application; and,

WHEREAS, the Planning Commission of the City of Blaine held a public hearing on January 10, 2008, at which time all interested parties were given the opportunity to be heard and present evidence; and,

WHEREAS, after conducting the public hearing, holding four work-sessions and finalizing their recommendation on April 10, 2008, the Planning Commission of the City of Blaine forwarded to the City Council a recommendation to approve the proposal and adopt revisions to the City of Blaine Comprehensive Plan, zoning text and Official Comprehensive Plan and Zoning Maps; and,

WHEREAS, in consideration of the significant changes recommended by the City Council, the City Council voted to hold an additional public hearing on April 28, 2008; and,

WHEREAS, after considering the recommendation of the Planning Commission, all additional public comment, and finalizing their findings and conclusions, the City Council voted to approve the proposed amendments without change.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLAINE DOES ORDAIN AS FOLLOWS:

Section 1: The following **Findings of Fact** are hereby adopted:

1. Environmental Review was conducted and a Determination of Non-Significance was issued and circulated by the City of Blaine's SEPA Official on December 7, 2007, and published in the official paper of record (Bellingham Herald) on December 8, 2007.

2. Pursuant to RCW 36.70A.106 and WAC 365-195-620, the director has notified and transmitted copies of the proposed Comprehensive Plan amendments to the Washington State Office of Community Development.
3. Public Notice was published in the official paper of record on December 30, 2007, which announced the public hearing scheduled for 7:00 PM January 10, 2008.
4. In compliance with Section 16.04.080 of City's Comprehensive Plan, the City finds that the criteria for the proposed amendments have been met:
5. The amendment conforms to the requirements of the GMA, is internally consistent with the Comprehensive Plan, is consistent with the county-wide planning policies, and is consistent with any interlocal planning agreements.
6. Recent studies and public testimony have led the City Council to conclude that there is a demonstrable need to close the airport and convert the land to uses that provide greater benefit to the community at large.
7. The public interest will be served if the amendment is approved; The proposed plan will not impact the rate and distribution of population growth, employment growth, development and conversion of land in a manner different than envisioned in the Comprehensive Plan and the Growth Management Act;
8. The city does not foresee unanticipated impacts on schools, water and/or sewer purveyors, fire districts, and can provide adequate services and public facilities including transportation facilities to the Gateway district under the proposed plan; and
9. The impact upon related shorelines, marine habitat and its waters will not be significant as a result of the land use proposal contained in the Gateway district.
10. The proposal will contribute to an integrated land use management program for the city of Blaine and improved access to industrial uses to the east, and will promote development that is more compatible with existing commercial, recreation, and residential uses that already exist in the vicinity.
11. The proposal is consistent with and meets the criterion for a Comprehensive Plan amendment and that the proposed amendment will contribute to improved public health, safety, and the welfare of the community of Blaine.
12. On April 10, 2008, after conducting four worksession and meeting with the City Council in a joint worksession, the Planning Commission forwarded the proposal with their changes to the City Council with a recommendation to approval Ordinance 08-2692.

Section 2: The 2006 Comprehensive Plan is hereby amended pursuant to the following Exhibits:

1. Exhibit A-1, Text Amendments to the Comprehensive Plan
2. Exhibit A-2, Comprehensive Plan Map Amendment

Section 3: Title 17 of the Blaine Municipal Code is hereby amended pursuant to the following exhibits:

1. Exhibit A-3, Amendment to Chapter 17.12 from AIRPORT to GATEWAY (Mixed Use) Zoning District
2. Exhibit A-4, Zoning Map Amendment
3. Exhibit A-5, Related Text Amendments

Section 4: This ordinance shall become effective on the day immediately following the official closure of the Blaine Municipal Airport.

Section 5: If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

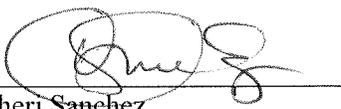
PASSED BY THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON on the 28th day of April, 2008, and approved by the Mayor on the same day.

CITY OF BLAINE, WASHINGTON



Bonnie Onyon
Mayor

ATTEST/AUTHENTICATE:



Sheri Sanchez
City Clerk

Exhibit A-1
Text Amendments to the Comprehensive Plan

Chapter 3 –Economic Development

P3-ACTIONS

A. ~~The City should market and encourage the development of vacant airport property for manufacturing use.~~

(Renumber remaining action items.)

Chapter 4 Land Use *(Page 4-25, new language addressing the Gateway district)*

GOAL 7:

To encourage a mix of compatible commercial and industrial businesses in the Gateway district, that can service cross-border commerce from the truck route (SR543), and to provide a direct gateway into this service area and the city's existing industrial district.

