
Attachment A

Section 1

Chapter 15.08 BASIC DEFINITIONS AND INTERPRETATIONS¹

15.08.010 Definitions of basic terms.

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this title.

-A-

"Access easement" means an easement dedicated primarily for ingress/egress to one or more lots, although utility lines may also be placed within the easement, and within which the parking of vehicles is prohibited.

"Access tract" means a privately owned tract of land over which an access easement has been dedicated.

"Accessory dwelling unit" (ADU) means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit, as applicable. There are two types of ADUs:

1. Attached accessory dwelling units located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit, as applicable.
2. Detached accessory dwelling units that consist partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit, as applicable, and is on the same property.

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"Accessory Use." See Section 15.40.050.

"Administrator." See Section 15.12.100.

"Adult entertainment." Defined by CMC 5.52.030.

"Adult family home" means a regular family abode of a person or persons who are providing personal care, room and board to more than one but not more than four adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six adults may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for by RCW 70.128.010.

"Advertising copy" means any letters, figures, symbols, logos, or trademarks which identify or promote the sign user or any product or service; or which provide information about the sign user, the building, or the products or services available.

¹Editor's note(s)—Prior ordinance history: Ord. 553.

"Affordable housing" means housing used as the primary residence of an affordable housing qualified household. The price of affordable units is based on that amount a household can afford to pay for housing, when household income is less than eighty percent of the median annual income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area, and when the household pays no more than thirty percent of household income for housing expenses. Households with income less than eighty percent of the median annual income, adjusted for household size, may purchase or rent these affordable units.

"Affordable housing, low income" means housing units used as the primary residence of an affordable housing-qualified household. The price of affordable units is based on that amount a household can afford to pay for housing, when household income is less than fifty percent of the median annual income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area, and when the household pays no more than thirty percent of household income for housing expenses.

"Affordable housing, moderate income" means housing units reserved for use as the primary residence of an affordable housing-qualified household. The price of affordable housing units is based on that amount a household can afford to pay for housing, when household income is less than eighty percent of the median annual income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area, and when the household pays no more than thirty percent of household income for housing expenses.

"Affordable senior housing" means housing units affordable to and reserved for rental occupancy as a primary residence by low-income senior (i.e., households at least one member of which is fifty-five years of age or older, with a combined income no greater than fifty percent of the median King County family income, adjusted for household size).

"Alley" means a public highway not designed for general travel and used primarily as a means of access to the rear of residences and business establishments.

"Alteration of watercourse" means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

"American Public Works Association" or "APWA" means the adopted edition of the Washington State Chapter of the American Public Works Association.

"Animal care" means any indoor commercial facility where pet animals are groomed or trained. The facility may include associated ancillary outdoor space. The facility may be incidental to a veterinary clinic or retail use. See separate definition for pet day care.

"Animal production" means the raising of animals for commercial food production in an agricultural setting.

"Antenna" means equipment designed to transmit or receive electronic signals.

"Applicant" means a person, partnership, corporation, or other legal entity who applies for any approval under this title and who is an owner of the subject property or the authorized agent of the owner.

"Approval" means the proposed work or completed work conforms to this title in the opinion of the administrator.

"Area of shallow flooding" means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A or V.

"As-graded" means the extent of surface conditions on completion of grading.

"Assisted living" means an establishment which provides living quarters and a variety of limited personal care and supportive health care to individuals who are unable to live independently due to infirmity of age, physical or mental handicap, but who do not need the skilled nursing care of a nursing home. Such a facility includes individual dwelling units with private bathroom facilities. Such a facility must be licensed by the state of Washington. (Note: Definition from residential design guidelines.)

"Attached garage" means a garage located within or attached to a single-family residence. To be considered attached, the roof and wall of the garage must be an extension of the roof and wall of the existing single-family residence. In no case shall the attachment be made through an unenclosed structure.

"Automotive service and repair" means any land or facility used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to fender, muffler, or upholstery work, oil change and lubrication, tire service and sales. The term excludes dismantling or salvage, body work, and painting.

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"Bar" means an establishment which sells and serves intoxicating beverages for consumption on the premises. The term includes taverns, pubs, and night clubs.

"Bed and breakfast inn" means a short-term rental with a central kitchen which provides the primary residence for the owner or operator, and which offers guest rooms as transient lodging (fewer than 30 consecutive days) for compensation. Food service may be offered exclusively to people registered to use the inn for lodging or special events. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the one hundred-year flood. Designation on maps always includes the letters A or V.

"Base flood elevation (BFE)" means the elevation to which floodwater is anticipated to rise during the base flood.

"Basement, for floodplain management purposes," means any area of the building having its floor subgrade (below ground level) on all sides.

"Basin plan" means a plan and all implementing regulations and procedures including but not limited to land use management adopted by ordinance for managing surface and stormwater management facilities and features within individual subbasins.

"Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electrical vehicles, which meet or exceed any standards, codes and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

"Bay window" means a window space elevated from the floor, projecting outward from the main walls of a building, and forming an elevated bay in a room.

"Bedrock" means the more or less solid rock in place either on or beneath the surface of the earth. It may be soft, medium, or hard and have a smooth or irregular surface.

"Bench" means a relatively leveled step excavated into earth material on which fill is to be placed.

"Best available science" means current scientific information derived from a valid scientific process as defined by WAC 365-195-900 through WAC 265-195-925 and applied to the process for designating, protecting, or restoring critical areas.

"Best management practice" or "BMP" means a physical, structural, and/or managerial practice that, when used singly or in combination, prevents or reduces pollution.

"Beverage stand" means a small establishment serving coffee, espresso, tea, smoothies, other non- alcoholic drinks, and a limited food menu to drive-through or walk-up customers. The term does not include uses with customer seating (see restaurants and cafés).

"Billboard" means an advertising copy sign that directs attention to businesses, commodities, services, or facilities that are not primarily sold, manufactured, or distributed from the property on which the sign is located. The term billboard includes both the structural framework that supports a billboard and any billboard faces attached to the framework.

"Binding site plan" means a drawing to a scale specified in this title which: (1) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified herein; (2) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established in this title; and (3) contains provisions making any development be in conformity with the site plan.

"Block" means a group of lots, tracts, or parcels within well defined and fixed boundaries.

"Boarding house" means a residential house consisting of at least one dwelling unit together with more than two rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month- to-month tenants) as opposed to overnight or weekly guests.

"Bond" means a written certificate guaranteeing to pay up to a specified amount of money if specified work is not performed; or any similar mechanism whereby the city has recourse to an identified fund from which to secure performance of specified work.

"Boundary line adjustment" means a division made for the purpose of alteration by adjusting boundary lines between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division.

"Breakaway wall, for floodplain management purposes," means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Building" means a structure designed to be used as a place of occupancy, storage or shelter.

"Building, Accessory. Accessory building" means a minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use.

"Building height" except as otherwise defined in CMC 15.48.060.A.1., means the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.

"Building official" means that person or firm appointed by the city manager to administer the Uniform Building Codes of the city, and to otherwise perform the duties of building official.

"Building, Principal. Principal building" means the primary building on a lot or a building that houses a principal use.

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"Caretaker residence" means a dwelling unit accessory to a non-residential principal use, occupied by a person who provides security and/or oversees the non-residential operations.

"Cemetery" means land used for the burial of the dead and dedicated for cemetery purposes, excluding crematories and mortuaries.

"Certify." Whenever this title requires that some agency certify the existence of some fact or circumstance to the city, the city may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the city may accept certification by telephone from some agency when the circumstances warrant it, or the city may require that the certification be in the form of a letter or other document.

"Changing message center" means an electronically controlled public service time and temperature sign, message center, or reader board where different copy changes of a public service or commercial nature are shown on the same lampbank.

"Circulation area" means that portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

"City" means the city of Carnation.

"City engineer" means the person or firm appointed by the city manager to serve as the city engineer. City planner means the person or firm appointed by the manager to serve as the city planner.

"Civil engineer" means a professional engineer licensed in the state of Washington in civil engineering.

"Civil engineering" means the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind.

"Classic" means an object of recognized value, serving as a standard of excellence.

"Clearing" means the destruction and removal of vegetation by manual, mechanical, or chemical methods.

"Cluster subdivisions" means single-family residential development in which the developer may create lots that are smaller than those that would otherwise be required if the developer complies with certain regulations set forth in this title.

"Combination use" means a use consisting of a combination on one lot of two or more principal uses separately listed in the table of permissible uses, Section 15.40.010. (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. See Section 15.40.050 (Accessory uses). In addition, when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.)

"Commercial agriculture" means those activities conducted on lands defined in RCW 84.34.020(2), and activities involved in the production of crops or livestock for wholesale trade. An activity ceases to be considered commercial agriculture when the area on which it is conducted is proposed for conversion to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity.

"Compaction" means densification of a fill by mechanical means.

"Comprehensive plan" means the city's adopted comprehensive plan conforming to the Washington Growth Management Act (GMA).

"Conditional use permit" means a permit that authorizes the recipient to make use of property in accordance with the requirements of this title as well as any additional requirements imposed by the officer or body approving the permit.

"Consumer goods service" means the maintenance, repair, cleaning, or rental of consumer and household goods. Examples include but are not limited to laundromats, dry cleaning, shoe repair, clothing rental, appliance

and electronics repair, musical instrument repair, jewelry and watch repair, and tool and equipment rental. These uses may include accessory retail sales.

"Covered entry feature" means a distinct entry feature such as a porch or weather covered entry way with at least thirty-six square feet of weather cover, and a minimum depth of four

"Crop production" means the raising and harvesting of trees, vines, seeds, plants and crops. The term includes related activities such as horticulture and supporting services such as plant nurseries, greenhouses, research farms, storage, and the sale of agricultural products.

"Cottage housing" means small single-family detached dwelling units arranged around a common open space. (Note: Definition from residential design guidelines.)

"Council" means the city council of the city of Carnation.

"County assessor" means as defined in Chapter 36.22 RCW or the office or person assigned such duties under a county charter.

"County treasurer" means as defined in Chapter 36.29 RCW or the office or person assigned such duties under a county charter.

"Critical areas" means any of the following areas or ecosystems and their buffers: wetland, critical aquifer recharge areas, streams, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas as defined by the Growth Management Act (RCW 36.70A.170).

"Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

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"Day care" means an establishment for group care of nonresident children licensed by the Washington State Department of Children, Youth, and Family. Day care establishments are subclassified as follows:

1. "Family day care provider" means a child care provider who regularly provides early childhood education and early learning services for not more than twelve children in the provider's home in the family living quarters.
2. "Child day care center" means an agency (i.e. facility or business) that regularly provides early childhood education and early learning services for a group of children for periods of less than twenty-four hours.

"Dedication" means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

"Detention" means the release of stormwater runoff from the site at a slower rate than it is collected by the stormwater facility system, the difference being held in temporary storage.

"Detention facility" means an above or below-ground facility such as a pond or tank that temporarily stores stormwater runoff and subsequently releases it at a slower rate than it is collected by the drainage facility system. There is little or no infiltration of stored stormwater.

"Developable (e.g., land, acres)" means land on which development can occur per the regulations of this and other titles of this code.

"Developer" means a person who is responsible for any undertaking that requires a zoning permit, special use permit, conditional use permit, or sign permit.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

"Development agreement" means a written agreement between the city and a person having ownership or control of real property, setting forth the development standards and other provisions that will govern the development and use of said property, and which is processed, approved and executed in accordance with Chapter 15.17 CMC and RCW 36.70B.170 et seq.

"Dimensional nonconformity" means a nonconforming situation that occurs when the height, size, floor space, lot coverage, or other dimensional requirements of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

"Double-faced sign" means a sign that has advertising copy on opposite sides of a single-display surface or sign structure.

"Double frontage lot" means a lot having frontage on two parallel, or approximately parallel, streets.
Drainage basin means a geographic and hydrologic subunit of a watershed.

"Driveway" means that portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

"Duplex" means a two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

"Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that include permanent provisions for living, sleeping, eating, cooking, and sanitation, excluding recreational vehicles, trailers, boats, prisons, and medical care facilities..

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"Earth materials" means any rock, natural soil or fill and/or any combination thereof.

"Easement" means land which has specific air, surface, or subsurface rights conveyed for use by someone other than the owner of the subject property or to benefit some property other than the subject property.

"Ecology" means the Washington State Department of Ecology.

"Effective date of this chapter." Whenever this title refers to the effective date of the ordinance codified in this chapter, the reference shall be deemed to include the effective date of the chapter as originally adopted, or the effective date of an amendment to it if the amendment creates a nonconforming situation.

"Effective date of this title." Whenever this title refers to the effective date of the ordinance codified in this title, the reference shall be deemed to include the effective date of any amendments to the ordinance codified in this title if the amendment, rather than this title as originally adopted, creates a nonconforming situation.

"Electrical sign" means a sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.

"Elevated building" means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

"Engineering geologists" means a geologist experienced and knowledgeable in engineering geology.

"Engineering geology" means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

"Erosion" means the wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep, detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

"Essential public facility" means any public facility or facilities owned or operated by a unit of local or state government, public or private utility, transportation company, or any other entity that provides public services as its primary mission, and that is difficult to site. Essential public facilities shall include those facilities listed in RCW 36.70A.200, and any facility that appears on the list maintained by the Washington State Office of Financial Management under RCW 36.70A.200(4).

"Excavation" means the mechanical removal of earth material.

"Existing manufactured home park" or "subdivision, for floodplain management purposes," means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

"Existing site conditions" means:

1. For developed sites with stormwater facilities that have been constructed to meet the standards in the minimum requirements of this manual, existing site conditions shall mean the existing conditions on the site.
2. For developed sites that do not have stormwater facilities that meet the minimum requirements, existing site conditions shall mean the conditions that existed prior to local government adoption of a stormwater management program. If in question, the existing site conditions shall be documented by aerial photograph records, or other appropriate means.
3. For all sites in water quality sensitive areas existing site conditions shall mean undisturbed forest, for the purpose of calculating runoff characteristics.
4. For all undeveloped sites outside of water quality sensitive areas, site conditions shall mean the existing conditions on the site.

"Expansion to an existing manufactured home park" or "subdivision, for floodplain management purposes," means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Expenditure" means a sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

"Experimental BMP" means a BMP that has not been tested and evaluated by the Department of Ecology in collaboration with local governments and technical experts.

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"Facade" means the entire building front or street wall face of a building extending from the grade of the building to the top of the parapet or eaves and the entire width of the building elevation.

"Family" means an individual or two or more persons related by blood or marriage, or two or more persons with functional disabilities as defined herein, or a group of not more than four unrelated persons living together as a housekeeping unit.

"Fence" means a barrier composed of posts or piers connected by boards, rails, panels, wire, or a masonry wall, or natural or cultivated plantings of trees, shrubs, or other opaque natural material(s) that would effectively screen the property which it encloses, designed for the purpose of enclosing space or parcels of land. The term fence does not include retaining walls.

"Fill" means a deposit of earth material placed by artificial means.

"Final plat" means the final drawing of the subdivision and dedication prepared for filing for record with the county assessor and containing all elements and requirements set forth in RCW 58.17 and in this title.

"Final short plat" means the final drawing of the short subdivision and dedication prepared for filing for record with the county assessor and containing all elements and requirements set forth in RCW 58.17 and in this title.

"Fitness/sport centers" means establishments operating fitness and recreational sports facilities for the purpose of exercise, active physical fitness, conditioning, or recreational sports. Examples include but are not limited to gyms, fitness and health studios, dance studios, martial arts studios, indoor sport courts, and sports/recreation instruction.

"Flashing sign" means a sign or portion thereof which changes light intensity or switches on and off in a constant pattern or contains motion or the optical illusion of motion by use of electrical energy. Changing message centers shall not be considered flashing signs.

"Flood" or "flooding" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - A. The overflow of inland or tidal waters.
 - B. The unusual and rapid accumulation or runoff of surface waters from any source
 - C. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph 1.(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1.a. of this definition.

"Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

"Floodplain" means any land area susceptible to be inundated by water from the base flood. As used in this title, the term generally refers to that area designated as subject to flooding from the base flood (one hundred-year flood) on the most recently adopted flood insurance rate map prepared by the Federal Emergency Management Agency, a copy of which is on file in the planning department.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Forestry and logging" means growing trees for harvest or the gathering of forest products such as gums, barks, and needles.

"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to: (1) road and trail construction; (2) harvesting, final and intermediate; (3) pre-commercial thinning; (4) reforestation; (5) fertilization; (6) prevention and suppression of diseases and insects; (7) salvage of trees; or (8) brush control.

"Freestanding Sign." See Sign, Freestanding.

"Frequently flooded areas" means the one hundred-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

"Frontage" means the measurement of the length of the property line along the street immediately adjacent to the property.

"Fuel station" means a retail use primarily involving automobile fuels and specialized structures for selling fuel and fuel storage tanks, often underground. These establishments may provide incidental services such as automobile maintenance/repair, car washing, and the sale of food and other convenience items.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Funeral home" means an establishment primarily engaged in preparing the dead for burial or interment and conducting funerals.

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"General service" means uses involved in the provision of assistance, as opposed to products, to the general public and businesses. Examples include but are not limited to print and copy services, mail services, commercial machinery repair, catering services, pest control, locksmiths, carpet and upholstery cleaning, and business support services. These uses may include accessory retail sales.

"G.I.S." means geographic information system. G.P.S. means global positioning system.

"Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake or other geological events, may not suited to the siting of commercial, residential or industrial development consistent with public health or safety concerns.

"Grade" means the elevation as measured at the relative ground level in the immediate vicinity of the sign. It also means the slope of a road, channel, or natural ground. The finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; any surface prepared for the support of construction such as paving or the laying of a conduit.

1. "Existing grade" means the grade prior to grading;
2. "Rough grade" means the stage at which the grade approximately conforms to the approved plan;
3. "Finish grade" means the final grade of the site which conforms to the approved plan.

"(To) grade" means to finish the surface of a canal bed, roadbed, top of embankment or bottom of excavation.

"Gradient terrace" means an earth embankment or a ridge-and-channel constructed with suitable spacing and an acceptable grade to reduce erosion damage by intercepting surface runoff and conducting it to a stable outlet at a stable nonerosive velocity.

"Gross floor area" means the total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

"Groundwater" means water in a saturated zone or stratum beneath the surface of land or a surface water body.

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"Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or any combination thereof. A floor used only for storage is not a habitable floor.

"Half story" means a story under a gable, hip or gambrel roof, plates of which are not more than three feet above the floor of such story.

"Harmony" means for the purposes of this title, a project may be found to be in harmony with the area in which it is located in terms of design and use when it meets the following criteria:

1. Harmony of design. Where a project is subject to the city's development design guidelines or design regulations within this title it is presumed to be in harmony with the neighborhood in terms of design when it is found to be in conformance with those guidelines or regulations, even if it does not resemble existing development, as it is the intent of the city council that neighborhoods should eventually develop or redevelop according to those design specifications. Where a project is not subject to those design guidelines or regulations, it may be found to be in harmony with the neighborhood in terms of design when it generally conforms to the architectural aspects (i.e., those aspects addressed in the development design guidelines) of the existing development.
2. Harmony of use. A project may be found to be in harmony with the existing uses of a neighborhood if it causes no significant impacts on surrounding uses or, if it could cause significant impacts, that those impacts have been mitigated through project design or by conditioning the permit to restrict or limit certain aspects of the use so as to minimize those impacts.

"Hearing officer" means the person, or chair of the board, before whom a land use hearing is being held.

"Height of a building", except as otherwise defined in CMC 15.48.060.A.1, shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.

"High-volume traffic generation" means all uses in the 2.000 classification other than low-volume traffic generation uses.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

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- A. By an approved state program as determined by the Secretary of the Interior, or
 - B. Directly by the Secretary of the Interior in states without approved programs.

"Home occupation" means a commercial activity that: (1) is conducted by a person on the same lot (in a residential district) where such person resides, and (2) is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use (see Section 15.40.050 Accessory uses), but that can be conducted without any significantly adverse impact on the surrounding neighborhood. See Section 15.44.094.

"Homeowners association" (HOA) means a legal entity that governs a community of homes, including subdivisions, condominiums, townhomes, or planned community. HOAs operate within state statutes to enforce regulations and collect assessments from homeowners, while also taking care of maintenance repairs of common areas.

"Hospital" means a building designed and used for medical and surgical diagnosis, treatment, and housing of persons under the care of doctors and nurses. This term does not include nursing homes and medical clinics.

"Hotel/motel" means a building or portion thereof designed or used for short-term rental of units for sleeping purposes, with or without cooking facilities, and which may include related accessory uses such as shared dining facilities, recreation facilities, and meeting facilities.

"Hydroperiod" means the seasonal occurrence of flooding and/or soil saturation; it encompasses depth, frequency, duration, and seasonal pattern of inundation.

-I-

"Illicit discharge" means all non-stormwater discharges to stormwater drainage systems that cause or contribute to a violation of state water quality, sediment quality or groundwater quality standards, including but not limited to sanitary sewer connections, industrial process water, interior floor drains, car washing and greywater systems.

"Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

"Individual unit lot" means a lot created through the unit lot subdivision process of Chapter 15.16 CMC and designated for duplex, cottage housing and/or townhouse development.

"Indoor recreation" means uses providing recreation-oriented activities indoors, including but not limited to arcades, arenas, bowling alleys, dance halls, marital arts studios, skating rinks, and swimming pools.

"Indoor theater" means a movie theater, stage theater, auditorium, and similar uses.

"Industrial, heavy" means any facility involving the refinement, production, or storage of dangerous, noxious or offensive materials and products, and any facility that has smoke, odor, noise, glare, fumes, gas, vibration, use of fire or explosives, emission of particulate matter, interference with radio or television reception, or radiation. The use may require outdoor operations and storage. Examples include but are not limited to vehicle and transportation equipment manufacturing, fossil fuel and chemical processing and manufacturing, and plastic and rubber products manufacturing.

"Industrial, light" means the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products. The use may require outdoor operations and storage. Examples include but are not limited wood product and paper manufacturing, packaging and labeling, mineral and metal

product manufacturing, electronics and appliance manufacturing, construction contractors, and building and landscaping maintenance services.

"Insurance agencies" means business establishments that offer insurance services.

"Interflow" means that portion of rainfall that infiltrates into the soil and moves laterally through the upper soil horizons until intercepted by a stream channel or until it returns to the sumacs for example, in a wetland, spring or seep.

"Internally illuminated signs" means signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that:

1. Are filled with neon or some other gas that glows when an electric current passes through it; and (2) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.

-J-

"Junk" means any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

-L-

"Land clearing" means the cutting, logging, or removal of enough vegetation so that the overall nature of a site's vegetation is altered, except for what would otherwise be considered gardening, landscaping, or yard maintenance on a developed lot or portion of a lot where not all of the lot is developed. For example, selectively logging a few mature trees from many trees would not be considered clearing, while logging all mature trees (even if immature ones are left) so that habitat value or shading is altered, shall be considered clearing. Another example of clearing would be to grub or remove all groundcover (blackberries, etc.) over the area limits specified in the code, while partial grubbing of this area may not be.

"Land disturbing activity" means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to demolition, construction, clearing, grading, filling and excavation.

"Landscaping" means any material used as a decorative feature, such as concrete bases, planter boxes, rockeries, driftwood, pole covers, decorative framing and shrubbery or planting materials, used in conjunction with a sign, which expresses the theme of the sign but which does not contain advertising copy.

"Large parcel erosion and sediment control plan" or "large parcel ESC plan" means a plan to implement BMPs to control pollution generated during land disturbing activity. Guidance for preparing a large parcel ESC plan is contained in the manual.

"Loading and unloading area" means that portion of the vehicle accommodation area used to satisfy the requirements of Section 15.72.100 (Loading and unloading areas).

"Locally sponsored essential public facility" means any essential public facility that is proposed, operated, owned or otherwise sponsored by a proponent other than a state agency, a county, or another regional entity.

"Lot" means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels. If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot. Subject to Section 15.32.020

(Nonconforming lots), the permit-issuing authority and the owner of two or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this title.

"Lot area" means the total area circumscribed by the boundaries of a lot, except that: (1) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and thirty feet from the center of the traveled portion of the street, and (2) in a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

"Lot, corner" means a lot at the junction of and fronting on the intersection of two or more streets.

"Lot coverage" means the total ground coverage of all buildings or structures on a site measured from the outside of external walls or supporting, but not to include at-grade, off-street parking lots; deck areas; terraces; swimming pools; pool deck areas; walkways; roadways; and driveways.

"Lot depth" means the horizontal length of a straight line drawn from the midpoint of the front property line to the midpoint of the rear property line.

"Lot, flag" means a lot with access provided to the bulk of the lot by means of a narrow corridor.

"Lot, interior" means a lot fronting on one street.

Lot Line, Front. Any property line of a lot which abuts a public street, private street or dedicated vehicular access easement is considered a frontage and will meet the minimum front yard setback requirements of this code. On a corner lot, or lot bounded by more than one public or private street or dedicated easement, the "front lot line" will be the lot line providing principal access from the adjacent street.

"Lot line, rear" means the property line of a lot that is most opposite or most distant from the designated front lot line and that does not intersect any front lot line. In the case of a triangular lot, it means a line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line. In the event that the front lot line is curved, then the rear property line will be assumed to be a line tangent to the front property line at its midpoint.

"Lot line, side" means any lot line that is not a front or rear lot line, or any lot line that intersects a front lot line.

"Lot of record" means a lot whose existence, location, and dimensions have been legally recorded or registered in a deed or a plat.

"Lot, substandard" means a lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located; and provided, that such lot or parcel was of record as a legally created lot on the effective date of this title.

"Lot width" means the horizontal distance between side lot lines, measured at the required front setback line, or in an irregularly shaped lot, the dimension across the lot at the building line.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

"Low-volume traffic generation" means uses such as furniture stores, carpet stores, major appliance stores, etc., that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale, and that therefore generate less customer traffic per square foot of floor space than stores selling smaller items.

"Mansard roof" means a sloped roof or roof-like facade architecturally able to be treated as a building wall.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a recreational vehicle.

"Manufactured home park" or "subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Manufacturing, artisan" means the small-scale production of goods by the use of hand tools or light mechanical equipment occurring within a fully enclosed building where such production requires no outdoor operations or storage. Typical uses have negligible impacts on surrounding properties. Examples include but are not limited to woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

"Manufacturing, light" means a facility conducting light manufacturing operations within a fully enclosed building where such production requires no outdoor operations or storage. Examples include but are not limited to the manufacture of clothing, electronics, medical devices, musical instruments, scientific tools, printing and publishing, toys, sign-making, The term includes the repair of commercial equipment and vehicles.

"Marijuana producers, processors, and retailers." Defined by RCW 69.50.101.

"Marquee" means a permanent structure attached to, supported by, and projecting from a building and providing protection from the weather elements, but which does not include a projecting roof. For purposes of the ordinance codified in this chapter, a freestanding, permanent, roof-like structure providing protection from the elements, such as a service station gas pump island, will also be considered a marquee. The definition also includes an awning and a canopy.

"Master development plan" means a plan for one or more contiguous parcels establishing land use and layout of buildings including site design, transportation and circulation, utilities, recreational and cultural facilities, environmentally sensitive areas, and landscaping.

"Mean sea level" means for purposes of the National Flood Insurance Program, the vertical datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Medical office/clinic" means a facility providing medical or surgical care to patients with less capacity than a full-service hospital. Some facilities may offer overnight care. This term includes but is not limited to physician and dentist offices, offices for chiropractors and other medical practitioners, urgent care centers, blood donation centers, and medical laboratories.

"Mitigation" means any of the following: (1) avoiding the impact altogether by not taking a certain action or part of an action; (2) minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts; (3) rectifying the impact by repairing, rehabilitating or restoring the affected environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and (5) compensation for the impact by replacing, enhancing, or providing substitute resources or environments.

"Mixed use" means a site containing at least one dwelling unit and non-residential floor area.

"Mobile food service" means a licensed and operable motor vehicle, trailer, or nonmotorized cart used to serve, vend, or otherwise provide food for immediate consumption from a fixed location or along a route.

"Manufactured Home, Class A. Class A mobile home" means a mobile or manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

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1. The home has a length not exceeding four times its width;
 2. The pitch of the home's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
 3. The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
 4. A continuous, permanent masonry foundation, un-pierced except for required ventilation and access, is installed under the home; and
 5. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

"Manufactured Home, Class B. Class B mobile home" means a mobile or manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A mobile home.

"Manufactured Home, Class C. Class C mobile home" means any mobile or manufactured home that does not meet the definitional criteria of a Class A or Class B mobile home.

"Manufactured home park" means a residential use in which more than one mobile or manufactured home is located on a single lot.

"Mobile or manufactured home" means a dwelling unit that: (1) is not constructed in accordance with the standards set forth in the Uniform Building Code applicable to site-built homes; and (2) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (3) exceeds forty feet in length and eight feet in width.

"Model home" means a single-family residence open to the public for sales promotion to demonstrate the types and finishes of homes available in the subdivision. A model home is constructed in an approved preliminary plat which has not yet received final plat approval.

"Modular home" means a dwelling unit constructed in accordance with the standards set forth in the Uniform Building Code applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a mobile home (except that the modular home meets requirements of the Uniform Building Code applicable to site-built homes), or a series of panels or room sections transported on a truck and erected or joined together on the site.

"Multiple-building complex" means a group of commercial or industrial structures.

"Multifamily" means a residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

"Multiple-tenant building" means a single structure that houses more than one retail business, office or commercial venture, but that does not include residential apartment buildings sharing the same lot, access and/or parking facilities.

-N-

"Natural location" means the location of those channels, scales, and other nonman-made conveyance systems as defined by the first documented topographic contours existing for the subject property, either from maps or photographs, or such other means as appropriate.

"New construction" means for the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the City and includes any subsequent improvements to such structures.

"New development" means any of the following activities: land disturbing activities, structural development, including construction, installation or expansion of a building or other structure; creation of impervious surfaces; Class IV—General forest practices that are conversions from timber land to other uses; and subdivision and short subdivision of land as defined in RCW 58.17.020. All other forest practices and commercial agriculture are not considered new development.

"New manufactured home park or subdivision", for floodplain management purposes, means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

"Nonconforming lot" means a lot existing at the effective date of the ordinance codified in this title (and not created for the purposes of evading the restrictions of this title) that does not meet the minimum area requirement of the district in which the lot is located.

"Nonconforming project" means any structure, development, or undertaking that is incomplete at the effective date of the ordinance codified in this title and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

"Nonconforming situation" means a situation that occurs when, on the effective date of the ordinance codified in this title, any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this title, or because land or buildings are used for purposes made unlawful by this title. Nonconforming signs shall not be regarded as nonconforming situations for purposes of Chapter 15.32 (Nonconforming Situations).

"Nonconforming use" means a nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a retail clothing store in a residentially zoned area constitutes a nonconforming use.)

"Nursing home" means an institutional facility maintained for the purpose of providing skilled nursing care and medical supervision for persons recovering from an illness or operation or persons made weak or disabled by illness or injury. Services are provided at a lower level than that available in a hospital. The use includes residential care facilities. Such establishments must be duly licensed by the state as a nursing home in accordance with current state statutes.

-O-

"Offices for contractors of all construction trades" means temporary offices associated with construction projects. Indoor shop space may be incidental. Outdoor storage is not included in this use.

"Off-premises signs" means a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located.

"On-premises sign." See sign, on-premises.

"Outdoor recreation" means uses providing recreation-oriented activities outdoors or in outdoor structures, including not limited to sport fields, outdoor theatres, skateboard parks, paintball facilities, golf courses, waterparks, amusement parks, racetracks, riding stables, and stadiums.

"Owner" means all persons, partnerships, corporations, and other legal entities that have an ownership interest (including purchasers and sellers under a real estate contract) in the subject property.

-P-

"Parapet" means a false front or wall extension above the roof line.

"Parent site" means the original property that is subdivided into individual unit lots through the unit lot subdivision process of Chapter 15.16.

"Parking area aisles" means a portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

"Parking lots and garages" means off-street facilities designed for the temporary storage of automobiles. The term includes parking facilities with electric vehicle battery charging stations.

"Permanent supportive housing: Defined by RCW 36.70A.030."

"Parking space" means a portion of the vehicle accommodation area set aside for the parking of one vehicle.

"Pasture" means an area covered with grass or other plants used or suitable for the grazing of livestock.
(Note: Definition from Webster's.)

"People with functional disabilities" means:

1. A person who, because of recognized chronic physical or mental condition or disease, is functionally disabled to the extent of: (a) needing care, supervision, or monitoring to perform activities of daily living or instrumental activities of daily living; or (b) needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible; or (c) having a physical or mental impairment which substantially limits one or more of such person's major life activities; or (d) having a record of having such an impairment; or
2. Being regarded as having such an impairment, but such term does not include current, illegal use of or active addition to a controlled substance.

"Perimeter" means the boundary of the square or rectangle required to enclose the sign.

"Permanent stormwater control plan" means a plan which includes permanent BMPs for the control of pollution from stormwater runoff after construction and/or land disturbing activity has been completed. For small sites, this requirement is met by implementing a small parcel erosion and sediment control plan. Guidance on preparing a PSQC plan is contained in the manual.

"Permit-issuing authority." Wherever this code refers to the permit-issuing authority it refers to that person, board, office, or institution having jurisdiction over the permit in question.

"Person" means an individual, firm, partnership, association, corporation, company, institution, or organization.

"Personal care service" means uses involved in providing nonmedical body and health services to the general public, including but not limited to salons, barbers, tanning, massage therapy, tailors, tattoo parlors. The use includes pet grooming services. These uses may include accessory retail sales.

"Pet daycare" means any indoor commercial facility where four or more dogs or other pet animals are left by their owners for periods of supervised social interaction in play groups with other animals of the same species; for the majority of the time the pets are at the facility during the hours the facility is open to the public. The facility may include associated ancillary outdoor space. See separate definition for animal care.

"Planned business district" means commercial development of contiguous properties in conformance with a master development plan.

"Planned residential development" means a development constructed on at least five acres under single application, planned and developed as an integral unit, and consisting of single-family detached residences and may be combined with two-family residences, multifamily residences, public/semi-public amenities (e.g., usable open space, a community center, recreational facilities, etc.), or a combination thereof, all developed in accordance with Section 15.44.020 Planned residential developments.

"Planning jurisdiction" means the area within the city limits as well as any area beyond the city limits within which the city is authorized to plan for and regulate development, as set forth in Section 15.04.030 (Jurisdiction).

"Planning official" means the person appointed by the city manager to serve as the city planner.

"Final plat" means the final drawing of the subdivision and dedication prepared for filing for record with the county assessor and containing all elements and requirements set forth in this title.

"Final short plat" means the final drawing of the short subdivision and dedication prepared for filing for record with the county assessor and containing all elements and requirements set forth in this title.

"Preliminary plat" or "preliminary short plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, restrictive covenants, and other elements of a subdivision consistent with the requirements of this title. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision. Preliminary plats require a boundary survey.

"Pollution" means contamination or other alteration of the physical, chemical, or biological properties, of waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

"Premises" means the real estate (as a unit) which is involved by the sign or signs mentioned on this chapter.

"Private educational services" means for-profit and non-profit educational services. Examples include but are not limited to testing centers, business schools, trade and vocational schools, language and exam tutoring, and arts and craft studios. The term does not include government facilities.

"Private road" or "driveway" means every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons.

"Professional office" means activities conducted in an office setting and generally focusing on business, professional, legal, financial, or government administration services. The term includes banks/credit unions and audio and video recording and broadcasting.

"Public safety facility" means a facility providing emergency response functions including fire stations and police stations.

"Public service facility" means a facility providing government functions including but not limited to libraries, community and recreation centers, museums, courts, jails, transit centers, and maintenance shops. This term does not include government administration offices.

"Public water supply system" means any water supply system furnishing potable water to two or more dwelling units or businesses or any combination thereof.

-R-

"Reader-board" means a sign face consisting of tracks to hold readily changeable letters allowing frequent changes of copy.

"Reasonably safe from flooding" means development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the City. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the highest adjacent grade.

"Recreational camps" means an area established for temporary occupancy by people using tents, s, travel trailers, and similar temporary lodgings. Improvements such as roads, toilets, showers, utility connections, and other amenities may be provided.

"Recreational vehicle park" or "RV park" means a tract or parcel of land upon which two or more recreational vehicle sites are located, principally used for occupancy by predominantly RVs as temporary living quarters for recreation or vacation purposes with a maximum allowable stay per vehicle of 30 days. The recreational vehicle park must be professionally run with on-site office hours.

"Recreational vehicle" meaning shall include, but not be limited to, the following:

1. Travel Trailer. A vehicular, portable structure built on a chassis and drawn by a motorized vehicle and which is designed to be used as a temporary dwelling for travel, recreational and vacation uses;
2. Camper. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreational and vacation uses;
3. Motor Home. A portable, temporary dwelling to be used for travel, recreational and vacation uses and which is constructed as an integral part of a self-propelled vehicle;
4. Camping Trailer. A folding structure mounted on wheels and designed for travel, recreational and vacation uses;
5. Park Trailer. A trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria:
 - a. Built on a single chassis, mounted on wheels;
 - b. Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the setup mode; and
 - c. Certified by the manufacturer as complying with ANSI A119.5;

"Redevelopment" means on an already developed site, the creation or addition of impervious surfaces, structural development including construction, installation or expansion of a building or other structure, and/or replacement of impervious surface that is not part of a routine maintenance activity, and land disturbing activities associated with structural or impervious redevelopment.

"Regional retention/detention system" means a stormwater quantity control structure designed to correct existing excess surface water runoff problems of a basin or sub-basin. The area downstream has been previously

identified as having existing or predicted significant and regional flooding and/or erosion problems. This term is also used when a detention facility is used to detain stormwater runoff from a number of different businesses, developments or areas within a catchment.

"Religious facilities" means houses of worship and places where people congregate to worship or otherwise participate in religious activities. Includes but is not limited to churches, synagogues, temples, and mosques.

"Research and development" means an establishment which conducts scientific research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale, and laboratories conducting educational or medical research or testing. This use does not involve the mass manufacture, fabrication, processing, or sale of products.

"Restaurants and cafes" mean establishments that prepare and sell food and drink for on- or off-premises consumption. The term includes brewpubs, bakeries, delis and other food-based customer-serving establishments.

"Retail sales" means establishments involved in the sale of new or used products. Examples of products include but are not limited to art supplies, art galleries, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, office supplies, package shipping, pawnshops, pets, pet supplies, pharmaceuticals (including pharmacies), photo finishing, picture frames, plants, printed materials, produce, seafood, souvenirs, sporting goods, stationery, tobacco, used or secondhand goods, vehicle parts and accessories, videos and related products.

"Retail sales, heavy" means retail uses with exterior sales and/or storage areas greater than 15,000 gross square feet or occupying a greater area than the use's principal building. Examples include agricultural supplies, plant and landscape design materials, building materials, and heating fuels.

"Retention/detention facility (R/D)" means a type of drainage facility designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration, and/or infiltration into the ground; or to hold surface and stormwater runoff for a short period of time and then release it to the surface and stormwater management system.

"Reverse frontage lot" is a double frontage lot for which the boundary along one of the streets is established as the rear lot line.

"Right-of-way (ROW)" means that area of land dedicated for public use or secured by the public for purposes of ingress and egress to abutting property and other public purposes, such as space for utility lines, appurtenances and similar components.

"Road" means all ways used to provide motor vehicle access to: (1) two or more lots, or (2) two or more distinct areas or buildings in unsubdivided developments.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder even though such sidewalk or shoulder is used by persons riding bicycles. In the event a highway includes two or more separated roadways, the term roadway shall refer to any such roadway separately but shall not refer to all such roadways collectively.

"Roofline" means the top edge of a roof or parapet or the top line of a building silhouette.

-S-

"Sanitary station" or sanitary dumping station means a facility used for removing and disposing of wastes from RV sewage holding tanks. RV sewage holding tanks may be mobile or contained within a recreational vehicle.

"School, K-12" means an institution of learning for minors, whether public or private, offering regular course of instruction required by the Washington Education Code. This definition includes an elementary school, middle or junior high school, or high school. Elementary schools offer instruction to grades kindergarten (K) through five (5) or six (6). Junior high/middle schools offer instruction to grades six (6) through eight (8) or seven (7) through nine (9). High schools offer instruction to grades nine (9) or ten (10) through twelve (12). See also School, primary or secondary. If said school is located on the grounds of a religious facility, it must be considered a separate principal use if it has a student body in excess of 30 students (students enrolled in a child day care center at the church may not be separately counted as a school).