POLICIES:

- 7.1. The airport property and logically consistent properties in this area should be re-designated as a "Gateway" district.
- 7.2. The businesses in this district should provide employment opportunities and diversify the tax base without compromising the safety of the neighboring student population, imposing hazards and nuisances on the community or degrading the environment.
- 7.3. To encourage business that is responsive to Goal 7, this district should offer a broad range of uses that can respond to district's relationship to the truck route (SR543) and adjacent districts.
- 7.4. Regulatory guidance addressing development and use in the Gateway district should utilize performance and design standards that minimize off-site impacts and achieve compatibility between adjacent land uses.
- 7.5. The Gateway district should incorporate the early extension of Boblett Street to the east and its designation as the commercial traffic corridor from SR543 to Odell Road.
- 7.6. In recognition that orderly and safe traffic circulation is a priority goal in this district, trucking, wholesale and industrial oriented businesses should be accessed from Boblett Street.
- 7.7. With increased concentrations of commercial development in the Gateway district directly across the street from the school district, additional improvements must be made to the pedestrian crossings of the H Street/SR543 and Boblett

Street/SR543 intersections to insure safe crossing across this intersection. The City should also consider a pedestrian overpass if these improvements prove to be inadequate.

ACTION:

A. The City should work with WSDOT and property owners with the Gateway district to develop and implement a pedestrian crossing plan that will result in safe and accessible pedestrian crossings of SR543. The focus should be that stretch of highway between the school district and the Gateway district.

B. Development of this district must incorporate the early extension of Boblett Street to the east and its designation as the commercial traffic corridor from SR543 to Odell Road.

C. The City should develop a regional stormwater system that can accommodate both industrial and commercial development in this and adjacent industrial districts.

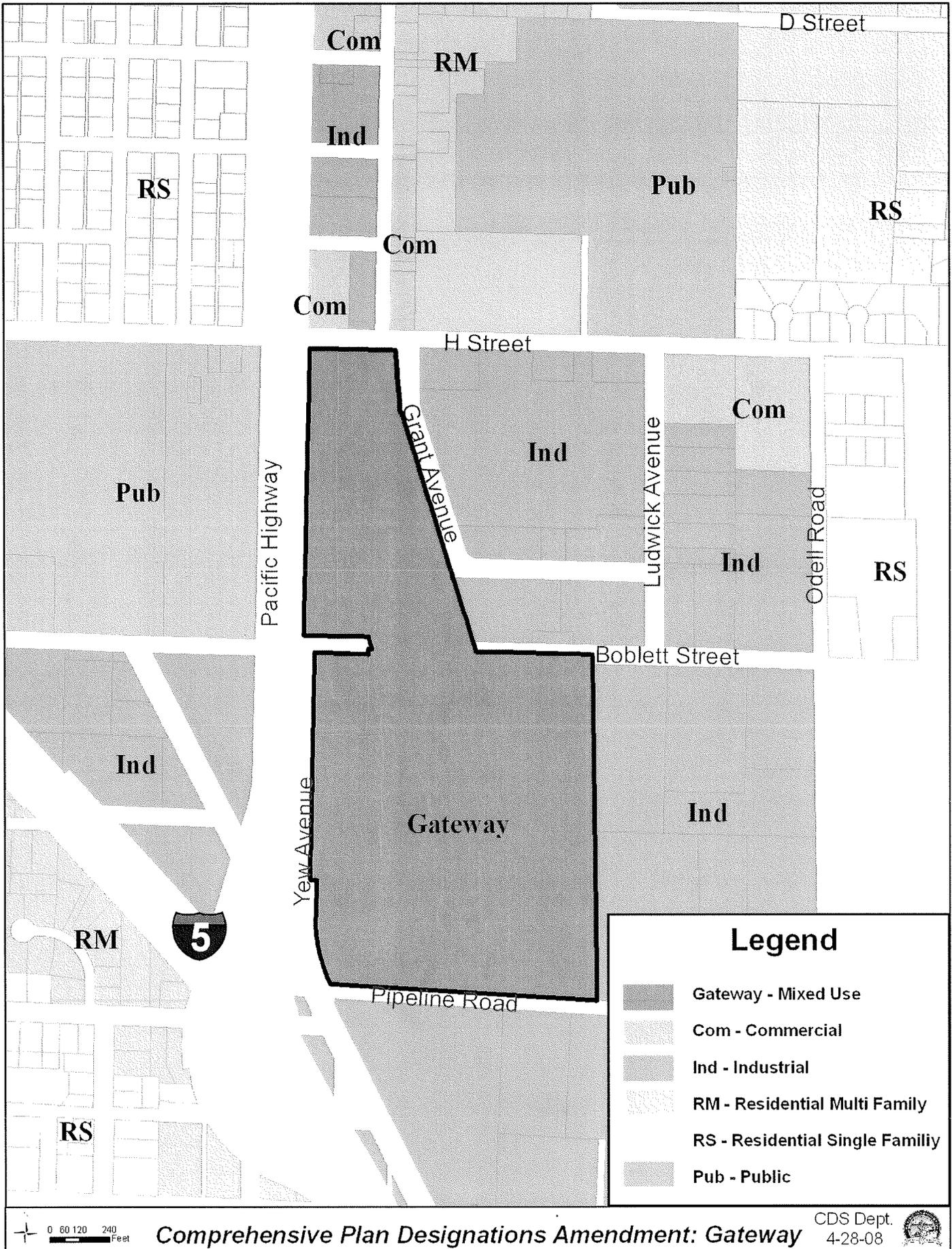
D. All streets within the Gateway district must be designed to provide for street trees. The City should pursue tree plantings along SR-543 and H Street immediately after the effective date of these regulations.

E. Location and use - commercial/industrial.

1. Retail commercial uses should be located and designed in a manner that results in a contiguous and complementary retail commercial center.
2. Commercial trucking and industrial uses should be accessed from Boblett Street.

F. Retail commercial buildings/pedestrian circulation. A well-marked, continuous and protected pedestrian walkway network should be provided that connects the principal entrance(s) of all retail commercial buildings.

Exhibit A-2



0 60 120 240 Feet



Exhibit A-3
Amendment to Chapter 17.12
From AIRPORT to GATEWAY (Mixed Use) Zoning District

Delete existing language and replace with the following language:

17.12.010 Purpose of the Gateway district

The purpose of the Gateway zoning district is to encourage the development of a safe and compatible mix of commercial, office and light-industrial uses immediately adjacent to SR543, without compromising the safety of the neighboring student population, imposing hazards and nuisances on the community, or degrading the environment.

A primary function of this district is to encourage the location of businesses that can service cross-border traffic from SR543 and related business activity and to function as a gateway to the city's industrial district. To that end development of this district must incorporate the early extension of Boblett Street to the east and its designation as the commercial traffic corridor from SR543 to Odell Road.

Orderly and safe traffic circulation is a priority goal in this district. In order to achieve this goal, construction, manufacturing, wholesale trade, transportation and warehousing businesses should be accessed from Boblett Street. East/west pedestrian crossings at the intersection of SR543 and Boblett Street should be minimized to the extent possible or improvements made to insure safe crossing through this intersection.

To encourage economic opportunity in this uniquely located district, this chapter focuses more on the district's relationship to the truck route (SR-543) and adjacent districts, and less on specific allowed uses. Additionally, the intent of Gateway district is to achieve compatibility between adjacent land uses through performance and design standards that minimize off-site impacts.

17.12.020 Uses subject to administrative approval (allowed by right)

A. The following uses are allowed throughout the Gateway district (Use identification through the North American Industry Classification System (NAICS):

1. Retail trade; (NAICS #44-45)
 2. Information; (NAICS #51)
 3. Finance and Insurance; (NAICS #52)
 4. Real Estates, Rental and Leasing; (NAICS #53)
 5. Professional, Scientific, and Technical Services; (NAICS #54)
 6. Management of Companies and Enterprises; (NAICS #55)
 7. Admin, Support and Waste Management and Remediation Services; (NAICS #56)
 8. Educational Services; (NAICS #61)
 9. Health Care and Social Assistance; (NAICS #62)
 10. Arts, Entertainment and Recreation; (NAICS #71)
 11. Accommodations and Food Services; (NAICS #72)
 12. Other Services; (NAICS #81)
 13. Public Administration; (NAICS #92)
-

14. Gasoline service stations when compliant with BMC, Chapter 15.30 GASOLINE SERVICE STATIONS. This includes related movement of flammable liquids when operationally in compliance with the Federal, state and local regulations.