"School, preschool" means facility for the organized instruction of children who have not reached the age for enrollment in kindergarten.

"Secure community transition facility." Defined by RCW 71.09.020.

"Self-service storage" means facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing goods and private property.

"Senior housing" means dwellings specifically designed for occupancy by persons of fifty-five years of age or older and able to live independently.

"Sensitive areas. See definition for Critical areas."

"Servient lot" means any lot which has the burden of providing an access easement for use by other lots.

"Setback" means the minimum required distance between a structure and a specified line such as a lot, easement or buffer line that is required to remain free of structures.

"Shoreline master program" means the city's policies and goals for use of shorelines adopted pursuant to RCW 90.58.

"Short plat." See Plat, Preliminary.

"Short subdivision." See Subdivision, Short.

"Short term rental" means a residential home unit or accessory building that is rented out for a brief period, usually less than 30 days.

"Sidewalk" means that property between the curb lines or the lateral lines of a roadway and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians.

"Sign" means any visual communication device, structure, or fixture which is visible from any right-of-way and is intended to aid the establishment in question in promoting the sale of products, goods, services, events; or to identify a building using graphics, letters, figures, symbols, trademarks or written copy. Painted wall designs or patterns which do not represent a product, service or registered trademark; or which do not identify the user, shall not be considered signs. If a design or pattern is combined with a sign, only that part of the design or pattern which cannot be distinguished from the sign will be considered as part of the sign.

"Sign, abandoned." Abandoned sign means a sign that no longer correctly identifies, exhorts, or advertises any person, business, lesser, owner, product, or activity conducted or available on the premises where such sign is located.

"Sign, advertising." Advertising sign means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.

"Sign area" means the entire area of a sign on which copy is to be placed. Only one side of a double-faced sign shall be included. Sign structure, architectural embellishments, framework and decorative features which

contain no written or advertising copy shall not be included. Sign area shall be calculated by measuring the area determined by the perimeter as previously defined in this section.

"Sign, backlit." Backlit sign means signs that are artificially illuminated from within or from behind.

"Sign, billboard." Billboard sign means a sign or sign structure supported by one or more uprights and braces in the ground or on a building roof upon which general advertising matter is placed, usually by the poster method, erected entirely upon private property.

"Sign, business." Business sign means a sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold, or offered upon the premises where such sign is located, or to which it is affixed.

"Sign, changing message center." Changing message center sign means an electronically controlled public service time and temperature sign, message center, or readerboard where different copy changes of a public service or commercial nature are shown on the same lampbank.

"Sign, construction." Construction sign means a temporary sign designating the contractor(s), architect(s), and engineer(s) participating in a construction project underway on the same premises. A construction sign may also include the name of the project.

"Sign, double-faced." Double-faced sign means a sign with two faces.

"Sign, electrical." Electrical sign means a sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.

"Sign, flashing." Flashing sign means an electrical sign or portion thereof that changes light intensity in a sudden transitory burst or that switches on and off in a constant pattern with more than one-third of the light source that is not constant being off at any one time.

"Sign, freestanding." Freestanding sign means a sign attached to the ground by a sign structure and supported by uprights placed on or in the ground.

"Sign, garage" or "yard sale." Garage or yard sale sign means a sign advertising a private sale of personal household possessions; not for the use of any commercial venture.

"Sign height" means the greater of:

1. The vertical distance measured from the average finished elevation within the sign outline to the highest point of the sign;
2. The vertical distance measured from the highest point of the pre-existing natural elevation within the sign outline to the highest point of the sign.

"Sign, identification." Identification sign means a sign of an informational nature that directs attention to certain uses other than businesses, individual private residences or home occupations.

"Sign, incidental." Incidental sign means a small, nonelectric information sign two square feet or less in area which pertains to goods, products, services, or facilities which are available on the premises where the sign occurs and which is intended primarily for the convenience of the public while on the premises.

"Sign, nameplate." Nameplate sign means a sign designating the name and address of the resident, residence, or its home occupation.

"Sign, nonconforming." Nonconforming sign means a sign that, on the effective date of the ordinance codified in this title, does not conform to one or more of the regulations set forth in this title, particularly Chapter 15.68 Signs.

"Sign, off-premises." Off-premises sign means a sign relating, through its message and content, to a business activity, use, product, or service not available on the premises on which the sign is erected.

"Sign, on-premises." On-premises sign means a sign which carries only advertisements and messages strictly applicable to a lawful use of the premises on which it is located.

"Sign, on-premises directional." On-premises directional sign means a permanent sign that directs the public to a specific place such as an entrance, exit, or parking or service area, or to a particular aspect of a business establishment.

"Sign permit" means a permit issued by the land-use administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

"Sign, pole." Pole sign means a sign that is attached to a single pole.

"Sign, portable." Portable sign means any sign which is not permanently affixed and is designated for or capable of being moved, except those signs explicitly designed for people to carry on their person.

"Sign, portable reader board." Portable reader board sign means a lighted or unlighted business sign or part of a sign on which the letters are readily replaceable such that the copy can be changed from time to time at will, and that is capable of being moved easily or trailer mounted and is not permanently affixed to the ground, structure or building.

"Sign, principal." Principal sign means a business sign which may be freestanding, wall mounted, or projecting, and is lighted or unlighted, and does not exceed eighty square feet in area.

"Sign, projecting." Projecting sign means a sign which is attached to and projects more than one foot from a structure, building face or marquee.

"Sign, real estate." Real estate sign means a temporary sign erected by the owner, or his/her agent, that advertises the real estate upon which the sign is located for rent, lease or sale, or directing people to the property.

"Sign, revolving." Revolving sign means a sign which rotates or turns in motion in a circular pattern.

"Sign, roof." Roof sign means a sign fully supported by and erected on and above a roof of a building or structure. (Shall not include a sign erected on the face of a mansard roof.)

"Sign, secondary." Secondary sign means a business sign which may be projecting, portable, or wall mounted and does not exceed twenty square feet in area.

"Sign, standing." Standing sign means a freestanding sign attached to two or more supports above ground, as distinct from a monument freestanding sign. Typically made of wood.

"Sign structure" means any structure which supports or is designed to support any sign as defined in this chapter. A sign structure may be a single pole or may or may not be an integral part of the building.

"Sign, temporary." Temporary sign means a sign that: (1) is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (2) is intended to remain on the location where it is erected or placed for a period of not more than fifteen days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary. It also means any real estate, special event, garage sale, construction, or political sign displayed for a limited period of time.

"Sign, traffic/directional." Traffic/directional sign means a sign that is located to guide or direct pedestrian or vehicular traffic to parking entrances, exits and service areas.

"Sign, under-marquee." Under-marquee sign means a sign attached to and suspended from the underside of a marquee or canopy.

"Sign, wall." Wall sign means a sign attached or erected parallel to and extending not more than one foot from the facade or face of any building to which it is attached and supported throughout its entire length, with the

exposed face of the sign parallel to the plane of the wall or facade. Signs incorporated into mansard roofs, marquees or canopies shall be treated as wall signs.

"Sign, wall mounted." Wall mounted sign means a sign attached or erected parallel to and extending not more than eighteen inches from the facade or wall of any building to which it is attached and supported through its entire length, with the exposed face of the sign parallel to the plane of said wall or facade. A sign painted on the wall of a building or a sign painted or attached to a marquee shall be considered a wall mounted sign.

"Sign, window." Window sign means a sign painted on, affixed to or otherwise displayed within a window.

"Significant Tree(s)." See Tree(s), Significant.

"Single-family detached" means a residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other principal dwelling units.

"Site" means the portion of a piece of property which is directly subject to development.

"Slope" means the degree of deviation of a surface from the horizontal; measured as a numerical ratio, percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second is the vertical distance (rise), as two is to one. A two is to one slope is a fifty percent slope. Expressed in degrees, the slope is the angle from the horizontal plane, with a ninety degree slope being vertical (maximum) and forty-five degree being a one is to one or one hundred percent slope.

"Small parcel erosion and sediment control plan," or "small parcel ESC plan" means a plan for small sites to implement temporary BMPs to control pollution generated during the construction phase only, primarily erosion and sediment.

"Soil" means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

"Source control BMP" means a BMP that is intended to prevent pollutants from entering stormwater. A few examples of source control BMPs are: erosion control practices, maintenance of stormwater facilities, constructing roofs over storage and working areas, and directing wash water and similar discharges to the sanitary sewer or a dead-end sump.

"Special events" means circuses, fairs, carnivals, festivals, or other types of special events held on private property that: (1) run for longer than one day but not longer than two weeks; (2) are intended to or likely to attract substantial crowds; and (3) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

"Special use permit" means a permit issued by the city planner that authorizes the recipient to make use of property in accordance with the requirements of this title as well as any additional requirements imposed by the city planner.

"Standard record of survey" means a record of survey form in accordance with RCW 58.09.

"Start of construction" means and includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first

alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State or regionally sponsored essential public facility" means any essential public facility that is proposed, operated, owned or otherwise sponsored by a state agency, a county, or another regional entity.

"State or regional transportation facilities." Defined by RCW 47.06.140.

"Stormwater" means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel, or a constructed infiltration facility.

"Stormwater drainage system" means constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat or filter stormwater.

"Stormwater facility" means a constructed component of a stormwater drainage system, designed or constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to, pipes, scales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catchbasins, oil/water separators, sediment basins and modular pavement.

"Stormwater site plan" means a plan which includes an erosion and sediment control (ESC) plan and a permanent stormwater quality control plan (PSQCP). For small sites, this plan is the equivalent of a small parcel erosion and sediment control plan.

"Street" means a public way open to public use, including an avenue, place, drive, boulevard, parkway, highway, roadway, or any similar way, except an alley. It also means a public street or a street with respect to which an offer of dedication has been made.

"Street, arterial." Arterial street means a major street in the city's street system that serves as an avenue for the circulation of traffic onto, out, or around the city and carries high volumes of traffic.

"Street, collector." Collector street means a street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than two hundred dwelling units and is designed to be used or is used to carry more than one thousand six hundred trips per day.

"Street, cul-de-sac." Cul-de-sac street means a street that terminates in a vehicular turnaround.

"Street, local." Local street means a street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least fifteen but not more than seventy-five dwelling units and is expected to or does handle up to six hundred trips per day.

"Street, marginal access." Marginal access street means a street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

"Street, minor." Minor street means a street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than fifteen dwelling units and is expected to or does handle up to one hundred twenty-five trips per day.

"Street, sub-collector." Sub-collector street means a street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least fifty but not more than two hundred dwelling units and is expected to or does handle between four hundred and one thousand trips per day.

"Structure" means anything constructed or erected. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Subdivision" means the division or redivision of land into lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership; but the following shall not be included within this definition nor be subject to the regulations of this title applicable strictly to subdivisions: the public acquisition by purchase or dedication of strips of land for widening or opening streets.

"Subdivision, short." Short subdivision means the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

"Substantial damage," for floodplain management purposes, means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
 - A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

-T-

"Temporary emergency, construction, or repair residence" means a residence (which may be a mobile home) that is: (1) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, or (2) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed, or (3) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.

"Temporary retail stands" means a temporary retail sales establishment that is limited to the display and sales of produce, handicrafts, flowers, or other products.

"Temporary sign." See sign, temporary.

"Toe of slope" means a point or line of slope in an excavation or cut where the lower surface changes to horizontal or meets the exiting ground slope.

"Top of slope" means a point or line on the upper surface of a slope where it changes to horizontal or meets the original surface.

"Tower" See CMC 15.98.020 "Support structure" and "Transmission tower".

"Townhouse" means a single-family dwelling attached in a row of at least two dwelling units. Each unit has its own and front and rear access to the outside, no unit is located completely over another unit, and each unit is separated from any other unit by one or more vertical, wholly opaque, common fire-resistant wall(s) having no doors or windows.

"Tract" means a lot (see definition in this section). The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one tract is subdivided into several lots.

"Transient accommodations" means a building, structure or group of buildings in which lodging or lodging and meals are provided for transient guests for compensation, including cabins, resorts, hotels, motels, hostels, bed and breakfasts, **short term rentals**, and campgrounds. For the purposes of this title, "transient" will be defined as being not more than 30 consecutive days' duration.

"Transportation service" means facilities providing commercial ground transportation services such as charters, shuttle services, sightseeing and tours, paratransit, and taxi dispatch.

"Travel trailer" means a structure that: (1) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and (2) is designed for temporary use as sleeping quarters but that does not satisfy one or more of the definitional criteria of a mobile home.

"Treatment BMP" means a BMP that is intended to remove pollutants from stormwater. A few examples of treatment BMPs are detention ponds, oil/water separators, biofiltration scales and constructed wetlands.

"Tree" means a self-supporting woody plant characterized by one main trunk or, for certain species, multiple trunks, that is recognized as a tree in the nursery and arboricultural industries.

"Tree(s), significant." Significant tree(s) means any viable tree six inches or greater caliper measured at d.b.h. (diameter breast height, four and one-half feet from the ground), except that trees of any size of the following species shall not be considered significant:

Black Locust (*Robinia pseudoacacia*)

Black cottonwood (*Populus trichocarpa*)

Cottonwood (*Populus fremontii*)

Native alder (Native *Alnus* only)

Native willow (Native *Salix* only)

Lombardy poplar (*Populus nigra*)

"Tree, viable" means a significant tree that a certified arborist has determined to be in good health, with a low risk of failure due to structural defects, is relatively windfirm if isolated or exposed, and is a species that is suitable for its location.

-U-

"Unstable slopes" means those sloping areas of land which have in the past exhibited, are currently exhibiting, or will likely in the future exhibit, mass movement of earth.

"Urban growth area" means that portion of the city's planning jurisdiction that lies outside the corporate limits of the city and within the urban growth boundary.

"Use" means the activity or function that actually takes place or is intended to take place on a lot. Use, Principal. Principal use means a use listed in the table of permissible uses.

"Utility facilities" means any above ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by RCW 80.04.015 and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Excepted from this definition are utility lines and supporting structures listed in subsection 151(2).

"Utility facilities, regional." Regional utility facilities means all utility facilities other than neighborhood utility facilities. Such facilities typically have on-site personnel.

"Utility facilities, neighborhood." Neighborhood utility facilities means utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located above ground in or near the neighborhood where such facilities are proposed to be located. Such facilities have no personnel permanently stationed on-site.

-V-

"Variance" means a grant of permission by the city that authorizes the recipient to do that which, according to the strict letter of this title, he could not otherwise legally do.

"Vegetation" means all organic plant life growing on the surface of the earth.

"Vehicle accommodation area" means that portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

"Vehicle sales/rental" means the sales or rental of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles.

"Vehicular access easement or tract" means a privately owned right-of-way.

"Veterinary services" means any establishment used by veterinarians to provide medical and surgical treatment and care for household pets and domestic animals within a fully enclosed building that is soundproofed and mechanically ventilated. The term includes veterinary clinics and animal hospitals. The boarding and grooming of household pets and domestic animals may be incidental to such uses. This use may include associated ancillary outdoor space.

"Vintage" means an object of old, recognized and enduring interest, importance or quality.

-W-

"Water body" means surface waters including rivers, streams, lakes, marine waters, estuaries, and wetlands.

"Water dependent structure" means a structure for commerce, industry, flood hazard reduction, or habitat enhancement which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

"Watershed" means a geographic region within which water drains into a particular river, stream, or body of water as identified and numbered by the state of Washington Water Resource Inventory Areas (WRIAs) as defined in Chapter 173-500 WAC.

"Wetland" means as defined by RCW 36.70 or as hereafter amended, those areas that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate conversion of wetlands.

"Wholesale trade" means the on-premises sales of goods primarily to customers engaged in the business of reselling the goods, operating out of a warehouse or office with no outdoor operations or storage and little or no display of merchandise. In addition, neither the design nor the location of the premises is intended to solicit walk-in traffic.

"Wireless telecommunications facility." Defined by CMC 15.98.020.

"Wooded area" means an area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per three hundred twenty-five square feet of land and where the branches and leaves form a contiguous canopy.

-Y-

"Year-round driving surface" means a minimum of two inches of asphalt concrete pavement atop a properly prepared base and sub-base. The city engineer may require this standard to be increased depending on specific circumstances.

(Ord. 745 § 4, 2008; Ord. 729 § 3 (Exh. C), 2008; Ord. 712 § 3, 2007; Ord. 700 § 5 (Exh. E), 2006; Ord. 684 § 1, 2005; Ord. 681 § 3, 2005; Ord. 679 § 3, 2005; Ord. 670 § 3 (Exh. C), 2005; Ord. 634 § 2, 2001; Ord. 610 § 1 (Attach. A) (part), 2000; Ord. 592 § 85, 1999)

(Ord. No. 782, § 3(Exh. B), 7-20-2010; Ord. No. 788, § 4, 12-7-2010; Ord. No. 854, § 2, 12-2-2014; Ord. No. 863, § 3, 8-4-2015; Ord. No. 866, § 3(Exh.B), 8-4-2015; Ord. No. 889, § 3, 8-15-2017; Ord. No. 890, § 4, 10-17-2017; Ord. No. 908, § 2, 10-16-2018; Ord. No. 909, § 2(Exh. A), 10-16-2018; Ord. No. 930, § 2(Exh. A), 8-4-2020; Ord. No. 956, § 2(Exh. A), 6-21-2022)

Chapter 15.09 LOCAL PROJECT REVIEW

15.09.050 Project permit application framework.

The following project permit applications shall be reviewed and processed in accordance with the project permit application type specified below.

EXEMPT	TYPE I	TYPE II	TYPE III	TYPE IV	TYPE IVA	TYPE V
	BUILDING PERMITS (CMC Title 16)	SPECIAL USE PERMITS (CMC 15.18.010 et seq.)	CONDITIONAL USE PERMITS (CMC 15.18.010 et seq.)	PRELIMINARY PLAT APPROVAL (CMC 15.16.190 et seq.)		FINAL APPROVAL (CMC 15.16.3

RIGHT-OF-WAY STREET USE PERMIT (CMC 15.56.250)	SIGN PERMITS (CMC 15.68.010)	CLEAR AND GRADING PERMITS that (1) involve 500 cu yds or more of material, (2) will create a 2 ft or greater change in grade at the property line, or (3) will permanently change existing drainage patterns ⁽²⁾ (CMC 15.44.200).				
RIGHT-OF-WAY PERMIT (CMC 15.60.030)	BOUNDARY LINE ADJUSTMENT (CMC 15.18.100).	PRELIMINARY SHORT PLAT APPROVAL (CMC 15.16.010 et seq.)		PLAT ALTERATIONS (CMC 15.16.370)	SITE SPECIFIC REZONE—Not consolidated with a comprehensive plan amendment	SITE SP REZON Consol with a compre plan amend
LANDMARK DESIGNATION (CMC 15.96- Part I)	TEMPORARY RESIDENCE PERMIT (CMC 15.44.030)	PRELIMINARY SHORT PLAT AMENDMENTS (CMC 15.16.460)				
TEMPORARY PUBLIC STRUCTURE PERMIT (CMC 15.44.050)	TEMPORARY RV USE PERMIT (CMC 15.44.040)	BINDING SITE PLANS OF FOUR OR FEWER LOTS (CMC 15.16.470 et seq.)	SHORELINE CONDITIONAL USE (CMC 15.92)	BINDING SITE PLANS OF FOUR OR FEWER LOTS (CMC 15.16.470 et.seq.)		
SPECIAL USE PERMIT FOR SPECIAL EVENT (CMC 15.44.060)	OTHER CONSTRUCTION LEVEL PERMITS THAT ARE CATEGORICALLY EXEMPT FROM SEPA AND CMC TITLE 14.	RESIDENTIAL CONDOMINIUM BINDING SITE PLANS OF FOUR OR FEWER LOTS (CMC 15.16.580 et seq.)	SHORELINE VARIANCE (CMC 15.92.120)	RESIDENTIAL CONDOMINIUM BINDING SITE PLANS OF FIVE OR MORE LOTS (CMC 15.16.580 et.seq.)		
STREET VACATIONS	ADMINISTRATIVE INTERPRETATIONS (CMC 15.09.100)	SHORELINE SUBSTANTIAL DEVELOPMENT	VARIANCE (CMC 15.20.030)			

		PERMIT (CMC 15.92)				
OTHER PERMITS THAT THE CITY COUNCIL DETERMINES BY ORDINANCE OR RESOLUTION PRESENT SPECIAL CIRCUMSTANCES THAT WARRANT A DIFFERENT REVIEW PROCESS.	DESIGN REVIEW, MINOR EXTERIOR REMODEL (CMC 15.18.340)	SITE DEVELOPMENT REVIEW (CMC 15.18.150 et seq.)	SIGN VARIANCE (CMC 15.68.270)			
LEGISLATIVE DECISIONS (AREA WIDE REZONES, COMPREHENSIVE PLAN AMENDMENTS)	CLEAR AND GRADING PERMIT under 500 cu yds	DESIGN REVIEW, MAJOR EXTERIOR REMODEL (CMC 15.18.270)	CRITICAL AREAS REASONABLE USE EXCEPTION (CMC 15.88.125)			
	MINOR SITE DEVELOPMENT REVIEW (CMC 15.18.160.B)					
	FINAL SHORT PLAT APPROVAL (CMC 15.16.170)					
	ACCESSORY DWELLING UNIT PERMIT (CMC 15.46)					

- (1) Final plat approval shall be by city council decision but shall not include an open record public hearing.
- (2) The applicant shall bear the burden of demonstrating that existing drainage patterns will not be disrupted by the grading, excavation or filling activity. This demonstration may be made by submittal of topographical site maps, photographic evidence, or other engineering documentation. The public works director shall have sole discretion in determining the sufficiency of any such documentation.
- (3) Where a major design review proposal requires a major site development review, a separate design review application will not be required and the design review standards will be evaluated with the site development review (ref CMC 15.18.250.D, and CMC 15.18.220.A.3.)