- B. The following uses area allowed when primary access is provided from Boblett Street:
1. Construction; (NAICS #23)
 2. Manufacturing; (NAICS #31-33)
 3. Wholesale Trade; (NAICS #42)
 4. Transportation and Warehousing. (NAICS #48-49)

17.12.030 Uses subject to a public hearing and Planning Commission approval.

The following uses require a conditional use permit and final approval from the Planning Commission:

- A. A use or facility other than a gas station or truck stop in which handling or transport of toxic or volatile materials is a primary component of the use or facility, provided;
1. Underground storage limits shall comply with Sections 3404.2.9.5.1 and 3406.2.4.4 of the International Fire Code;
 2. The storage of explosives and blasting agents is not allowed, except for temporary storage and use as specifically defined in Section 3304 of the International Fire Code;
 3. The storage of liquefied petroleum gases shall be limited in compliance with Section 3804.2 of the International Fire Code restricting the storage of liquefied petroleum gases (The aggregate capacity for liquefied petroleum gases of any one installation shall not exceed a water capacity of 2,000 gallons (7,570 L));
- B. Recreational vehicle parks as described in BMC 17.108.060.

17.12.040 Uses subject to a public hearing, Planning Commission recommendation and City Council approval.

The following uses require a conditional use permit and require final approval from the City Council:

- A. Major development as defined in BMC 17.122.353.

17.12.050 Accessory Uses

Accessory uses shall include those uses necessary to allow the permitted uses to function at their full capacity. These include uses that are incidental to, but necessary or convenient for permitted operations. Accessory uses include but are not limited to:

- A. Offices;
- B. Eating facilities established to accommodate the principal use;
- C. Restrooms and related facilities;
- D. Incidental shops or light repair facilities;
- E. One dwelling unit for each permitted use when it can be demonstrated that the unit is used in conjunction with, and accessory to the permitted use;
- F. Retail sales when it can be demonstrated that the sale of the merchandise is in conjunction with, and accessory to the principal use;
- G. Other accessory uses as determined by the Director.

17.12.060 Uses prohibited in the Gateway district.

The following uses are not allowed:

- A. Heavy impact industrial uses not consistent with the intent of the Gateway district, e.g. saw mills, raw ore foundries, pulp mills, junk yards waste disposal stations;
- B. The disposal of wastes;
- C. Permanent dwelling units unless accessory to a permitted use;
- D. The production, use, storage, transport or disposal of hazardous materials as a principal use.

17.12.070 Site requirements.

Purpose: This section establishes site requirements that shall apply to all development in the Gateway zoning district.

- A. Minimum lot area: The minimum lot size shall be adequate to meet the requirements and standards that apply to this district.
 - B. Minimum lot frontage: Minimum lot frontage shall be sufficient to provide adequate access, circulation, and utility development. In no case shall the frontage be less than 30 feet.
 - C. Minimum lot width: The minimum lot width shall be of an adequate size to meet the requirements and standards that apply to this district.
 - D. Minimum lot depth: The minimum lot depth shall be adequate to meet the requirements and standards that apply to this district.
 - E. Maximum lot coverage:
 - 1. 80% coverage when stormwater is treated on-site.
 - 2. 100% coverage when the site is serviced by a regional stormwater system.
 - F. Minimum setbacks:
 - 1. Property lines abutting rights of way. No building, structure or impervious surface shall be located closer than 20 feet from the street right-of-way lines.
 - 2. Property lines abutting adjacent properties. No building or other structure shall be closer than 10 feet from adjacent property lines.
 - 3. For buildings in excess of 35 feet tall, an additional one foot of setback shall be required for each foot of height in excess of 35 feet.
 - G. Building height: Maximum building height in the Gateway zoning district is 50 feet. (Additional building height conditions are indicated under F.3 of this Section)
 - H. Off-street parking: Unless otherwise stipulated, parking is required in compliance with Chapter 17.124 BMC.
 - I. Truck/tractor parking/loading/circulation: When proposed commercial or industrial operations include truck and trailer parking, loading/unloading or transfer, the facility shall provide the necessary space and circulation capacity to meet the facility requirements. Under this condition, the applicant shall include a truck/trailer parking and circulation plan with adequate detail to determine use-related parking/capacity and necessary on-site circulation and its relationship to other parking, pedestrian circulation, street traffic and adjacent property circulation.
 - J. Signs: In the Gateway zoning district the sign regulations contained in Chapter 17.122 BMC shall apply. However, because this district allows a wide range of uses, the sign regulations shall apply to the principal use type within each business operation.
 - K. Utilities: All water, sewer, gas, electric, and other utility services shall be located underground.
-

17.12.080 Use Standards.

Purpose: This section establishes use standards that shall apply to all uses in the Gateway zoning district.

A. Storage:

1. Principal storage. Storage of materials, products or equipment shall be contained within building envelopes.
2. Accessory storage. Outdoor storage is an accessory use and is permitted, provided the materials, products, or equipment stored are necessary to the operation of a use being conducted on the site and it meets the following requirements:
 - a. Accessory storage shall not accede 10% of gross area of the principal building(s);
 - b. Accessory storage shall not be placed within required yard or parking areas;
 - c. Accessory storage shall not significantly impact adjacent land uses as determined by the Director;
 - d. Accessory storage shall be located behind the principal building(s) and shall be appropriately screened where determined to be necessary by the Director.
3. No waste material or refuse shall be dumped upon or permitted to remain upon any part of said property outside of a building constructed thereon.
4. This section does not apply to finished products subject to retail sales.

B. Trash areas. All businesses that provide trash and/or garbage collection areas shall enclose such areas on at least three sides by a solid wall or fence of at least four feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage shall be required.

17.12. 090 Design Standards

Purpose: This section establishes design standard, that shall apply to all development in the Gateway zoning district.

A. Building design.

1. Entryways. Each principal building on a site shall have clearly defined and highly visible customer entrances. Entryway design elements and variations must have a street orientation and enhance the aesthetically pleasing character of the building.
2. Facades and exterior walls. All sides of the principal building shall include materials and color combinations that complement the front entryway. The front facade shall complement and be architecturally consistent with the entryway.
3. Buildings abutting SR 543 and H Street.
 - a) Buildings with side or rear walls abutting SR543 and H Street shall contain adequate architectural and visual character to avoid the appearance of blank walls and contribute to the visual quality of the SR543 corridor.
 - b) Substantial creative latitude shall be allowed to achieve this requirement. For instance, sterile wall planes void of architectural interest can be avoided through the application of wall detail such as:
 - i. horizontal and vertical relief;
 - ii. shadow lines;
 - iii. color changes;
 - iv. visual depth;
 - v. Differential roof heights.

No erosion, by either wind or water, shall be permitted in the Gateway zoning district which will carry increased volumes of sediments or objectionable substances into or through neighboring properties.

H. Electrical disturbance performance standard.

No activity except for electrical transmission lines or facilities shall emit electrical disturbance in the Gateway zoning district adversely affecting the operation of equipment or appliances at any point beyond the boundaries of the location or site of the use creating such disturbance.

17.12.110 Performance standard enforcement.

A. The Director shall determine if a violation of performance standards has occurred. Upon such a determination, the director shall send written notice of the violation by certified mail to the owners of the property and the manager of the operation involved. The manager or responsible person shall have 30 days to correct the violation, unless in the opinion of the director there is imminent peril to the life and/or property of persons adjacent to the alleged violation, in which case the violation shall be corrected immediately.

B. Where determinations of violation can be made by the director, using equipment normally available to the city or obtainable without additional expenditure to the city, such determination shall be made before notice of violation is issued.

C. When technical complexity or expense makes it prohibitive for the city to maintain the personnel or equipment necessary to make the determination of violation, the city shall retain appropriately qualified specialists to make the determination. If these findings indicate a violation of the performance standards, the cost of the determination shall be assessed against the properties or persons responsible for the violation, in addition to other cost incurred by the city. If no violation is found, the cost of determination shall be paid by the city.

D. If a substantiated performance violation is not remedied within the time requirements set by the Director, it shall be enforced pursuant to 17.08, Violations and Enforcement.

17.12.120 Violations

Unless otherwise indicated, violations of this chapter shall be enforced pursuant to 17.08 Violations and Enforcement.

17.12.130 Appeals.

Appeals of a final decision shall be heard pursuant to BMC 17.06.180, Appeals.

Related Amendments:

17.108.060 Recreational vehicle park requirements.

Delete the following:

~~A. Recreational vehicle parks are allowed only in the manufacturing zone, east of Yew Street and south of Pipeline Road, as a conditional use.~~

Remember

B. Lighting

1. All exterior lighting fixtures, including those in parking areas and driveways, shall utilize cutoff shields or other appropriate measures to conceal the light source from adjoining uses and rights-of-way.
2. Commercial lighting:
 - a. Illuminated signage and exterior building lighting shall be compatible with the architecture of the project and shall not detract from the visibility of surrounding buildings;
 - b. Landscape and architectural lighting shall be used to illuminate building facades, building entrances, and feature or courtyard spaces;
 - c. Night lighting must be provided for all pedestrian walkways and where stairs, curbs, ramps, and crosswalks occur.

C. Landscaping

Purpose: Landscape and buffering should contribute to visual quality and continuity within and between developments, provide screening and mitigation of potential conflicts between activity areas and site elements, enhance outdoor spaces, reduce erosion and stormwater runoff and mitigate air pollution.