- B. Table summarizing procedures for Type I through Type V project permit applications. For the purposes of this table, the city council and hearing examiner are designated as the "hearing body."

PROCEDURE	TYPE I	TYPE II	TYPE III	TYPE IV	TYPE IVA	TYPE V
Pre-application conference	Not required	Not required	Recommended	Recommended	Recommended	Recommended
Determination of completeness	Not required	Required	Required	Required	Required	Required
Notice of application	Not required	Required	Required	Required	Required	Required
Primary decision-maker	City planner	City planner	Hearing examiner	Hearing examiner	City Council*	City council
Open record public hearing	No	No	Yes	Yes	Yes	Yes (except Final Plat)
Open record appeal	Yes	Yes	No	No	No	No
Closed record appeal	No	No	Yes	No	No	No
Notice of decision	No	Yes	Yes	Yes	Yes	Yes
Reconsideration	Yes, if appealed	Yes, if appealed	Yes	Yes	Yes	Yes

*After hearing examiner recommendation

(Ord. 745 § 2 (Exh. A) (part), 2008)

(Ord. No. 807, § 3(Exh. B), 2-7-2012; Ord. No. 882, § 3(Exh. B), 12-6-2016)

15.09.110 Pre-application conference.

- A. It is recommended that applications for project permits Type III, IV, IVA, and V attend a pre-application conference. The purposes of the pre-application conference is to acquaint the applicant with the requirements of this code and project review procedures and for city staff to be acquainted with the proposed application for purposes of determining appropriate review procedures and facilitating the application and project review process. In order to ensure that the pre-application conference is meaningful, the applicant must provide all information requested on the form required by the city planner.
- B. The conference shall be held no more than forty-five calendar days following the filing of a written request for a pre-application conference with the city planner, on the form provided by the planner.
- C. At the conference or within five working days of the conference, the applicant may request that the planner provide the applicant with the following information:

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1. A form which lists the requirements for a completed application;
 2. A general summary of the procedures and timelines to be used to process the application;
 3. The references to the relevant code provisions or development standards which may apply to the approval of the application, as preliminarily identified at the pre-application conference; and
 4. Any applicable design guidelines.
- D. It is impossible for the conference to be an exhaustive review of all potential issues. The discussions at the conference or the information sent by the city to the applicant under subsection (C) of this section shall not bind or prohibit the city's future application or enforcement of all applicable laws and regulations.
- E. Pre-application conferences for all other types of project permit applications are optional, and requests for conferences will be considered on a time-available basis by the planner.
- F. Pre-application conferences are subject to a deposit and cost recovery as indicated in the fee schedule adopted by council.
- (Ord. 745 § 2 (Exh. A) (part), 2008

Chapter 15.16 LAND DIVISIONS

Part I. Short Subdivisions

15.16.010 Purpose.

- A. The purpose of Part I of this chapter is to regulate the division of land into four or fewer lots in accordance with applicable Washington State and city laws, rules, and regulations; to provide the public with clear administrative procedures for the short subdivision of land; to assure the orderly conveyance of land; and to protect the health, safety and welfare of the general public.
- B. To the extent possible, subdivision design should:
1. Reduce the visual dominance of the automobile;
 2. Promote pedestrian activity;
 3. Create variety and interest in the appearance of residential streets;
 4. Provide community open space;
 5. Protect significant features of the natural environment; and
 6. Protect water quality and control impacts from surface water.

(Ord. 747 (Exh. A) (part), 2008)

15.16.020 Applicability.

This chapter applies to each application for a subdivision of land into two to four lots, except as provided in RCW 58.17.040.

(Ord. 747 (Exh. A) (part), 2008)

15.16.030 Administration.

The city planner is authorized to develop and adopt administrative rules and regulations for the purpose of implementing and enforcing the provisions of this chapter.

(Ord. 747 (Exh. A) (part), 2008)

15.16.040 General limitations.

The following general limitations shall apply to all short subdivision applications:

- A. Only a separate lot, as defined in Chapter 15.08 CMC, or a combination of two or more contiguous separate lots, may be short subdivided;
- B. A maximum of four lots may be created by any single application;
- C. A maximum of eight lots may be created from two or more contiguous parcels with any common ownership interest; and
- D. Except as provided in this chapter, if the lot to be subdivided was created through a prior short subdivision, at least five years must have passed since the recording of such prior short subdivision and shall be consistent with RCW 58.17.060.

(Ord. 747 (Exh. A) (part), 2008)

15.16.050 Subdivision design for short plats.

Residential short plats are encouraged to incorporate the following design goals in order to promote livable neighborhoods that are integrated into existing development.

- A. New residential short plats should be designed to integrate with the surrounding neighborhood. Wherever possible, new subdivisions should be designed so that individual separately designed projects work together to create distinct neighborhoods rather than disjointed or isolated enclaves.
- B. Short plats adjacent to planned or existing parks or other public open spaces should maximize visibility and pedestrian access to these areas.
- C. Wherever feasible, new public streets and sidewalks should be aligned with and connected to those of adjacent developments, in accordance with this chapter and Chapter 15.56 CMC Streets and Sidewalks.
- D. Wherever feasible, short plats design should provide for pedestrian connectivity with adjacent neighborhoods, nearby schools and parks, and to transit within one-fourth mile of the proposed subdivision. Any required streets and sidewalks should be designed to provide safe and pleasant conditions for pedestrians, the disabled, and cyclists.

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- E. To the extent possible, developments should be configured to face streets and not back up to them. Where short plats must back up to existing streets or arterials and a fence is provided, a minimum ten-foot landscape buffer shall be required to screen any tall fences. Landscaping shall follow the requirements of Chapter 15.76 CMC Screening, Landscaping and Trees.
 - G. Single loaded streets (i.e., those with residential development on one side and open space on the other) should be used to provide public access and visibility of natural open spaces, public parks, or schools, as well as buffering homes from parks and schools. Where single-loaded streets are both feasible or desirable, other methods that provide similar access and visibility may be used, including private streets, bike and pedestrian paths, or the placement of private common open space or recreation facilities adjacent to the public open space.
 - H. The use of cul-de-sacs should be avoided wherever possible. If cul-de-sacs are necessary, pedestrian access and/or bikeway should be provided between private parcels to connect with an adjacent cul-de-sac, street, park or open space, if applicable.
 - I. Alleys may be provided for garage access. Otherwise, individual lots are encouraged to be wide enough to accommodate garages at the side or rear of the lot, to minimize the appearance of street frontage that is dominated by garages and pavement.
 - J. Perimeter buffers, fences and landscaping may be required when these features mitigate the adverse impacts of new subdivisions on adjoining uses that are lower in density.

(Ord. 747 (Exh. A) (part), 2008)

15.16.060 Lot averaging.

Under this procedure, lot sizes may be reduced in area below the minimum lot size for a standard subdivision of the zoning district specified in CMC Chapter 15.48 Table I provided that the average lot size of the lots created in the subdivision is not below the minimum lot size of the zoning district. In no cases shall the lots be smaller than those specified as the minimum lot size for cluster subdivision in Table I.

(Ord. 747 (Exh. A) (part), 2008)

15.16.070 Cluster subdivision.

- A. Purpose. The purpose of this section is to provide for variation in lot sizes in residential districts so that the standard permitted density of dwelling units allowed by the minimum lot size requirements is maintained on an overall basis while desirable open space, tree cover, recreation areas or scenic vistas are preserved.
- B. Number of Reduced-Size Lots. The developer of a short plat may vary the lot sizes within the short plat by use of the procedures contained in this section. The maximum number of lots that may be created under this procedure shall be computed by subtracting thirty percent of the total area being subdivided, exclusive of existing easements and other undevelopable land including critical areas and their buffers, for public right-of-way and for land reserved for parks, playgrounds, school sites and for other open space; and dividing the remaining land by the minimum lot area requirement of the districts in which the subdivision is to be located. This method shall apply regardless of the amount of land actually required for street right-of-way. Land taken by utilities for easements for major facilities such as electric transmission lines and water mains, where such land is not available to the owner for development because of the easements, shall not be considered as part of the gross acreage in computing the maximum number of lots that may be created under this procedure.

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- C. Standard for Area Reduction. Under this procedure, lots may be reduced in area below the standard minimum lot size required in the district in which the subdivision is located; provided, that the average lot size of the lots created in the short plat is not below the minimum lot size required in the district.
 - D. Minimum Lot Width. Under this procedure, no lot in a residential district shall contain a minimum lot width less than the applicable lot width required by CMC Chapter 15.48 Table I.
 - E. Common Open Space. The location, extent and purpose of common land proposed to be set aside for open space or for recreational use within any subdivision must be reviewed and approved by the city manager or his/her designee before the provisions of this section shall apply. A private recreational use, whose use is limited to the owners or occupants of lots located within the subdivision, may be approved as common land. Other uses or sites which may qualify as common land include historic buildings or sites, parkway areas, ornamental parks, extensive areas with tree cover, and low land along streams or areas of rough terrain where such areas are extensive and have natural features worthy of preservation. Land which is specifically required to be reserved for public parks, potential school sites, critical areas or their buffers, etc., as called for in this title, shall not qualify as common land.
 - F. Maintenance of Common Land. The maintenance of common land for open space or recreational use shall be guaranteed by trust indenture or a similar means of contract approved by the city attorney and shall be filed with the county auditor simultaneously with the recording of the final plat of the subdivision. Such common land shall be set aside by deed restrictions in perpetuity.

(Ord. 747 (Exh. A) (part), 2008)

15.16.080 Complete application.

A proposed short subdivision application shall be considered under the zoning and other land use control ordinances in effect at the time a fully complete application, pursuant to RCW 58.17.033, is filed with the city.

- A. Applications shall be on forms prescribed by the city planner and shall include such information as deemed necessary to establish compliance with this section.
- B. Applications for a short subdivision shall be signed by all property owners or their authorized agents, with supporting documents as required below and which contain sufficient information to determine compliance with adopted rules and regulations including, but not limited to, Chapter 43.21C RCW; SEPA as implemented by Chapter 197-11 WAC; CMC Title 12, Streets, Sidewalks and Public Places; CMC Title 13, Public Services; Chapter 14.04 CMC, Environmental Policy Act; CMC Title 15 Land Use; the city of Carnation comprehensive plan; utility comprehensive plans, the civil engineering standards for water, sewer and streets, and administrative rules adopted to implement any such code or ordinance provisions.
- C. The proposed preliminary plat shall be prepared by a professional land surveyor licensed in the state of Washington. All engineered plans and site plans providing engineered features shall be prepared by a Washington licensed civil engineer. The proposed preliminary plat shall be at a scale of one foot equals fifty feet, one foot equals sixty feet or one foot equals one hundred feet, or other scale determined by the city planner, and shall include:
 - 1. The location, layout and size of all proposed lots;
 - 2. Proposed and existing structures including elevations and floor plans as known (plans which show building envelopes rather than footprints must include postconstruction treatment of unoccupied areas of the building envelopes);
 - 3. The identification and description of the properties involved in the site plan;

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4. The legal description of the lot to be subdivided;
 5. The name and address of the developer;
 6. The name, address and seal of the Washington licensed professional land surveyor and the project's Washington licensed civil engineer;
 7. The scale, datum and northpoint;
 8. The building setback lines for each lot;
 9. All proposed and existing uses, zoning and property boundaries within one hundred feet of any boundary of the site;
 10. The location and identification of critical areas within five hundred feet of any boundary of the site;
 11. The location, widths and names of all existing or prior platted streets, public ways, utility rights-of-way, parks and other recreation spaces within or adjacent to the site;
 12. The location and size of utility trunks serving the site;
 13. The location and size of water bodies and drainage features, both natural and manmade, within five hundred feet of any boundary of the site;
 14. Stormwater management plans as required by the adopted DOE Stormwater Management Manual in accordance with CMC Section 15.64.230;
 15. The location of any significant trees or significant stands of trees as defined by Chapter 15.08 CMC;
 16. A conceptual grading plan showing proposed clearing and existing and proposed topography, detailed to five-foot contours, unless smaller contours are otherwise requested;
 17. A layout of streets, their names and widths of easements. The names of the streets shall conform to the name of the corresponding streets and to the general system of naming used by the city of Carnation;
 18. A complete environmental checklist, if the subdivision is not exempt from SEPA per CMC Chapter 14.04;
 19. Certificates of sewer and water availability;
 20. Copies of all easements, deed restrictions or other encumbrances restricting the use of the subject property;
 21. A list of all property owners within three hundred feet of any boundary of the site;
 22. A copy of the most current assessor's map obtained from King County department of assessments;
 23. Documentation of the date and method of segregation for the subject property verifying that the lot or lots were not created in violation of the short subdivision or subdivision laws in effect at the time of creation;
 24. Lists of any other development permits or permit applications having been filed for the site;
 25. Payment of any application fees and development deposits imposed by the city.
- D. The city planner may waive specific submittal requirements determined to be unnecessary for assessing compliance with permit criteria.

15.16.160 Final short plat submittal requirements.

- A. All short subdivisions shall meet the following provisions prior to recording:
1. All final short subdivisions shall be surveyed and the final recording forms shall be prepared by a licensed land surveyor.
 2. Surveys shall include those items prescribed by RCW 58.09.060, Records of Survey, Contents—Record of Corner, Information.
 3. Plat certificates or owner's duplicate certificates for land registered pursuant to Chapter 65.12 RCW, Registration of Land Titles, shall be obtained and provided by the owners of any approved short subdivision.
 4. A supplemental plat certificate shall be provided if the final short plat is not recorded within thirty days of the original certificate or supplemental certificate date.
 5. All required improvements must be constructed, installed and approved, or adequate security given for the proper construction and installation of the improvements as specified for site improvements in this title.
- B. Final plat recording forms shall include the following signatures, approvals, or information in the format prescribed by the director:
1. Name of the subdivision;
 2. Location by section, township and range, or by other legal description;
 3. The name and seal of the professional land surveyor licensed in the State of Washington;
 4. Scale shown graphically, datum and northpoint. The scale of the final site plan shall be such that all distances and bearing can be clearly and legibly shown thereon in their proper proportions. Site plans unduly cramped and whose essential data cannot be clearly read will not be approved;
 5. Boundary of plat based on an accurate traverse, with angular and lineal dimension;
 6. Exact location, width, and name of all streets within and adjoining the plat, and the exact location and widths of all alleys and crosswalkways. The name of a street shall not duplicate that of any existing street in the city. Proposed street names shall be checked with the proper officials;
 7. True courses and distances to the nearest established street lines or official monuments which shall accurately describe the location of the plat;
 8. Municipal, township, county or section lines accurately tied to the lines of the development by distance and courses;
 9. Radii, internal angles, points of curvature, tangent bearings and lengths of all areas;
 10. All easements for rights-of-way provided for public service or utilities;
 11. Lots designated by number within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose;
 12. Accurate location of all monuments, which shall be concrete and four inches by four inches at top, six inches by six inches at bottom and twenty-four inches long with a metal marker cast in the center. One

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- such monument shall be placed at each street intersection, and at a location to complete a continuous line of sight and at such other locations as required by the city engineer;
13. All plat meander lines or reference lines along bodies of water shall be established above the ordinary high water mark;
 14. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon and in the dedication; and any areas to be reserved by deed covenant for common uses of all property owners;
 15. Building setback lines accurately shown with dimensions;
 16. Notarized signatures of all persons having an ownership or security interest in the land being subdivided;
 17. Approval of the city engineer;
 18. Approval of the public works director;
 19. Approval of the city planner;
 20. Approval of the city manager
 21. One mylar of the final plat;
 22. One electronic copy of the final plat as approved, shall be submitted to the public works director in a format specified by the director;
 23. Payment of any application fees and deposits imposed by the city.

(Ord. 747 (Exh. A) (part), 2008)

(Ord. No. 833, § 3, 7-2-2013)

Part II. Formal Subdivisions

15.16.220 Subdivision design.

New residential subdivisions are encouraged to incorporate the following design goals in order to promote livable neighborhoods that are integrated into existing development:

- A. New residential projects should be designed to integrate with the surrounding neighborhood. Wherever possible, new subdivisions should be designed so that individual separately designed projects work together to create distinct neighborhoods rather than disjointed or isolated enclaves.
- B. New subdivisions adjacent to planned or existing parks or other public open spaces should maximize visibility and pedestrian access to these areas.
- C. Wherever feasible, new public streets and sidewalks should be aligned with and connected to those of adjacent developments, in accordance with this chapter and Chapter 15.56 CMC Streets and Sidewalks.
- D. Subdivision design should provide for pedestrian connectivity within each project as well as to adjacent neighborhoods, nearby schools and parks, and to transit. All streets and sidewalks should be designed to provide safe and pleasant conditions for pedestrians, the disabled and cyclists.

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- E. The length of block faces between intersecting streets should be as short as possible, ideally not more than four hundred feet, to enhance pedestrian connectivity.
 - F. To the extent possible, developments should be configured to face streets and not back up to them. Where subdivisions must back up to existing streets or arterials and a fence is provided, a minimum ten-foot landscape buffer shall be required to screen any tall fences. Landscaping shall follow the requirements of Chapter 15.76 CMC Screening, Landscaping and Trees.
 - G. Single loaded streets (i.e., those with residential development on one side and open space on the other) should be used to provide public access and visibility of natural open spaces, public parks, or schools, as well as buffering homes from parks and schools. Where single-loaded streets are both feasible or desirable, other methods that provide similar access and visibility may be used, including private streets, bike and pedestrian paths, or the placement of private common open space or recreation facilities adjacent to the public open space.
 - H. The use of cul-de-sacs should be avoided wherever possible. If cul-de-sacs are necessary, pedestrian access and/or bikeway should be provided between private parcels to connect with an adjacent cul-de-sac, street, park or open space, if applicable.
 - I. Alleys may be provided for garage access. Otherwise, individual lots are encouraged to be wide enough to accommodate garages at the side or rear of the lot, to minimize the appearance of street frontage that is dominated by garages and pavement.
 - J. Where a new subdivision adjoins an existing subdivision or neighborhood, perimeter buffers, fences and landscaping shall be required when these features serve to mitigate any adverse impacts of the new subdivisions on adjoining neighborhoods.

(Ord. 747 (Exh. A) (part), 2008)

15.16.250 Complete application.

A proposed subdivision application shall be considered under the subdivision, zoning and other land use control ordinances in effect on the land at the time a fully complete application for a subdivision has been submitted to the city, pursuant to RCW 58.17.033.