1. All landscaping shall comply with Chapter 17.50 BMC,
2. On-site stormwater management facility ponds shall be landscaped. Fencing, where necessary, shall be dark-colored and vinyl-coated. Landscaping shall be installed in conjunction with fencing to break up its linear features.
3. All lots abutting SR543 and H Street shall provide street trees along abutting boundary and a vegetative buffer sufficient to screen unsightly uses. Where fencing is erected, it shall be in conjunction with these vegetative requirements and contribute to an aesthetically pleasing appearance from the streets.
4. Landscaping shall be required within all setbacks fronting public streets, including SR543.

D. Retail commercial buildings: pedestrian circulation.

1. A well-marked, continuous and protected pedestrian walkway network, a minimum of five feet wide, must connect the principal entrance(s) of all retail commercial buildings to:
 - a. Street crossings, public sidewalks, and transit stops.
 - b. Other buildings on the site.
 - c. Central features and community spaces.
 - d. Pedestrian walkways of adjacent sites.
 - e. On-site parking areas.
 2. All pedestrian walkways shall be well-lit and utilize human-scale lighting features to promote pedestrian safety.
 3. Walkways must feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of their length.
 4. To the maximum extent feasible, pedestrians and vehicles shall be separated through provisions of a walkway.
 5. Where complete separation of pedestrians and vehicles is not feasible, hazards shall be minimized by providing the following types of features:
-

- a. Change in paving surface materials such as low maintenance pavers, bricks, stamped asphalt, or scored concrete.
- b. The use of landscaping, bollards, lighting and other means to clearly delineate pedestrian areas.
- c. The use of signs clearly identifying pedestrian crossing areas.

7.12.100 Performance standards.

No use in this district shall result in off-site impacts to such an extent that they inflict smoke, dirt, noise, vibrations, odor, glare or other nuisances or hazards detrimental to the health, welfare and safety of persons occupying or visiting adjacent properties. Prior to approval of a building permit, it must be demonstrated to the satisfaction of the City that the building and site design have adequately addressed standards contained in this chapter.

A. Fire and explosive hazard performance standard.

The manufacture, use or processing of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in the Gateway zoning district only in accordance with state and local regulations for fire prevention and protection.

B. Emission performance standard.

Levels of emissions of smoke, dust and other particulate matter, toxic and noxious gases in the Gateway zoning district are not to exceed standards set by the Northwest Clean Air Agency and all state and federal standards.

C. Vibration performance standard.

Every use in the Gateway zoning district shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any point on or beyond any zone district boundary in which the use is located.

D. Heat, glare and steam performance standard.

Any activity in the Gateway zoning district producing steam, heat or glare shall be carried on in such a manner that the steam, heat or glare does not create a nuisance beyond the boundary lines of the district within which the use is located. Building materials with light-reflective qualities shall not be used in construction of buildings where reflected sunlight would throw intense glare on adjacent areas. Artificial lighting shall be hooded or shaded so that direct light from high-intensity lamps will not result in glare upon surrounding areas or cast light upon any residential use or street area.

E. Noise performance standard.

Sound levels in the Gateway zoning district are not to exceed levels established by noise control regulations of the Department of Labor and Industries. Maximum permissible environmental noise levels to be emitted to adjacent properties are not to exceed levels of the environmental designations for noise abatement (EDNA) as established by the Department of Ecology.

F. Radiation performance standard.

Emissions of ionizing radiation in the Gateway zoning district must comply with all standards established by the U.S. Nuclear Regulatory Commission and the State Department of Social and Health Services.