- A. Applications shall be on forms prescribed by the city planner and shall include such information as deemed necessary to establish compliance with this section.
- B. Applications for a subdivision shall be signed by all property owners or their authorized agents, with supporting documents as required below and which contain sufficient information to determine compliance with adopted rules and regulations including, but not limited to, Chapter 43.21C RCW; SEPA as implemented by Chapter 197-11 WAC; CMC Title 12, Streets, Sidewalks and Public Places; CMC Title 13, Public Services; Chapter 14.04 CMC, Environmental Policy Act; CMC Title 15 Land Use, the civil engineering standards for water, sewer and streets, and administrative rules adopted to implement any such code or ordinance provisions.
- C. The proposed plan shall be prepared by a professional land surveyor or engineer licensed in the state of Washington. The proposed site plan shall be at a scale of one foot equals fifty feet, one foot equals sixty feet or one foot equals one hundred feet, or other scale determined by the city planner, and shall include:
 - 1. The location, layout and size of all proposed lots;

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2. Proposed and existing structures including elevations and floor plans as known (plans which show building envelopes rather than footprints must include postconstruction treatment of unoccupied areas of the building envelopes);
 3. The identification and description of the properties involved in the site plan;
 4. The legal description of the lot or lots to be subdivided;
 5. The name and address of the developer;
 6. The name, address and seal of the project's Washington licensed engineer and the professional land surveyor licensed in the State of Washington;
 7. The scale, datum and northpoint;
 8. The building setback lines for each lot;
 9. All proposed and existing uses, zoning and property boundaries within one hundred feet of any boundary of the site;
 10. The location and identification of critical areas within five hundred feet of any boundary of the site;
 11. The location, widths and names of all existing or prior platted streets, public ways, utility rights-of-way, parks and other recreation spaces within or adjacent to the site;
 12. The location and size of utility trunks serving the site;
 13. The location and size of water bodies and drainage features, both natural and manmade, within five hundred feet of any boundary of the site;
 14. Stormwater management plans as required by the adopted DOE Stormwater Management Manual in accordance with CMC Section 15.64.230;
 15. The location of any significant trees or significant stands of trees as defined by Chapter 15.08 CMC;
 16. A conceptual grading plan showing proposed clearing and existing and proposed topography, detailed to five-foot contours, unless smaller contours are otherwise requested;
 17. A layout of streets, their names and widths of easements. The names of the streets shall conform to the name of the corresponding streets and to the general system of naming used by the city of Carnation;
 18. A complete environmental checklist;
 19. Certificates of water and sewer availability;
 20. Copies of all easements, deed restrictions or other encumbrances restricting the use of the subject property;
 21. A list of all property owners within three hundred feet of any boundary of the site;
 22. A copy of the most current assessor's map obtained from the King County department of assessments;
 23. Documentation of the date and method of segregation for the subject property verifying that the lot or lots were not created in violation of the short subdivision or subdivision laws in effect at the time of creation;
 24. Lists of any other development permits or permit applications having been filed for the site;

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- 25. Payment of any application fees and development deposits imposed by the city.
 - D. The city planner may waive specific submittal requirements determined to be unnecessary for assessing compliance with permit criteria.

(Ord. 747 (Exh. A) (part), 2008)

(Ord. No. 845, § 4, 8-19-2014)

15.16.340 Final plat to conform to preliminary plat.

- A. Following preliminary plat approval, the developer is in position to go ahead with the improvement with the assurance that the final plat will be approved pursuant to the requirements in Chapter 15.09 CMC.
- B. The department may approve minor changes or revisions as are deemed necessary to the interest and needs of the public, consistent with the adopted policies and standards of the city.
- C. Subsequent approval of the “As-builts” providing engineering details of the proposed streets, storm drainage, sanitary sewer and water systems, and other proposed public facilities by the department and city engineer shall be required prior to approval of the final plat.

(Ord. 747 (Exh. A) (part), 2008)

15.16.350 Final plat approval.

- A. All subdivisions shall meet the following provisions prior to recording:
 - 1. All final subdivisions shall be surveyed and the final recording forms shall be prepared by a Washington licensed professional land surveyor;
 - 2. Surveys shall include those items prescribed by RCW 58.09.060, Records of Survey, Contents—Record of Corner, Information;
 - 3. Plat certificates or owner's duplicate certificates for land registered pursuant to Chapter 65.12 RCW, Registration of Land Titles, shall be obtained and provided by the owners of any approved subdivision;
 - 4. A supplemental plat certificate shall be provided if the final short plat is not recorded within thirty days of the original certificate or supplemental certificate date;
 - 5. All required improvements must be constructed, installed and approved, or adequate security given for the proper construction and installation of the improvements as specified for site improvements in this title.
- B. Final plat recording forms shall include the following signatures, approvals, or information in the format prescribed by the director:
 - 1. Name of the subdivision;
 - 2. Location by section, township and range, or by other legal description;
 - 3. The name and seal of the licensed professional land surveyor;
 - 4. Scale shown graphically, datum and northpoint. The scale of the final site plan shall be such that all distances and bearing can be clearly and legibly shown thereon in their proper proportions. Site plans unduly cramped and whose essential data cannot be clearly read will not be approved;

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5. Boundary of plat based on an accurate traverse, with angular and lineal dimension;
 6. Exact location, width, and name of all streets within and adjoining the plat, and the exact location and widths of all alleys and crosswalkways. The name of a street shall not duplicate that of any existing street in the city. Proposed street names shall be checked with the proper officials;
 7. True courses and distances to the nearest established street lines or official monuments which shall accurately describe the location of the plat;
 8. Municipal, township, county or section lines accurately tied to the lines of the development by distance and courses;
 9. Radii, internal angles, points of curvature, tangent bearings and lengths of all areas;
 10. All easements for rights-of-way provided for public service or utilities;
 11. Lots designated by number on the binding site plan within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose;
 12. Accurate location of all monuments, which shall be concrete and four inches by four inches at top, six inches by six inches at bottom and twenty-four inches long with a metal marker cast in the center. One such monument shall be placed at each street intersection, and at a location to complete a continuous line of sight and at such other locations as required by the city engineer;
 13. All plat meander lines or reference lines along bodies of water shall be established above the ordinary high water mark;
 14. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon and in the dedication; and any areas to be reserved by deed covenant for common uses of all property owners;
 15. Building setback lines accurately shown with dimensions;
 16. Notarized signatures of all persons having an ownership or security interest in the land being subdivided;
 17. Approval of the city engineer;
 18. Approval by the public works director;
 19. Approval of the city planner;
 20. Approval of the city manager
 21. Approval of the mayor;
 22. One mylar copy of the final plat as approved;
 23. One electronic copy of the final plat as approved shall be submitted to the public works director of the department in a format specified by the director;
 24. Payment of any application fees and deposits imposed by the city.

(Ord. 747 (Exh. A) (part), 2008)

(Ord. No. 833, § 4, 7-2-2013)

15.16.690 Recording.

- A. The proposed binding site plan for residential condominium approved by the city planner shall be recorded with the King County department of assessments and recorded with the King County department of records and elections within thirty days of approval. Upon recording, the site plan shall be binding on the owner, his heirs and assigns, and shall permit the division of land within the site. Divisions shall only be permitted upon the filing of a declaration under the Horizontal Regimes Act, Chapter 64.34 RCW, provided the structure or structures, road and parking systems, and related facilities substantially conform to the recorded binding site plan.
- B. The approved binding site plan for residential condominium recording forms shall include the following, in the format prescribed by the city planner:
 - 1. Name of binding site plan;
 - 2. Location by section, township and range, or by other legal description;
 - 3. The name and seal of the Washington licensed professional land surveyor;
 - 4. Scale shown graphically, datum and northpoint. The scale of the final site plan shall be such that all distances and bearing can be clearly and legibly shown thereon in their proper proportions. Site plans unduly cramped and whose essential data cannot be clearly read will not be approved;
 - 5. Boundary of binding site plan based on an accurate traverse, with angular and lineal dimension;
 - 6. Exact location, width, and name of all streets within and adjoining the binding site plan, and the exact location and widths of all alleys and crosswalkways. The name of a street shall not duplicate that of any existing street in the city. Proposed street names shall be checked with the proper officials;
 - 7. True courses and distances to the nearest established street lines or official monuments which shall accurately describe the location of the plat;
 - 8. Municipal, township, county or section lines accurately tied to the lines of the development by distance and courses;
 - 9. Radii, internal angles, points of curvature, tangent bearings and lengths of all areas;
 - 10. All easements for rights-of-way provided for public service or utilities;
 - 11. Lots designated by number on the binding site plan within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose;
 - 12. Accurate location of all monuments, which shall be concrete and four inches by four inches at top, six inches by six inches at bottom and twenty-four inches long with a metal marker cast in the center. One such monument shall be placed at each street intersection, and at location to complete a continuous line of sight and at such other locations as required by the city engineer;
 - 13. All plat meander lines or reference lines along bodies of water shall be established above the ordinary high water mark;
 - 14. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon and in the dedication; and any areas to be reserved by deed covenant for common uses of all property owners;
 - 15. Building setback lines accurately shown with dimensions;
 - 16. Notarized signatures of all persons having an ownership or security interest in the land being subdivided;

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17. Approval of the city engineer;
 18. Approval of the public works director;
 19. Approval of the city planner;
 20. One electronic copy of the final plat, as approved by the city planner, shall be submitted to the public works director in a format specified by the director;
 21. Payment of any application fees and deposits imposed by the city.

(Ord. 747 (Exh. A) (part), 2008)

Part II. Boundary Line Adjustments

15.18.100 Purpose.

The purpose of a boundary line adjustment is to accommodate a minor transfer of land between adjacent legally created lots in order to correct property line or setback encroachments, create better lot design, or improve access, without creating substandard lots, or substandard yard or setback areas pursuant to the standards set forth in RCW 58.17.040(6) and this part. It is not the purpose of a boundary line adjustment to create additional building lots. The creation of additional building lots must be accomplished through the land division process.

(Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.110 General procedure.

- A. An application for a boundary line adjustment shall include and show the following:
 1. The name, address, and phone number of all owners of all parcels involved in the boundary line adjustment;
 2. Existing legal descriptions for all parcels involved and the proposed legal descriptions for all parcels involved upon completion of the boundary line adjustment; and
 3. A legible scale drawing prepared by a registered land surveyor of the properties involved in the adjustment showing at a minimum the following:
 - a. The existing dimensions of all properties and proposed new boundary line adjustment,
 - b. Identify adjacent streets, drainage channels, sewer and water lines,
 - c. Dimensioned existing and proposed easements, if any,
 - d. Existing structures, distance to property lines, and proposed property lines,

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- e. Indicate north,
 - f. The position of monumentation set at each new property corner;
 - g. Identify parcels as Lot A, Lot B, etc., and
 - h. Such other information as reasonably requested by the city.
- B. Owners of all parcels involved in the adjustment must sign the application.
 - C. A copy of a current title report for all properties involved shall be attached to the application.
 - D. Applicant shall provide proof that all past-due property taxes and/or LID assessments have been paid.
 - E. The application shall be reviewed the city planner to determine its adequacy and accuracy. The city planner, upon determination that the application is complete and accurate, and that the fee has been paid, shall approve or deny the application in accordance with those procedures for a Type I land use application set forth in Chapter 15.09 CMC.

(Ord. 748 § 2 (Exh. A) (part), 2008)

(Ord. No. 833, § 6, 7-2-2013)

15.18.115 Standards for approval

Boundary and lot line adjustments may be made in accordance with RCW 58.17.040(6); provided, that written administrative approval by the City Planner, consistent with the provisions of CMC Title 15, is granted. All approved boundary or lot line adjustments shall ensure that:

- A. No additional lot, tract, parcel, site or division is created;
- B. No lot, tract, parcel, site or division which does not meet the building lot criteria for dimensions and area within a zoning district is created;
- C. No lot line or boundary line subject to adjustment is realigned equal to or more than 90 degrees from its pre-existing configuration;
- D. The total area involved in the lot line adjustment is no greater than one-half of the area of the largest lot to be adjusted;
- E. The cumulative effect of the proposed boundary and/or lot line adjustment and all previous boundary and lot line adjustments involving any of the subject properties would not serve to erode the purpose of this title and Chapter 58.17 RCW;
- F. No environmental impacts would occur from allowing the boundary line or lot line adjustment; and
- G. The health, safety and welfare of the public will be protected.

Part III. Site Development Review

15.18.150 Purpose.

The purpose of site development review is to establish a permit process to review the conceptual plan for the development of property for residential (other than single detached), recreational/cultural, general services, business services, retail, manufacturing, and regional land uses where a division of property is not proposed under this title. Site development review precedes approval of a building permit or other construction permits, in order to ascertain that the general lay out of the development will conform to the requirements of this title, including but not limited to dimensional standards, streets and sidewalks, parking, landscaping and protection of critical areas.

(Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.220 Decision.

- A. A written record of decision shall be prepared in each case. The record may be in the form of a staff report or other written document and shall indicate whether the application is approved, approved with conditions or denied. The city planner's decision shall include any reasonable conditions to ensure consistency with the city's development regulations based upon, but not limited to, the following:
 - 1. Conformance of the proposed site development plan with any conditions on a portion of the site, and with any applicable codes and ordinances of the state of Washington and the city;
 - 2. A finding that the site plan makes appropriate provisions for, but not limited to, the public health, safety, and general welfare related to dedication of rights-of-way or recreation space, and tracts, easements, or limitations which may be proposed or required for utilities, access, drainage controls, sanitation and water supply;
 - 3. A finding that the proposal satisfies the design review requirements of Subsection 18.18.320 A.1. CMC.
 - 4. A finding that the site plan complies with all applicable provisions of this title, and all other applicable adopted administrative rules and regulations.
- B. Additional documents shall be submitted as necessary for review and approval such as a plat certificate, boundary survey, agreements, easements, and covenants.
- C. The decision of the city planner shall be final.
- D. The decision shall become effective ten calendar days after the decision has been mailed, or if an appeal is filed under Chapter 15.11 CMC, upon final resolution of the appeal.
- E. All construction and site development activities related to the site development plan review are prohibited until the decision becomes effective and until authorized by any subsequent required permits.

(Ord. 748 § 2 (Exh. A) (part), 2008)

(Ord. No. 953, § 2(Exh. A), 4-5-2022)

Part IV. Design Review

15.18.240 Purpose and adoption of design guidelines.

The document entitled Design Standards and Guidelines ("Design Standards") are adopted by reference and incorporated by this reference as if set forth in full. The design standards are intended to provide clear objectives for those embarking on planning and design of commercial and multifamily projects in Carnation, to increase awareness of design considerations among the citizens of Carnation and to maintain and enhance property values within Carnation.

(Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.250 Applicability and process.

- A. The design standards apply to all nonsingle-family development in the following zones: central business district, mixed use, service commercial and multifamily residential zones, and in the public use zone where the property abuts Tolt Avenue. The design standards also apply to all properties located within two hundred feet of Tolt Avenue from the mixed use zone south to the city limits.
- B. Within the zoning districts identified in subsection A of this section, the design standards apply only to the following:
 - 1. New construction, except for single-family detached housing;
 - 2. Major exterior remodels, defined as all remodels within a three-year period whose value exceeds fifty percent of the value of the existing structure, as determined by city of Carnation valuation methods, except as provided in CMC Section 15.18.270;
 - 3. Minor exterior remodels, defined as all remodels within a three-year period with value of fifty percent of the valuation or less.
- C. The design standards do not apply to remodels that do not change the exterior appearance of the building. However, if a project involves both exterior and interior improvements, then the project valuation shall include both exterior and interior improvements.
- D. Projects subject to design review where a site development permit is required pursuant to Chapter 15.18; Part III CMC, shall apply only for said permit and such application shall also be regarded a design review application for the purposes of this title. All other provisions of this title shall apply to said application. (Ord. 748 § 2 (Exh. A) (part), 2008)

5.

Chapter 15.36 ZONING DISTRICTS AND ZONING MAP

Part I. Zoning Districts

15.36.010 Residential districts established.

- A. The following residential districts are established: residential 2.5(R2.5), residential 3 (R3), residential 4(R4), residential 6 (R6), residential 12 (R12), multifamily residential (R24), and residential mobile home park (RMHP). Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and

disruptive activities that properly belong in nonresidential districts. Other objectives of some of these districts are explained in the remainder of this section.

- B. The R2.5, R3, R4 and R6 districts are designed primarily to accommodate single-family detached residential uses at a variety of densities in areas served by public utilities and services.
- C. The R12 and R24 districts are designed primarily to accommodate a range of housing types including townhouse, cottage and multifamily developments at a scale that is appropriate to the city of Carnation.
- D. The residential mobile home park (RMHP) district is designed primarily to accommodate mobile and manufactured home parks. The RMHP zone is limited to one area within the city and must be protected to preserve the limited housing opportunities and to provide a more affordable housing alternative. Areas zoned RHMP in the City are preserved only for mobile and manufactured home parks and are not subject to rezoning.
- E. Wherever in Carnation Municipal Code are found the terms SR12.5, UR10.8, UR7.5 and UR5, they shall be construed to be the equivalent of the following, respectively: R2.5, R3, R4 and R6.
- F. Wherever in Carnation Municipal Code are found the terms MU2 and MFR, they shall be construed to be the equivalent of the following, respectively: R12 and R24. (Ord. 700 § 6 (Exh. F) (part), 2006: Ord. 670 § 4 (Exh. D) (part), 2005)

(Ord. No. 798, § 2(Exh. A), 9-6-2011)

15.36.020 Commercial districts established.

- A. The following commercial districts are established: central business district (CBD), mixed use district (MU), horticultural commercial (HC), Agri-tourism and Industries (AGI) and service commercial (SC). These districts are created to accomplish the purposes and serve the commercial and employment needs of the city and to meet the objectives set forth in the comprehensive plan, and the remainder of this section. These districts may include overlay zones, meaning that these districts may be overlaid with other districts and the land so encumbered may be used in a manner permitted by these underlying districts only if and to the extent such use is also permitted by the overlay district.
- B. The central business district (CBD) is designed to accommodate a wide variety of commercial and limited residential and office activities that will result in the most appropriate and attractive use of the city's traditional central business district. The CBD is characterized by historic buildings and a pattern of land development of small lots served by alleys. The purpose of this zone is to enhance the pedestrian environment along Tolt Avenue by allowing and encouraging retail uses that draw pedestrians, and by restricting nonretail uses such as residences and offices to areas that do not front on Tolt Avenue. Development in the CBD is subject to the design standards and guidelines contained in CMC Chapter 15.96.
- C. The service commercial district (SC) is designed to accommodate commercial activities that provide needed services and goods to the residents of the area, particularly those types of commercial uses that require substantial parking and vehicular access from the state highway. Example uses may include, but are not limited to grocery stores, hair salons, dry cleaners, restaurants, shoe and clothing stores, hardware stores and pet supply stores. Residential uses are not allowed. Development in the SC zone is subject to the design standards and guidelines contained in CMC Chapter 15.96 and must be designed to provide pedestrian and bicycle access from the existing community as well as vehicular access from the state highway.
- D. The horticultural commercial zone (HC) is designed to accommodate commercial activities that are consistent with the city's agricultural heritage and may attract visitors and destination shoppers from outside the city. Example uses may include, but are not limited to nurseries, demonstration gardens, fresh produce

and open air markets, fine dining establishments, hotels, wineries, florists, gift boutiques and small retail stores.

- E. The mixed use district (MU) is designed to accommodate a mixture of certain, limited residential uses, office uses and commercial uses. It is intended that this zoning classification be applied primarily in areas adjacent to the central business district, or as a transition zone between commercial and residential uses.
- F. The Agri-tourism and Industries (AGI) zone represents a zone that provides for commercial and in some cases light industrial uses that have evolved from agricultural activities typical to the Snoqualmie Valley. Uses include marketing, processing and assembling agricultural, dairy, bakery, landscape, nursery and garden accessories; marketing, processing and assembling prepared foods and drinks for consuming on site or for distribution; and marketing of entertainment activities including festivals and educational experiences. Tourist related activities may include restaurants, retail stores, overnight accommodation, petting zoos, performances, amusement parks and similar activities. (Ord. 700 § 6 (Exh. F) (part), 2006: Ord. 670 § 4 (Exh. D) (part), 2005)

(Ord. No. 798, § 2(Exh. A), 9-6-2011; Ord. No. 890, § 5, 10-17-2017)

15.36.030 Light industrial/manufacturing district established.

The light industrial/manufacturing district (LI/M) is established primarily to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, selling or assembling of goods, merchandise, or equipment. Breweries, craft distilleries and wineries may also be permitted in this zone. (Ord. 700 § 6 (Exh. F) (part), 2006: Ord. 670 § 4 (Exh. D) (part), 2005)

(Ord. No. 798, § 2(Exh. A), 9-6-2011)

15.36.032 Reserved.

Editor's note(s)—Ord. No. 907, § 4, adopted Oct. 16, 2018, repealed § 15.36.032, which pertained to public use district established and derived from Ord. No. 700, § 6(Exh. F) (part), adopted 2006; Ord. No. 670, § 4(Exh. D) (part), adopted 2005; Ord. No. 798, § 2(Exh. A), adopted Sept. 6, 2011.

15.36.034 Parks and recreation district established.

The parks and recreation district (P/R) is established to accommodate the appropriate location and development of parks that serve the recreational and open space needs of the community. It is intended that this zoning classification be applied primarily to publicly owned parks, recreational facilities, and open space. (Ord. 700 § 6 (Exh. F) (part), 2006: Ord. 670 § 4 (Exh. D) (part), 2005)

(Ord. No. 798, § 2(Exh. A), 9-6-2011)

15.36.036 Public use overlay district.

A public use district (PU) is established as an "overlay" district, meaning that this district is overlaid upon other districts and in addition to the uses permitted by the underlying district the land so designated may be used to accommodate the appropriate location and development of public uses that serve the cultural, educational, and public service needs of the community. It is intended that this overlay district be applied primarily to government facilities, public schools and related facilities, watersheds and related public utilities, and other public uses that are compatible with the intent of the PU overlay district. Application of the public use overlay district shall be

accomplished using the same procedures that apply to any other amendments to the zoning map, either area-wide or site-specific as applicable, as set forth in Chapter 15.100 CMC.

(Ord. No. 907, § 2, 10-16-2018)

Chapter 15.40 PERMISSIBLE USES²

15.40.010 Table of permissible uses.

The table of permissible uses set forth in this chapter establishes the permissible uses for the various zoning districts in the city, subject to other applicable provisions in this title. Land uses are defined in Section 15.08.010.

(Ord. 700 § 7 (Exh. G) (part), 2006)

(Ord. No. 890, § 2(Exh. A), 10-17-2017; Ord. No. 957, § 2(Exh. A), 6-21-2022)

15.40.100 Uses permitted in residential zones.

**Chapter 15.40 Table 1
Table of Permitted Uses in Residential Zones**

"P" = Use is permitted

"S" = Use is allowed and subject to the special use permit criteria in CMC 15.18.040

"C" = Use is allowed and subject to the conditional use permit criteria in CMC 15.18.040

" " = Use is prohibited

Use	R2.5	R3 R4 R6	R12	R24	Conditions/ Reference
Dwelling Units					
Single-family detached	P	P (X)	P (Y)		(X) CMC 15.96.050 (R6 zone only) (Y) CMC 15.96.060
Accessory dwelling unit	P	P	P		CMC 15.46. Type I Permit Required.
Class A, B, and C mobile home					
Cottage housing	C (X)	C (X)	P	P	CMC 15.96.080

²Editor's note(s)—Prior ordinance history: Ords. 625, 670 and 681.

Townhouse			P ^(x)	P	No more than 5 units per building. ^(x) Permitted only when served by alley or other shared access.
Duplex	S ^(x)	S ^(x) ^(y)	P ^(z)		^(x) On corner lots, separate entrances are required facing each street ^(y) CMC 15.96.050 (R6 zone only) ^(z) CMC 15.96.060. Permitted only when served by alley or other shared access.
Multifamily			P	P	
Senior housing	S	S	P	P	Must be designed as one of the other dwelling unit types permitted in the zone. CMC 15.44.180
Permanent supportive housing			C	C	
Group Living					
Adult family home	P	P	P	P	
Assisted living			P	P	
Nursing home	C ^(x)	C ^(x)		C	^(x) 4,000 GSF maximum
Agriculture					
Forestry and logging	C				
Civic					
Public safety facility			P	P	CMC 15.120
Religious facility	C	C			4,000 GSF maximum
School, preschool, elementary, junior high/middle		P ^(x)	P	P	CMC 15.120 ^(x) Preschool and elementary only
Schools, high school		C	C	C	
Day Care					
Family day care provider	P	P	P	P	CMC 15.44.110
Child day care center			C	C	CMC 15.44.110 2,000 GSF maximum

Overnight Lodging					
Bed and breakfast inns	S	S			CMC 15.44.150
Utilities					
Utility facilities, neighborhood	P (X)	P (X)	P	P	(X) 2,000 GSF maximum facility footprint

(Ord. No. 957, § 2(Exh. A), 6-21-2022)

15.40.105 R12 zone housing mix requirement.

A. In the R12 zone, subdivisions shall integrate a mixture of at least three different housing types and no single housing type may occupy more than 60 percent of the total dwelling units in a subdivision. This standard shall apply to the whole subdivision rather than each lot in the subdivision. Conditions on the plat shall be provided to ensure conformance with this standard for a period of ten years from the date of final subdivision approval. Applicable housing types:

1. Single family detached residences.
2. Cottage housing units. For the purposes of complying with this housing mix standard, each individual cottage shall count as a separate dwelling unit for the purpose of calculating density.
3. Townhouse.
4. Duplex.
5. Multifamily.
6. Assisted living facility. For the purposes of complying with this housing mix standard, a dwelling unit is defined as a place of residence or a room. For a facility where residents have individual rooms that open onto central corridors, each room is considered a unit. Similarly, a room that opens onto a central corridor and contains two patient beds should also be considered one dwelling unit.

Note: Dwelling units in a senior housing development shall be counted based on the housing type defined above they utilize.

B. Exceptions: For lots less than ten gross acres in area as of the adoption date of this ordinance, at least two housing types shall be utilized and no single housing type may occupy more than 80 percent of the total dwelling units on a lot. Lots less than five gross acres in area as of the effective date of this ordinance [October 31, 2018] are exempt from the requirements of this section.

Figure 15.40.105(A) R12 zone development example illustrating how a mixture of housing types can be



Note that the properties adjacent to SR-203 lie outside of the R12 zone. Live-work townhouses refer to units that have high floor to ceiling heights along the street-front portions of the units that allow for ground level commercial use and a live + work arrangement.

(Ord. No. 957, § 2(Exh. A), 6-21-2022)

15.40.110 RMHP zone uses.

A. Permitted uses.

1. Class A, B, and C mobile/manufactured home.

(Ord. No. 957, § 2(Exh. A), 6-21-2022)

15.40.120 Uses permitted in non-residential zones.

Chapter 15.40 Table 2
Table of Permitted Uses in Non-Residential Zones

Note: For non-residential development in the MU zone, refer to CMC 15.40.140. "P" = Use is permitted

"S" = Use is allowed and subject to the special use permit criteria in CMC 15.18.040

"C" = Use is allowed and subject to the conditional use permit criteria in CMC 15.18.040

" " = Use is prohibited

Use	CBD	MU	SC	LI/M	HC	AGI	Conditions/Reference
Dwelling Units							
Single-family detached					S	S	Single-family detached permitted in the HC and AGI zones as a caretaker residence. Subdivisions not allowed.
Caretaker residence	S	S	S	P	P	P	

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Cottage housing		P					Not allowed to front Tolt Avenue. CMC 15.40.150
Townhouse		P (x)					No more than 5 units per building. CMC 15.40.150 (x) A permitted non-residential use must occupy the ground floor along Tolt Avenue and West Entwistle St.. Residential entryways are permitted on Tolt Avenue.
Duplex							
Multifamily		P (x)					CMC 15.40.150 (x) A permitted non-residential use must occupy the ground floor along Tolt Avenue and West Entwistle St.. Residential entryways are permitted on Tolt Avenue.
Mixed use	P (x)	P (x)					CMC 15.40.150 CMC 15.44.190 (x) A permitted non-residential use must occupy the ground floor along Tolt Avenue and West Entwistle St.. Residential entryways are permitted on Tolt Avenue.
Senior housing		P (x)					CMC 15.40.150 CMC 15.44.180 Must be designed as one of the other dwelling unit types permitted in the zone. (x) A permitted non-residential use must occupy the ground floor along Tolt

							Avenue and West Entwistle St.. Residential entryways are permitted on Tolt Avenue.
Permanent supportive housing	P (x)	P (x)					CMC 15.40.150 (x) A permitted non-residential use must occupy the ground floor along Tolt Avenue and West Entwistle St.. Residential entryways are permitted on Tolt Avenue.
Group Living							
Adult family homes		P (x)					(x) A permitted non-residential use must occupy the ground floor along Tolt Avenue and West Entwistle St.. Residential entryways are permitted on Tolt Avenue.
Assisted living		P (x)					CMC 15.40.150 (x) A permitted non-residential use must occupy the ground floor along Tolt Avenue and West Entwistle St.. Residential entryways are permitted on Tolt Avenue.
Nursing home		C					4,000 GSF maximum
Agriculture							
Crop production					P	P	
Forestry and logging							
Animal production and pasture							
Animals							Title 6 CMC
Animal care	C	C	C	P	P	P	
Pet day care	C	C	C	P		P	CMC 15.44.130
Veterinary services		P	P		P	P	
Automotive							
Automotive service and repair	C (x)	C (x)	P (x)	P			(x) All activities enclosed within structure. No accessory storage structures.

Beverage stands	S (x)		S (x)	S (x)		P	CMC 15.72.110 500 GSF maximum (x) No vehicle access from Tolt Avenue
Fuel station			P				
Parking lots and garages (as a principal use)	P		P				
Transportation service				P	P	P	
Vehicle sales/rental			P (X)	P (Y)			(x) All activities enclosed within structure. (y) No accessory storage structures.
Civic							
Public safety facility	P	P	P	P			CMC 15.120
Public service facility	P (x)	P (x)	P	P	P	P	(x) Excluding maintenance shops.
Religious facility	P (x)				P (y)		(x) 10,000 GSF maximum (y) 20,000 GSF maximum
Secure community transition facilities				C			RCW 71.09.285
School, preschool, elementary, and junior high/middle		P					CMC 15.120
School, high school		C					
Colleges, universities, and professional schools		P					CMC 15.120
State or regional transportation facilities				C			RCW 47.06.140 CMC 15.120
Day Care							
Family day care provider	P	P	P			P	CMC 15.44.110
Child day care center	P	P	P				CMC 15.44.110
Industrial							
Industrial, heavy							

Industrial, light				P		P (x)	X Food and drink manufacturing only
Manufacturing, artisan	P	P	P	P	P	P	4,000 GSF maximum
Manufacturing, light				P		P (x)	(x) Food and drink manufacturing only
Marijuana producers, processors					P		CMC 15.110 Location restrictions: RCW 69.50.331(8) Cooperatives per RCW 69.51A.250 are prohibited
Research and development		C (x)	C (x)	P			(x) May not be located on the ground floor along Tolt Avenue.
Self-service storage				P		P	CMC 15.44.160 20,000 GSF maximum
Warehousing				P		P	
Wholesale trade				P (x)		P	(x) No accessory storage structures.
Medical							
Hospital							CMC 15.120
Medical office/clinic	P	P	P				
Office							
Professional office	P (x)	P (x)	P (x)	P		P	(x) May not be located on the ground floor along Tolt Avenue, except for financial, insurance, and real estate services
Private educational services	P	C	P		P	P	2,000 GSF maximum
Overnight Lodging							
Bed and breakfast inns	S	P	P		P	P	
Hotel/motel	P	P (x)	P		P (x)	P	(x) 4,000 GSF maximum
Recreation							
Adult entertainment establishments				P			CMC 15.44.100

Gambling industries						P	
Fitness/sport centers	P (X) (Y)	P (Y)	P (Z)	P	P	P	(X) Parking: CMC 15.72.010(A)(1) (Y) 2,000 GSF maximum (Z) 4,000 GSF maximum
Indoor recreation	P	P (X)	P	P		P (Y)	(X) 5,000 SF maximum (Y) 10,000 SF maximum
Indoor theater	P	S (X)	P				(X) 10,000 SF maximum
Outdoor recreation			S	C	C	P	
Recreational camps				P		P	Permitted daytime and overnight camps allowed. Overnight camps are for recreational use for no more than 30 days and may include RV, cabins or other recreational use.
Retail and Restaurants							
Retail sales	P	P	P	P	P (X)	P	(X) 2,000 GSF maximum
Heavy retail sales		P (X)	P (X)(Y)	P	P		(X) No accessory storage structures. (Y) CMC 15.44.170
Restaurants and cafes	P	P	P	P	P	P	
Bars	P	P	P	P	S	P	
Marijuana retailer			C	C	C	C	CMC 15.110 Location restrictions: RCW 69.50.331(8)
Service							
General service	P (X)	P (X)	P (X)		P	P	(X) No accessory storage structures or outdoor storage or display of merchandise.
Consumer goods service	P (X)	P (X)	P (X)	P			(X) No accessory storage structures or outdoor storage or display of merchandise.

Personal care service	P	P	P	P			
Funeral home		P					
Utilities							
Utility facilities, regional				C			
Utility facilities, neighborhood		C (x)	P	P	P	P	(x) 2,000 GSF maximum facility footprint
Wireless telecommunications facility	C	C	C	C	C	C	CMC 15.98

(Ord. No. 957, § 2(Exh. A), 6-21-2022)

15.40.130 PR zone uses (parks).

- A. Permitted uses:
 - 1. Parks.
- B. Special uses:
 - 1. Caretaker residence.
 - 2. Indoor recreation.
 - 3. Outdoor recreation.
 - 4. Recreational camps.
 - 5. Public service facilities.
 - 6. Cemetery.
- C. Conditional uses:
 - 1. Wireless telecommunications facility. Must meet all requirements of CMC 15.98.

(Ord. No. 957, § 2(Exh. A), 6-21-2022)

15.40.140 MU zone hours of operation.

- A. All non-residential uses in the MU zone are subject to limitations on hours of operation.
- B. Nighttime hours are 10:00 PM to 7:00 AM.
- C. Activities that may be restricted by the city planner during any portion of nighttime hours include:
 - 1. Outdoor dining, entertainment, and recreational activities.
 - 2. Outdoor use of commercial tools and equipment.
 - 3. Non-essential exterior lighting and sound amplification.
 - 4. Deliveries and freight loading.

-
5. Any other activities that create excessive noise, vibrations, or odors which may impact residents on the same property or adjacent properties.

(Ord. No. 957, § 2(Exh. A), 6-21-2022)

15.40.150 Non-residential construction standards.

- A. CBD and MU zones. All permitted mixed use and non-residential development on parcels that front on Tolt Avenue must have a permitted nonresidential use occupying the ground floor along Tolt Avenue and meet all commercial building standards.
- B. MU zone. All permitted residential development on parcels that front West Entwistle Street must have a permitted non-residential use occupying the ground floor along West Entwistle and meet all commercial building standards.

(Ord. No. 957, § 2(Exh. A), 6-21-2022)

Chapter 15.44 SUPPLEMENTARY USE REGULATIONS

Part I. General Provisions

15.44.040 Vehicles as temporary dwelling units.

- A. No vehicle shall be occupied for residential or commercial purposes anywhere in the city of Carnation, except:
 1. In the case of temporary uses per Section 15.44.040 (Temporary emergency, construction, or repair residences); or
 2. Recreational vehicles may be occupied by visitors within residential zones for a period not to exceed thirty days where a zoning permit has been granted for such use, provided:
 - a. Temporary occupancy shall not exceed thirty days in a calendar year/visitor. The property owner where the vehicle shall be parked must approve and a permit must be issued by the City of Carnation and be visible in the vehicle,
 - b. Under no circumstances shall a recreational vehicle or vehicle be occupied while parked overnight on a public street, public park or adjacent to a public park,
 - c. No recreational vehicle shall be serviced by a temporary or permanent sewer hook-up emptying into a private septic system or a municipal sewer, and
 - d. Nor shall any space be provided for an occupied recreational vehicle for monetary or other compensation.
- B. An applicant for such temporary use permit shall have seven days to make application to the city.
- C. Recreational vehicles may be occupied for recreational or vacation purposes for no more than 30 days in a permitted RV park as defined in 15.08.010.

(Ord. 670 § 6 (Exh. F) (part), 2005)

15.44.070 Reserved.

Editor's note(s)—Ord. No. 958, § 2(Exh. A), adopted June 21, 2022, repealed § 15.44.070, which pertained to mobile sales and delivery and derived from Ord. 670 § 6 (Exh. F) (part), adopted 2005.

15.44.080 Reserved.

Editor's note(s)—Ord. No. 958, § 2(Exh. A), adopted June 21, 2022, repealed § 15.44.080, which pertained to planned business district and derived from Ord. 670 § 6 (Exh. F) (part), adopted 2005.

15.44.090 Reserved.

Editor's note(s)—Ord. No. 958, § 2(Exh. A), adopted June 21, 2022, repealed § 15.44.090, which pertained to residential agriculture (RA) district and derived from Ord. 670 § 6 (Exh. F) (part), adopted 2005.

15.44.100 Sexually-oriented businesses and erotic entertainment establishments.

- A. Location Requirements. "Sexually oriented business" and "erotic entertainment establishment" as defined in Chapters 5.48 and 5.52 of the Carnation Municipal Code, shall be permitted to locate only in the light industrial/manufacturing (LI/M) zoning district provided such business is properly permitted and licensed under Chapter 5.48 or 5.52 and provided it meets all of the requirements of the LI/Manufacturing zoning district and the specific requirements of this title.
- B. Buffers from Incompatible Uses.
 - 1. Sexually oriented business and erotic entertainment establishments shall not be located within the following buffer areas:
 - a. Within 1,000 feet of any church or other religious facility or institution;
 - b. Within 1,000 feet of any public or private school, technical school, daycare, preschool or training facility which has twenty-five percent or more of their students under the age of eighteen;
 - c. Within 1,000 feet of any youth center;
 - d. Within 1,000 feet of any playground or public park.
 - 2. The distance provided herein shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed sexually-oriented business or erotic entertainment establishment is or is to be located, to the nearest point of the parcel or property from which the proposed sexually-oriented business or erotic entertainment establishment is to be separated.
 - 3. Nothing within the locational requirements set forth herein shall preclude a sexually-oriented business or erotic entertainment establishment from conducting more than one sexually-oriented business or erotic entertainment establishment within a single structure provided the business shall comply with the provisions of this chapter, Chapters 9.44, 9.48, and all other city requirements.
 - 4. In the event a sexually-oriented business or erotic entertainment establishment is legally established in accordance with the requirements of the chapter, and a land use or activity described in subsections (B)(1)(a) through (B)(1)(d) of this section locates within the required separation distance, the zoning conformity of the legally established sexually-oriented business or erotic entertainment establishment shall not be effected unless the adult business use is abandoned for a continuous period of one hundred twenty days.

(Ord. 670 § 6 (Exh. F) (part), 2005)

15.44.140 Electric vehicle battery charging stations.

- A. Within all zones electric vehicle battery charging stations shall be allowed as accessory uses to any principal use.
 - 1. Within residential zones, electric vehicle battery charging stations shall be located internal to a garage, or a minimum of 15 feet from the edge of the right-of-way.
- B. Electric vehicle battery charging stations that are open to the public shall be allowed as accessory use to any principal use in the CBD, SC, LI/M, MU and PU zones. All such electric vehicle charging stations, open to the public, shall comply with the following requirements:
 - 1. An electric vehicle charging station space may be included in the calculation for minimum required parking spaces per Chapter 15.72 CMC Parking.
 - 2. Electrical Permit Requirements. Installation of electric vehicle charging station shall meet all applicable manufacturing and installation requirements, including without limitation all applicable installation requirements set forth in the state electrical code.
 - 3. Signage.
 - a. Each charging station space shall be posted with signage indicating the space is only for electrical vehicle charging purposes.
 - b. Information about the charging station shall be provided, including but not limited to voltage and amperage levels, time of use, fees and safety information.
 - c. Directional signs shall be installed at entrances to parking area and/or at other points that will effectively guide motorists to the charging station space.
 - 4. Lighting. All charging equipment accessible to the public during night time hours shall include lighting sufficient to ensure the visibility and safe operation of such equipment.
 - 5. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.
 - 6. Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, charging equipment shall be located so as to not interfere with accessibility requirements of WAC 51-50-005.