G. Erosion performance standard.

Exhibit A-4

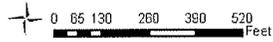
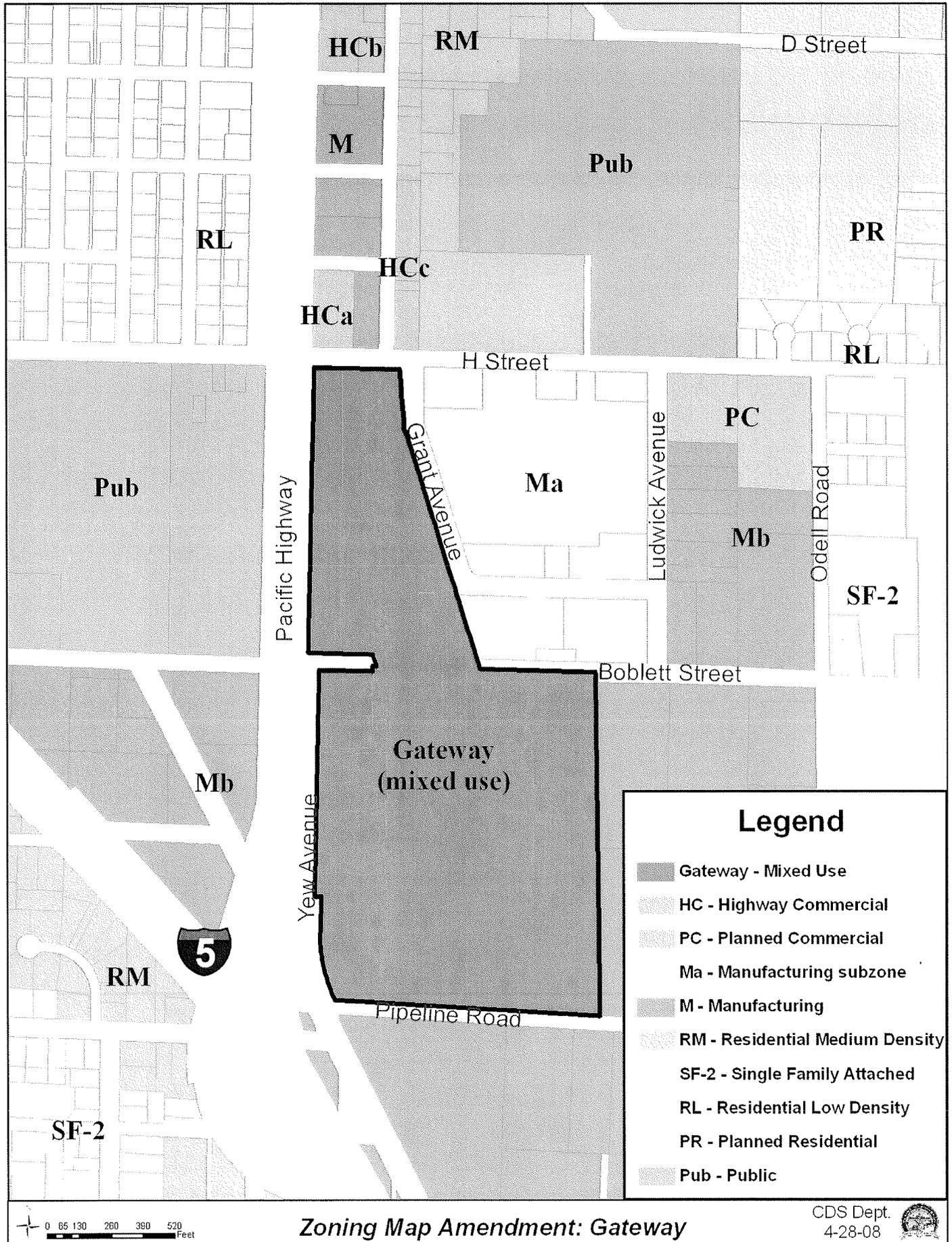


Exhibit A-5 Miscellaneous Related Text Amendments

The following include text amendments in chapters or sections of the Blaine Municipal Code. They are intended to remove regulation and language related to the municipal airport:

- **Delete Chapter 2.78, AIRPORT COMMISSION.**
This chapter establishes the commission, membership and qualification for membership – method of appointment – terms of office – filling vacancies – chair. Powers, duties and power to acquire airport lands.

- **Delete Chapter 2.80, MUNICIPAL AIRPORT.**
This chapter addresses airport operations including the use of aircraft, motor vehicles, fire prevention, penalties, liens and leases.

- **Delete Chapter 3.48, MUNICIPAL AIRPORT FUND.**
This chapter establishes the purpose and administration of the fund, and accumulation of moneys transfer upon abolition expenditures.

- **Delete Chapter 15.32 AIRFIELD AREA REGULATIONS.**
This chapter establishes aeronautical restrictions and zones including FAA requirements.

- Delete other miscellaneous references to the municipal airport throughout the Blaine Municipal Code.

Text Amendment, Chapter 17.142, Definitions. Add the following definitions:
(Note: numbers will be assigned in conjunction with alphabetical order when codified)

17.142.xx Principal use (or building)

A “Principal use” is consistent with the main purpose of the district, exists independently of any other use of a property, and is allowed "by right" or conditionally allowed. A principal use is the dominate use. Dwellings in a residential district or stores in a business district are examples of principal uses.

17.142.xx Accessory use (or building)

An “accessory use” is subordinate to and dependent upon the primary use. It is subordinate in area, extent, or purpose to the principal building or principal use served. An accessory use is always associated with the principal use, like a garage is always associated with a house. Under this definition there can be no accessory use on a property without a principal use. Specific rules governing accessory uses are specified in Chapters 17.102 and 104 of the municipal code.