(Ord. No. 863, § 2, 8-4-2015; Ord. No. 958, § 2(Exh. A), 6-21-2022)

15.44.150 Bed and breakfast inns.

- A. Bed and breakfast inns with no more than four rooms for rent per residence are allowed as a special use in all single family residential zones.
- B. Accessory buildings that were lawfully established may be considered part of a bed and breakfast inn provided that, such detached bed and breakfast rooms shall not have facilities for cooking.
- C. In addition to the requirements for a special use permit a bed and breakfast inn shall satisfy the following requirements:
 - 1. The premises of the bed-and-breakfast operation is owner occupied;

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2. The bed-and-breakfast operation prepares food for, and offers food only to, individuals who are guests of the bed-and-breakfast;
 3. 15 guests or less are served at the bed-and-breakfast operation on any given day

(Ord. No. 958, § 2(Exh. A), 6-21-2022)

Part II. Grading, Filling, and Excavation

15.44.200 Grading permits—Exemptions and application requirements .

- A. Subject to Section 15.44.210 (Restrictions and requirements), no grading, excavation, or filling permits are required for the following activities:
 1. Routine agricultural activities such as plowing, harrowing, disking, ridging, listing, leveling, draining and similar operations to prepare a field or crop;
 2. Excavation for a septic tank, drainfield or well;
 3. Cemetery graves;
 4. Grading involving less than fifty cubic yards of material that is less than two feet in depth or that does not create a cut or fill slope greater than five feet in height and steeper than two horizontal to one vertical;
 5. Routine landscape maintenance and minor repair;
 6. Emergency situations involving immediate danger to persons or substantial fire hazards, including removal of seriously diseased vegetation or trees;
 7. Clearing of one thousand square feet where the existing land use is single-family residential;
 8. Except for subsections (A)(1), (A)(5) and (A)(6) of this section, the exemptions set forth in this section will not apply in wetlands, unstable slope areas, or areas that are within fifty feet of the top of the natural bank of any stream;
 9. Clearing and grading associated with the construction of a single-family residence that has been issued a valid building permit unless required under B(1) below10. Trenching and backfilling for the installation, reconstruction, or repair of utilities.
 11. Grading completed as part of a city public works project.
- B. Clear and grade permits are required for the following activities:
 1. All grading, excavation or filling involving fifty cubic yards or more of material that is greater than two feet in depth or that does create a cut or fill slope greater than five feet in height and steeper than two horizontal to one vertical.
 2. One acre or more of land disturbing activity or for two thousand square feet or more of new plus replaced impervious surface.
- C. Clear and grade permits shall include a general plot which shall contain the following information:
 1. General vicinity map;

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2. Property boundaries indicating extent and location of proposed clearing and grading activities, and major physical features of the property (i.e., streams, ravines, etc.);
 3. Location and dimension of buffer areas to be maintained or established, and location and description of proposed erosion-control devices or structures;
 4. Other information that may be required by the city in instances related to geologic hazard, shoreline protection, or project scope as deemed necessary by the city planner in order to ensure that the intent of this chapter is satisfied;.
 5. Location of structures, fencing, drainage systems, utility lines, impervious surfaces, and significant trees; and
 6. A Temporary Erosion and Sediment Control plan is required for clearing, grading, excavation, filling, and any activity which in the city engineer's determination has the potential for sediments to be carried to existing stormwater systems. The city engineer's determination shall be based upon consideration of the topography of the project site and its proximity to existing stormwater systems; the nature and intensity of the activity; seasonal and/or weather concerns; and any other relevant factor.

(Ord. 745 § 6, 2008; Ord. 670 § 6 (Exh. F) (part), 2005)

(Ord. No. 958, § 2(Exh. A), 6-21-2022)

Chapter 15.46 ACCESSORY DWELLING UNITS

15.46.010 Purpose.

The purpose of allowing and regulating accessory dwelling units (ADUs) in residential neighborhoods pursuant to this chapter is to promote affordable housing and a range of housing types, to encourage increased density within existing neighborhoods without significantly changing the character of the neighborhoods, and to provide the opportunity for homeowners to gain the extra income necessary to help meet the rising costs of home ownership.

(Ord. 729 § 2 (Exh. B) (part), 2007)

(Ord. No. 815, § 2, 10-2-2012)

15.46.020 ADUs—Where permitted.

ADUs are permitted in all single-family zones and in the R12 zone, subject to the requirements of this chapter and all requirements of Title 15. No more than two ADUs shall be allowed per lot. No ADU will be permitted on the same lot as any duplex or multifamily dwelling.

(Ord. 729 § 2 (Exh. B) (part), 2007)

15.46.030 Development standards general to all ADUs.

- A. Code Compliance. ADUs shall meet all development standards for the applicable zone, except as modified by this chapter, and shall comply with all applicable city regulations, including but not limited to the building code.
- B. Size. ADUs may not exceed fifty percent of the floor area of the principal residence. If the principal residence is less than two thousand square feet in size, the ADU may not exceed one thousand square feet.
- C. Parking. Separate and apart from the parking requirements applicable to the principal residence, one off-street parking space is required for each ADU; provided that on-site parking is not required for ADUs within one-half mile of a major transit stop.
- D. Walkway. Each ADU shall be serviced by a pedestrian walkway connecting the adjacent street or alley to the primary entrance of the ADU.
- E. F. Bedrooms. No more than two bedrooms shall be located within an ADU.
- G.
- H. Nonconformance. No permit shall be issued for a nonconforming ADU unless and until the structure is brought into conformance with all applicable current regulations.
- I. Mobile Homes. No mobile home, recreational vehicle, camper or vehicle shall be used as an ADU.
- J. Specific provisions for accessory dwelling units are set forth in the impact fee regulations codified at Title 3 CMC and the utility regulations codified at Title 13 CMC. ADUs under this chapter shall comply with all such regulations, as well as any and all other applicable requirements, specifically including without limitation the King County regulations regarding wastewater capacity charges.

(Ord. 729 § 2 (Exh. B) (part), 2007)

(Ord. No. 815, § 3, 10-2-2012)

15.46.040 Development standards specific to attached ADUs.

In addition to all of the standards described in CMC Section 15.46.030, Attached ADUs must also comply with the following:

- A. Entrance. Only one entrance for the entire residential structure may be visible from any street.
- B. Design. Each attached ADU shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence. At a minimum, the architecture of each attached ADU should conform to the following guideline:
 - 1. Any new exterior construction associated with creating an attached ADU should match the existing exterior materials, color and design of the principal residence;
 - 2. The pitch of the attached ADU's roof should match that of the principal residence within a twenty-degree range;
 - 3. Window styles should be similar to that of the original house in size, shape, trim color and the number of panes.

(Ord. 729 § 2 (Exh. B) (part), 2007)

15.46.050 Development standards specific to detached ADUs.

In addition to all of the standards contained in CMC Section 15.46.030, detached ADUs must also comply with the following:

- A. Height. The maximum height of a detached ADU shall be twenty-five feet.
- C. Setbacks. Detached ADUs are subject to the same setback regulations as single-family detached dwelling units and garages that apply in the underlying zoning district, unless otherwise provided by this title.
- D. The detached ADU should be similar to the principal residence with regard to:
 - 1. Exterior materials, color and design;
 - 2. Roof pitch should match that of the principal residence within a twenty-degree range;
 - 3. Window styles including size, shape, trim color and number of panels.

(Ord. 729 § 2 (Exh. B) (part), 2007)

15.46.060 Approval process.

- A. Each ADU shall require an application for accessory dwelling unit permit subject to the Type I permit review process [CMC 15.09.020 and CMC 15.09.050].
- B. In addition to the accessory dwelling unit permit application, an application for an ADU shall include:
 - 1. Site plan showing location of the proposed ADU, parking spaces for the ADU and principal residence, vehicular access for the ADU, pedestrian walkway to serve the ADU, and location of principal residence and any other structures on the lot. The site plan should also show the required building setbacks for the underlying zone.
 - 2. Size in square feet of the floor areas of the proposed ADU and the principal residence.
 - 3. Building plans showing the lay-out of the proposed ADU, specifying the number and location of all bedrooms.
 - 4. Elevations that show the ADU and the principal residence, illustrating the exterior construction, roof pitch, window styles and colors of the proposed ADU and specifying dimensions including building heights.

C.

(Ord. 729 § 2 (Exh. B) (part), 2007)

C.

B.

(Ord. No. 889, § 2(Exh. A), 8-15-2017)

Chapter 15.48 DENSITY AND DIMENSIONAL REGULATIONS

15.48.070 Residential zone density and dimensional standards.

Note: All R6 development shall comply with the applicable provisions of this Table I as well as the provisions of CMC 15.96.050.

Table I
Residential Zones Density and Dimensional Standards

Standard	R2.5	R3	R4	R6	R12	R24	RMHP	Conditions/ Reference
Lot Design								
Minimum lot size (square feet)								
Standard subdivision	12,500	10,800	7,500	5,000	2,500		3,000	
Cluster subdivision	9,600	7,500	6,000					
Minimum lot width (feet)	75	60	50	50	40 (x)	40	50	(x) 30' for lots served by alleys
Maximum impervious surface	50%	50%	50%	60%	65% (x)	65% (x)	65%	(x) 80% for townhomes and multifamily
Density								
Minimum residential density (dwelling units per net acre)					8	12		CMC 15.48.020
Maximum residential density (dwelling units per net acre)	3	4	6	8	12	24	14	CMC 15.48.020
Maximum floor area ratio (FAR)			0.55	0.40 (x)				(x) Or 2,000 square feet of habitable floor area, whichever is less. With approved ADU, 0.52 or 3,000 square feet of habitable floor

								area, whichever is less
Height (feet)								
Maximum building height	25 (X)	25 (X)	25 (X)	25 (X) (Y)	25 (Z)	35 (Z)	25	(X) May be increased 3' in the FEMA AE zone (Y) Maximum 30' for roof ridgeline (Z) Modifications: CMC 15.48.060(G)
Setbacks (feet)								
Note: In the R2.5 and R3 zones, the sum of the front and rear setbacks must be no less than 45 feet.								
Note: In the R4 and R6 zones, the sum of the front and rear setbacks must be no less than 40 feet.								
Front (street) yard, minimum	15	15	15	15	15 (X)	15 (X)	15	(X) 10' with alley access in rear
Front (street) yard, garage or carport, minimum	20	20	20	20	20	20	20	
Side (street) yard, minimum	10	10	10	10	10 (X)	10 (X)	5	(X) 20' where adjacent to an arterial
Interior (side) yard, minimum	10	10	5 (X)	5 (X)	5	5 (Y)	5	(X) Minimum average of 7.5' (Y) 10' adjacent to a lower intensity zone
Rear yard	30	30	25	25 (X)	20 (Y)	20 (Y)	10	(X) 5' for detached garages with alley access (Y) Or 20% of lot depth, whichever is smaller

(Ord. No. 949, § 2(Exh. A), 3-15-2022)

15.48.080 Non-residential zone density and dimensional standards.

Table II
Non-Residential Zones Density and Dimensional Standards

Standard	CBD	MU	SC	LI/M	HC	AGI	Conditions/Reference
Lot Design							
Maximum impervious surface	100%	80%	75%	75%	50%	75%	
Density							
Minimum residential density (dwelling units per net acre)		12 ^(x)					CMC 15.48.020 ^(x) Does not apply to residential uses above or attached to non-residential uses.
Maximum residential density (dwelling units per net acre)		24					CMC 15.48.020
Height (feet)							
Maximum building height	30 ^(x)	35 ^(y)	35 ^(z)	35 ^(z)	35 ^(z)	35 ^(z)	^(x) 40' if step-back standards are met ^(y) Modifications: CMC 15.48.060(G) ^(z) 40' if front yard setback is at least 30'
Third story step-back (feet)							
Front (street) yard, minimum	20						
Side (street) yard, minimum	10						
Setbacks (feet)							

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Front (street) yard, minimum	0	0— 10 (x)	On Tolt: 0 Off Tolt: 20	25	On Tolt: 5 Off Tolt: 20	25	(x) CMC 15.48.085
Front (street) yard, garage or carport, minimum		20					
Side (street) yard, minimum	0	5	On Tolt: 5 Off Tolt: 10	10	On Tolt: 5 Off Tolt: 10	10	
Interior (side) yard, minimum	0	5 (x)	On Tolt: 0 Off Tolt: 5	15	On Tolt: 0 Off Tolt: 5	15	(x) 10' adjacent to a lower intensity zone
Rear yard	0	20 (x)	On Tolt: 10 Off Tolt: 15	25	On Tolt: 10 Off Tolt: 15	25	(x) Or 20% of lot depth, whichever is smaller

(Ord. No. 949, § 2(Exh. A), 3-15-2022)

Chapter 15.50 AFFORDABLE HOUSING

15.50.010 Purpose.

The purpose of this chapter is to encourage the construction and maintenance of affordable housing and affordable senior housing through the use of residential density incentives. This chapter advances this purpose by:

- A. Defining in quantified terms the density incentives achievable by the development of affordable housing and affordable senior housing;
- B. Establishing a calculation methodology to compute density incentives for developments that provide affordable housing or affordable senior housing;
- C. Establishing appropriate development standards that are consistent with and will advance the city's comprehensive plan goals; and
- D. Establishing an efficient, streamlined review process that will allow evaluation of proposed density increases simultaneously with an applicant's underlying development proposal, while affording an appropriate opportunity for public review and comment.

(Ord. 712 § 2 (part), 2007)

15.50.020 Permitted locations.

- A. The use of density incentives for affordable housing pursuant to this chapter shall be permitted in all single-family zones (R 2.5, R 3, R 4 and R 6).
- B. The use of density incentives for affordable senior housing pursuant to this chapter shall be permitted in all residential and mixed use zones (2.5, R 3, R 4, R 6, RMHP, R 12, R 24 and MU), except for properties with frontage on Tolt Avenue.

(Ord. 712 § 2 (part), 2007)

15.50.070 Review process.

All proposals utilizing the density incentives authorized by this chapter shall be reviewed concurrently with a primary proposal as follows:

- A. For the purpose of this section, a primary proposal is defined as a proposed subdivision, conditional use permit, site plan or building permit.
- B. When the primary proposal requires a public hearing, the public hearing on the primary proposal shall serve as the hearing on the use of the requested density incentives, and the reviewing authority shall make a consolidated decision on the proposed development and use of density incentives.
- C. When the primary proposal does not require a public hearing under this title, the density incentives under this chapter shall, in addition to the requirements of this chapter, be subject to the decisional criteria for conditional use permits pursuant to CMC Section 15.18.040 and the Type III application procedures pursuant to Chapter 15.09 CMC.

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- D. Any required public hearing notice for a project involving the proposed use of density incentives under this chapter shall include the development's requested density and the type and amount of affordable housing proposed.

(Ord. 712 § 2 (part), 2007)

Chapter 15.56 STREETS AND SIDEWALKS

Part I. Requirements

15.56.010 Street dedication.

In all new subdivisions, streets shall be dedicated to public use.

15.56.020 Costs of right-of-way installation and improvements borne by applicant.

When rights-of-way improvements are required in conjunction with permit approval, all costs and expenses incident to the installation of rights-of-way to be dedicated to the public shall be borne by the applicant.

15.56.030 Access to lots.

Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

15.56.040 Access to arterial streets.

Whenever a major subdivision that involves the creation of one or more new streets borders on or contains an existing or proposed arterial street, no direct driveway access may be provided from the lots within this subdivision onto this street unless no other access is possible.

15.56.050 Entrances to streets.

- A. All driveway entrances and other openings onto streets within the city's planning jurisdiction shall be constructed so that:
1. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets, and
 2. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.
- B. Driveway cuts shall be limited to the following maximum widths:
- Single Family Residential—18 feet
- Multi-Family Residential—22 feet
- All Other—width of driveway, maximum of 40 feet

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- C. Specifications for driveway entrances shall be as specified in Chapter 12.06 CMC, the "Carnation Design and Construction Standards and Specifications", the "City of Carnation Street and Storm Sewer System Standards", or as otherwise specified by the City Engineer. If driveway entrances and other openings onto streets are constructed in accordance with the City's specifications and requirements, this shall be deemed evidence of compliance with the standard set forth in Subsection (a).

15.56.130 Construction standards and specifications.

Construction and design standards and specifications for streets, sidewalks, and curbs and gutters are contained in Chapter 12.06 CMC, the City's "Design and Construction Standards and Specifications", and the "City of Carnation Street and Storm Sewer System Standards" and all such facilities shall be completed in accordance with these standards.

15.56.160 Public streets and private roads in subdivisions.

- A. Except as otherwise provided in this section, all lots created after the effective date of this section (Ord 553 - May 29, 1997) shall abut a public street at least to the extent necessary to comply with the access requirement set forth in Section 15.56.030 (Access to Lots). For purposes of this subsection, the term "public street" includes a preexisting public street as well as a street created by the subdivider that meets the public street standards of this title and is dedicated for public use. The recordation of a plat shall constitute an offer of dedication of such street.
- B. Private roads shall not be allowed in subdivided developments.
- C. Private access tracts may be allowed through the short plat process only where they provide access for four or fewer lots. Where a private access tract is used, and an adjacent property is capable of being short platted with a private access tract, such tracts shall be located in such a way so as to allow them to be combined into one 50-foot right-of-way in the event that the property owners wish to improve and dedicate it as a public street.

15.56.170 Right-of-way improvements and dedication to precede development or building.

- A. Except as noted under subsection (c) below, no land use or building permit shall be issued by the City unless or until the half of the public rights-of-way upon which the same abuts are deemed fully improved or guaranteed to the standards of the City and offered for dedication to the public.
- B. The Public Works Director may deem Subsection (a) fulfilled under the below listed circumstances. It shall be at the Public Works Director's discretion, based on knowledge of upcoming projects in the vicinity, safety issues, or sound engineering judgment, as to which method shall be allowed or not allowed. Improvements may be deemed fully installed:
1. Where the rights-of-way are already improved to standard and dedicated to the City.
 2. Where the City chooses to purchase rights-of-way and install the improvements. However, under no circumstances is the City obligated to do this.
 3. Where the applicant, understanding that the land use or building permit sought cannot be issued until the improvements are deemed installed by the Public Works Director, installs the improvements himself at his own cost and offers the rights-of-way to the public.

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4. Where the applicant has dedicated the rights-of-way to the public and provided a surety bond acceptable to the public works director and city attorney ensuring that the improvements shall be installed within one year.
 5. If Subsections 1-4 are deemed infeasible by the Public Works Director: Where the applicant has dedicated the rights-of-way to the public and elected to pay to the City an amount equal to the cost of installing the improvements. In such circumstances said monies would be maintained in an account to be used specifically for improvements on that right-of-way within the general vicinity of the project. The properties contributing to these improvements shall not be subject to any future Local Improvement District for those same improvements.
 6. If Subsections 1-5 are deemed infeasible by the Public Works Director: Where the applicant has dedicated the rights-of-way to the public and provided a recorded covenant power-of-attorney to the City in support of a petition local improvement district (hereinafter referred to as "LID covenant") for construction of right-of-way improvements, together with all necessary appurtenances. Forms for the LID covenant shall be provided by the City and approved by the City Attorney.
- C. This section shall not apply to:
1. Building permits for additions, alterations, or repairs within any twelve-month period which does not increase the gross floor space of an existing building or facility by more than fifty percent (50%).
 2. Building permits for accessory dwelling units, residential garages, carports, or accessory structures not intended as a dwelling unit.