17.142.xx North American Industry Classification System (NAICS), 2007.

The “North American Industry Classification System” (NAICS pronounced Nakes) is the industry classification system used by the statistical agencies of the United States. NAICS

replaced the 1987 Standard Industrial Classification (SIC). NAICS uses a six-digit hierarchical coding system to classify all economic activity into twenty industry sectors. Economic units that use like processes to produce goods or provide services are grouped together.

17.142.xx Hazardous Material.

A "hazardous material" is any item or agent (biological, chemical, physical) which has the potential to cause harm to humans, animals, or the environment, either by itself, or through interaction with other factors.

Hazardous materials are defined and regulated in the United States primarily by laws and regulations administered by the U.S. Environmental Protection Agency (EPA), the U.S. Occupational Safety and Health Administration (OSHA), the U.S. Department of Transportation (DOT), and the U.S. Nuclear Regulatory Commission (NRC). Each has its own definition of a "hazardous material."

- OSHA's definition includes any substance or chemical which is a "health hazard" or "physical hazard," including: chemicals which are carcinogens, toxic agents, irritants, corrosives, sensitizers; agents which act on the hematopoietic system; agents which damage the lungs, skin, eyes, or mucous membranes; chemicals which are combustible, explosive, flammable, oxidizers, pyrophorics, unstable-reactive or water-reactive; and chemicals which in the course of normal handling, use, or storage may produce or release dusts, gases, fumes, vapors, mists or smoke which may have any of the previously mentioned characteristics. (Full definitions can be found at 29 Code of Federal Regulations (CFR) 1910.1200.)
- EPA incorporates the OSHA definition, and adds any item or chemical which can cause harm to people, plants, or animals when released by spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment. (40 CFR 355 contains a list of over 350 hazardous and extremely hazardous substances.)
- DOT defines a hazardous material as any item or chemical which, when being transported or moved, is a risk to public safety or the environment, and is regulated as such under the: Hazardous Materials Regulations (49 CFR 100-180); International Maritime Dangerous Goods Code; Dangerous Goods Regulations of the International Air Transport Association; Technical Instructions of the International Civil Aviation Organization; U.S. Air Force Joint Manual, Preparing Hazardous Materials for Military Air Shipments.
- The NRC regulates items or chemicals which are "special nuclear source" or by-product materials or radioactive substances. (See 10 CFR 20).

17.142. Hazardous materials use.

"Hazardous materials use" includes the production, use, storage, transportation and disposal of hazardous substances, chemicals and wastes that place the public, property and environment at significant risk.

17.142. Heavy impact industrial use.

A “heavy impact industrial use” is primarily related to producing, distributing and changing the form of raw materials; whereby, product demand and industrial employment are predominately basic and serving nonlocal markets.

17.142.xx Light impact industrial use.

A “light industrial use” is primarily related to services, and distribution, manufacture and assembly of finished products that have a relatively light impact on adjacent uses and districts.

17.142.xx Truck stop.

A “Truck stop” includes a service station or gasoline station that services semi-trailer trucks and other commercial trucks as its principal use. Typical accessory uses respond to services required by commercial trucking operations during long trips, including the sale of accessories or equipment for trucks and similar commercial vehicles, truck washing, restaurants, and limited sleeping accommodations.

17.142.xx Truck Terminal.

A “truck terminal” is a goods service centre for the storage and freight consolidating, collection and outward sorting to different carriers.

17.142.xx Semi-trailer.

A “semi-trailer” is a trailer without a front axle. A large proportion of its weight is supported either by a road tractor or by a detachable front axle assembly known as a dolly or by the tail of another trailer. A semi-trailer is normally equipped with legs which can be lowered to support it when it is uncoupled.

17.142.xx Semi-trailer truck (semi)

A “semi-trailer truck” is a tractor unit and a semi-trailer coupled together.

17.142.xx Truck-tractor (tractor unit, road tractor).

A “truck-tractor” is a heavy-duty vehicle, typically with a large diesel engine and two or three axles. These tractors are mostly designed for the transport of freight of some kind over a significant distance, to pull long semi-trailers (forming a semi-trailer truck) or road trailers

17.142.xx Trailer.

A “trailer” is any vehicle designed for carrying property of passengers on its own structure and for being drawn by a motor vehicle but does not include a trailer drawn by a truck-tractor semi-trailer combination or an auxiliary axle on a motor vehicle which carries a portion of the weight of the motor vehicle to which it is attached.

17.142.xx Warehousing.

“Warehousing” means terminal facilities for handling freight with or without maintenance facilities.

17.142.xx Wholesale trade.

“Wholesale trade” means establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.