15.56.180 Road and sidewalk requirements in unsubdivided developments.

- A. Within unsubdivided developments, all private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. Width of roads, use of curb and gutter, and paving specifications shall be determined by the provisions of this title dealing with parking (Chapter 15.72) and drainage (Chapter 15.64). To the extent not otherwise covered in the foregoing chapters, and to the extent that the requirements set forth in this chapter for subdivision streets may be relevant to the roads in unsubdivided developments, the requirements of this chapter may be applied to satisfy the standard set forth in the first sentence of this subsection.
- B. Whenever a road in an unsubdivided development connects two or more collector or arterial streets in such a manner that any substantial volume of through traffic is likely to make use of this road, such road shall be constructed in accordance with the standards applicable to subdivision streets and shall be dedicated to the public. In other cases when roads in unsubdivided developments within the city are constructed in accordance with the specifications for subdivision streets, the city may accept an offer of dedication of such streets.
- C. In all unsubdivided residential development, sidewalks shall be provided linking dwelling units with other dwelling units, the public street, and on-site activity centers such as parking areas, laundry facilities, and recreational areas and facilities. Notwithstanding the foregoing, sidewalks shall not be required where pedestrians have access to a road that serves not more than nine dwelling units.
- D. Whenever the permit-issuing authority finds that a means of pedestrian access is necessary from an unsubdivided development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer may be required to reserve an unobstructed easement of at least 10 feet to provide such access.
- E. The sidewalks required by this section shall be at least five feet wide and constructed according to the specifications set forth in Chapter 12.06 CMC, the City's "Design and Construction Standards and Specifications", and the City of Carnation Street and Storm Sewer System Standards.

15.56.380 Street and Right-of-Way Improvement Requirements

Street and right-of-way improvements shall be as required in the adopted City of Carnation Street and Storm Sewer System Standards. State Highway improvements shall be determined by the Washington State Department of Transportation in coordination with the City Public Works Director.

Chapter 15.60 UTILITIES

Part II. Sewer

15.60.100 Sewage disposal facilities required.

Every principal use and every lot within a subdivision shall be served by the City's sewage disposal system that is determined adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations. Such uses or subdivision lots shall be connected to a sewage disposal system before the completion of the construction of such building or structure or, under special circumstances and with the Public Works Director' authorization, before any occupancy or use thereof.

15.60.110 Private sewage disposal.

- A. Where a public sanitary sewer is not available for use, the building sewer shall be connected to a private sewage disposal system or replacement, any of which must comply with all applicable laws and regulations.
- B. Pursuant to RCW 70.64 and WAC 248.96, the City recognizes the King County Health Department as the legitimate agency to supervise and direct the on-site sewer system permit process. All permitting and inspection of private sewage disposal systems shall be done by the King County Health Department, provided, that the proposed on-site sewage system shall also conform to any applicable City code requirements. All related Health Department fees shall be paid by the property owner. A copy of the King County Health Department septic permit shall be furnished to the City by the property owner prior to any construction work.
- A. All properties required to have a sewage disposal system, including but not limited to properties served by septic systems as of the effective date of the ordinance codified in Chapter 13.45 CMC (Ord 743 – effective April 15, 2008), shall connect to the sewer system in accordance with Chapter 13.45 CMC.
- 2.
- E.

15.60.380 Sites for and screening of solid waste and recycle containers.

- A. Every development that, under the city's solid waste collection policies, is or will be required to provide one or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:
 - 1. Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way, and
 - 2. Constructed according to specifications established by the public works director to allow for collection without damage to the development site or the collection vehicle.

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- B. All such dumpsters shall be screened if and to the extent that, in the absence of screening, they would be clearly visible to:
1. Persons located within any dwelling unit on residential property other than that where the dumpster is located; or,
 2. Occupants, customers, or other invitees located within any building on nonresidential property other than that where the dumpster is located, unless such other property is used primarily for purposes permitted exclusively in a light industrial or manufacturing zoning district; or,
 3. Persons traveling on any public street, sidewalk, or other public way.
- C. When dumpster screening is required under this section, such screening shall be constructed, installed, and located to prevent or remedy the conditions requiring the screening.
- D. Storage space and collection points for recyclable goods shall be provided as required in this Title and the Carnation Design Standards and Guidelines where applicable.
- (5)

Chapter 15.68 SIGNS AND FENCES

Part I. Signs

15.68.010 Purpose.

The purposes of this chapter are to:

- A. Provide standards that regulate the effective use of signs as a way to identify business properties and to promote economic viability;
- B. Protect the public interest by minimizing the adverse effects of signage upon nearby properties and pedestrian and traffic safety;
- C. Permit signs that complement building uses and their surroundings by regulating their type, number, location, size, and lighting; and
- D. Minimize the aggregate amount of signage displayed with the Carnation community consistent with the city's aesthetic standards and legal requirements.
- E. Protect the City's stormwater infrastructure by not interfering with the biofiltration of the planting bioswales along Tolt Avenue.

(Ord. 679 § 2 (part), 2005)

15.68.020 Applicability.

Except as provided by this chapter, no sign shall hereafter be placed, erected, re-erected, constructed, altered, or maintained, without a permit issued by the city planner.

(Ord. 679 § 2 (part), 2005)

15.68.030 Permits.

- A. Except as otherwise provided by this chapter, no sign shall be displayed without a valid sign permit. Provided, that a sign permit applicant may obtain a single sign permit for all signs owned or otherwise displayed by the applicant. Provided further, that a group of signs displayed on a single, common supporting structure shall collectively require only a single permit.
- B. If a sign permit applicant submits a proposal for other development permits, including but not limited to an application for a rezone, master plan, special use or conditional use permit, the application may include an application for signage in sufficient detail that the city planner can determine if the proposed signage complies with the provisions of this title. A sign permit satisfying the requirements of this subsection may be issued in conjunction with the applicant's other requested development permits.
- C. Permit Requirements. Applications for sign permits shall be made to the city planner on forms provided by the city and shall be accompanied by:
 - 1. Two site plans showing the location of the affected lot, building or buildings, and sign or signs, and depicting both existing sign(s) and the proposed sign or signs;
 - 2. Two copies of a scale drawing of the proposed sign or sign revision, including size, height, copy, structural and footing details, material specifications, intended method of attachment, illumination, front and end views of marquees, calculation for dead load and wind pressure, photographs of site and building marked to show where sign or marquee is proposed, and any other information required to ensure compliance with appropriate laws;
 - 3. Written consent of the owner of the building, structure or property where the sign is to be erected, if the applicant is not the owner; and
 - 4. A nonrefundable permit fee in an amount prescribed by the city council by resolution.
- D. A sign permit issued pursuant to this chapter shall expire automatically if construction and erection of the sign has not been fully completed within ninety days of permit issuance.
- E. To the extent legally permissible, the city planner may suspend or revoke a permit issued under provisions of this chapter whenever such permit is issued in error or issued on the basis of incorrect information, or whenever a sign is in violation of any ordinance, regulation or provision of this chapter.
- F. Whenever the requirements of this chapter require interpretation, the most restrictive definition or standard shall prevail.
- G. The holder of a permit may, for the duration thereof, change the advertising copy on the sign for which the permit was issued without obtaining an additional permit.
- H. Separate and apart from the requirements of this chapter, any sign displayed within the city shall comply with any and all applicable state and local regulations.

(Ord. 679 § 2 (part), 2005)

15.68.040 Exemptions from permitting requirements.

- A. The signs listed in this subsection shall not require a permit. Provided, that this exemption shall not be construed as relieving an owner from the responsibility of complying with the applicable provisions of this chapter or any other law or ordinance. Provided further, that none of the following signs shall be allowed to the extent that they pose a hazard to public health or safety.
 - 1. Temporary holiday signs and holiday decorations erected on private property;

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2. Signs directly related to a government building, structure, service, roadway or activity that are installed or otherwise required by the city or other governmental entity;
 3. Bona fide religious symbols;
 4. Memorial signs or tablets, names of buildings, or dates of building construction, not to exceed fifteen square feet;
 5. Traffic or pedestrian control signs, signs required by law, or governmentally-approved signs indicating a scenic or historic point of interest;
 6. Sculptures, fountains, mosaics, murals and design features that do not incorporate commercial advertising, identification or obscene matter as defined by RCW 7.48.050;
 7. The official flags of governments or public institutions, including but not limited to schools;
 8. Official public notices of federal, state or local governments, including courts;
 9. Incidental signs less than two square feet;
 10. Signs not visible from the public right-of-way;
 11. Lettering or symbols painted directly or flush-mounted magnetically onto an operable vehicle. Provided, any such vehicle may not be abandoned as defined in CMC Section 10.34.010(A) or (B);
 12. Identification signs displayed upon recycling collection containers for public, charitable or nonprofit organizations;
 13. Emblems of nonprofit organizations and community service clubs, including signs less than two square feet which identify the meeting place and time of the organization or club;
 14. House of worship, public institution and school bulletin boards, identification signs, and directional signs that: (a) do not exceed one per abutting street, (b) sixteen square feet in area, and (c) are not internally illuminated;
 15. Political signs and other signs displaying exclusively noncommercial messages; and
 16. Portable and temporary signs authorized by this chapter.
- B. The activities listed in this subsection do not require a permit:
1. Painting, repainting, cleaning, repairing and other normal sign maintenance, to the extent that structural or electrical changes are not made; and
 2. Changing the advertising copy or message on a lawfully erected and conforming sign specifically designed for the use of replaceable copy.
- C. Political signs and other signs containing exclusively noncommercial messages that displayed entirely upon private property are exempt from the provisions of this chapter except to the extent such signs pose a direct threat to public safety by virtue of their size, location, condition, illumination or manner of display.

(Ord. 679 § 2 (part), 2005)

15.68.050 Definitions and illustrations.

The definitions of technical terms utilized in this chapter are contained in Chapter 15.08 of this title. Illustrations of signage categories regulated by this chapter are contained in Appendix A of this chapter.

(Ord. 679 § 2 (part), 2005)

15.68.060 General provisions.

Unless otherwise provided by this chapter, the following regulations shall apply to all signs:

- A. Structural Requirements. The structure and installation of all signs shall comply with the applicable provisions of all building, construction, fire and any other regulations adopted by the city, including any applicable building or other permit requirements. If required by Chapter 15.80 CMC or other applicable regulation, a building or other required permit shall be obtained prior to constructing and displaying a sign.
- B. Sign Materials and Construction. Except for temporary signs, all signs must be constructed of durable, maintainable materials. Signs made of materials that deteriorate quickly or that feature impermanent construction, including but not limited to plywood or plastic sheets lacking a sign face overlay or a frame to protect exposed edges, are not permitted. All signs, together with all attendant supports, braces, guys and anchors shall be maintained in good repair and in a safe, neat, and clean condition.
- C. Illumination of Signs.
 - 1. Signs with external lighting are encouraged. However, the light directed on, or internal to, any sign shall be shaded, shielded, and/or directed such that the light intensity or brightness shall not adversely affect safe vision vehicle operators on private or public property or pedestrians within the public right-of-way. Uplighting into the sky is prohibited.
 - 2. Backlit signs are prohibited except for projecting signs along Tolt Avenue.
 - 3. Signs with neon lighting are permitted.
- D. Clearance and Sight Distance. Signs must maintain a minimum of eight feet of vertical clearance over sidewalks and other pedestrian ways. Except for approved banners with fifteen feet of vertical clearance above the street surface, no sign shall be erected over a public street. Any sign erected or otherwise displayed over a state right-of-way shall conform to all applicable state regulations in addition to the requirements of this chapter.
- E. Sign Design. Applicants are encouraged to ensure that signage displays comply with the provisions and intent of the city's design guidelines.
- F. The use of sculptural or silhouette signs and traditional icons are encouraged.
- G. Street numbers should be installed on all buildings and excluded from the calculation of permitted sign area.

(Ord. 679 § 2 (part), 2005)

15.68.070 Prohibited signs.

It is unlawful for any person to maintain, display, erect or place within the city the following:

- A. Revolving signs;
- B. Strings of colored and/or blinking lights, banners, balloons, pennants, ribbons, streamers, spinners, rotating or blinking lights, or similar displays of a carnival nature. Blinking "open" signs are permitted.
- C. Signs separately attached to a vehicle or trailer parked on private or public property. Provided, this provision shall not be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal course of business, automobile "for sale" signs, or signs attached to franchised buses or taxis;

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- D. Signs placed in or upon a public right-of-way, except as expressly provided herein;
 - E. Any sign that constitutes a traffic hazard or impediment to pedestrian or vehicular passage because of its size, location, movement, or method of illumination, or that obstructs the vision of drivers or detracts from the visibility of any official traffic control device because it unsafely diverts or tends to divert the attention of drivers of moving vehicles away from traffic movement. No sign shall be erected so that it obstructs the vision of pedestrians, or which by its glare or method of illumination constitutes a hazard to traffic. No sign may be configured in such a manner as to interfere with, mislead, or confuse the steady and safe flow of traffic;
 - F. Any sign or supporting structure that is torn, damaged, defaced or destroyed in an amount greater than twenty percent of such sign face or structure;
 - G. Any sign that advertises a business no longer in existence or a product no longer offered for sale. Any such sign shall be removed within sixty days. Provided, that nothing in this subsection shall be construed as requiring the removal of any sign that was lawfully displayed at its current location for a period of at least fifty years. The owner of the sign and/or the underlying real property shall bear the burden of demonstrating that any such sign was lawfully displayed for said fifty-year period;
 - H. Signs attached to public utility poles, bollards, trees, rocks or other natural features;
 - I. Signs attached to benches within the public right-of-way, except city-approved signs not exceeding twenty-four square inches that designate a donor or honoree by name only. Provided, nothing herein shall be construed as limiting or otherwise abridging the city's discretion in accepting or declining any proposed donation;
 - J. Billboards, roof signs (including signs painted directly on the roof surface), revolving or flashing signs, and portable reader board signs;
 - K. Signs employing moving or flashing lights, video, or other animated imagery;
 - L. Pole-mounted signs;
 - M. Signs containing exposed electrical circuitry;
 - N. Signs constructed of cardboard;
 - O. Backlit signs except as specified in Section 15.68.060; and
 - P. Off-premises commercial signs, except as expressly authorized by this chapter.
 - Q. Signs in the bioswales along Tolt Avenue because they interfere with the functionality of the City's biofiltration stormwater system.

(Ord. 679 § 2 (part), 2005)

15.68.080 Signs for residential zones and uses.

- A. The following types of signs are permitted within residential zones and in conjunction with residential uses unless otherwise provided by this chapter:
 - 1. Temporary signs satisfying the requirements of CMC Section 15.68.130;
 - 2. One nameplate per unit not exceeding four square feet. Such signs do not require a permit; and
 - 3. One freestanding sign not exceeding forty-two inches in height and twelve square feet in area, exclusively displaying the name of an apartment complex, condominium complex, day nursery, retirement home, rest home, nursing home, or convalescent home, and not extending into any required yard on the lot. Flashing, electric, and reader board signs are prohibited.

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- B. Home Occupation and Day Care Facilities. Home occupations and day care conducted as accessory uses within a dwelling may be identified by one additional unlighted nameplate not exceeding one and one-half square feet in area mounted on an exterior wall or window of the dwelling. Such signs do not require a permit.
 - C. Subdivisions. A maximum of two freestanding subdivision signs may be placed near the main entrance to a residential subdivision, provided that:
 - 1. Any such sign must not be located within the public right-of-way;
 - 2. The display surface area of any such sign shall not exceed thirty-two square feet; and
 - 3. Such signs shall not be illuminated.

(Ord. 679 § 2 (part), 2005)

15.68.090 Permanent house of worship, institutional, governmental and school identification signs.

- A. Houses of worship, public institutions, governmental buildings, libraries and schools may display one freestanding or wall-mounted nonelectrical identification sign pursuant to this section. Wall-mounted signs shall not exceed thirty-two square feet in size. Freestanding signs shall not exceed six feet in height and shall be located not less than five feet from a public street right-of-way or a side or rear yard. Freestanding signs must be landscaped with at least one square foot of landscaping around the base of the sign per one square foot of sign face.
- B. In addition to an identification sign allowed under subsection A of this section, houses of worship, public institutions, governmental buildings, libraries and schools may display one additional mural, symbol, emblem or mascot, which may include words or graphics painted or otherwise displayed on a building exterior wall. The size and design of such mural or mascot shall be consistent with the underlying buildings' architecture.

(Ord. 679 § 2 (part), 2005)

15.68.100 Signs for townhouse developments in the Mixed Use (MU) zones.

For townhouse developments within non-residential zones, a maximum of two freestanding subdivision signs may be placed near the main entrance to a townhouse subdivision, provided that:

- 1. Any such sign must not be located within the public right-of-way;
- 2. The display surface area of any such sign shall not exceed thirty-two square feet.

(Ord. 679 § 2 (part), 2005)

15.68.110 Signs in the CBD, SC and light industrial zones, and for businesses in the MU zones with frontage on Tolt Avenue.

In addition to the restrictions contained in the general provisions section, the following regulations shall apply to on-site signs within the CBD, SC and light industrial zones and to businesses in the MU zones with frontage on Tolt Avenue:

- A. Portable Signs. One portable commercial sign per business may be displayed subject to the following:

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1. Such sign may be placed within the public right-of-way but may not interfere with pedestrian or vehicular traffic;
 2. Such sign may not exceed nine square feet per face and shall be limited to two faces;
 3. Such sign may be displayed only during the hours in which the business is open;
 4. Such sign may only be located directly along the frontage of the business that the sign is advertising (on-site);
 5. Such sign may only advertise a business located within the city limits and that holds a current, valid city business license; and
 6. Signs within a right-of-way not used for vehicular travel, such as on a public sidewalk, shall only be A-Board style and constructed of wood or heavy plastic and be in good condition.
 7. Signs shall not be placed in the bioswales along Tolt Avenue. Signs in the bioswales interfere with the functionality of the City's biofiltration stormwater system.
 8. Sign permits are not required.
- B. Fuel Price Informational Signs. In a properly zoned district, one sign advertising the price of motor vehicle fuel sold from a fuel pump located on the premises shall be permitted per street frontage, subject to the following conditions: (a) such sign(s) shall be counted toward the number and size of permissible signs for the business; (b) such sign(s) may be freestanding or attached to canopy columns, and may include a changeable copy sign/reader board. In addition, each fuel pump may display an individual fuel price informational sign subject to the following conditions: (a) fuel pump price informational signs shall be limited in size to an area of two square feet; (b) each fuel pump price informational sign shall be affixed directly and firmly to a fuel pump and shall be stationary. Nothing contained herein shall be construed to prohibit use of other signs meeting the requirements of this chapter.
- C. Window Signs. Window signs may be displayed pursuant to the following restrictions:
1. Maximum Size. Permanent and temporary window signs are limited to maximum fifty percent of the total window area. Integration of window signs with window displays is encouraged.
 2. Materials. Window signs constructed of neon, stained glass, gold leaf, cut vinyl, and etched glass are allowed. Painted signs are encouraged to display the highest level of quality and permanence.
 3. Lighting. Internally lit neon or stained glass window sign are allowed.
 4. Painted-over Windows. Notwithstanding any other provision of this section, a painted-over window shall be considered a blank wall and subject to the requirements for blank walls in Section 1.1.2 of the city's adopted design guidelines.
- D. Projecting Signs. One projecting sign is permitted for each business or other nonresidential use containing a storefront located adjacent to a public sidewalk. Projecting signs shall not extend above the building parapet, soffit, eave line or roof of the building to which the sign is attached. Projecting signs shall not project more than six feet from the building face and must be a minimum of eight feet above a sidewalk. Projecting signs may be lit in accordance with Section 15.68.060(D).
- E. Freestanding Signs. Freestanding stands may be displayed pursuant to the following restrictions:
1. Freestanding signs may be monument signs or standing signs. Monument signs may only be used where the underlying building is set back at least twenty feet from the public right-of-way;

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2. Nonresidential developments may utilize a single freestanding sign on-site subject to the regulations in Chart I below.

Chart I.

Where a small letter appears in a caption in the chart, refer to the corresponding note below.

	Nonresidential Uses		
Freestanding Sign Requirements ^{(a)(b)(c)(d)}	Single + Multitenant Developments up to 25,000 sf	Single + Multitenant Developments more than 25,000 sf	Single + Multitenant Developments more than 50,000 sf
Height limit	42"	6'	6'
Maximum size limit	20 sf	30 sf	32 sf
Minimum setback	5'	5'	5'
Landscaping ^(c)	1 sf landscaping per 1 sf of sign face	1 sf landscaping per 1 sf of sign face	1 sf landscaping per 1 sf of sign face
Minimum separation ^(d)	150'	150'	150'

Notes:

(a); A minimum lettering height of four inches is encouraged for readability.

(b); All freestanding signs must be set back a minimum of five feet from any public right-of-way.

(c); Landscaping includes a decorative combination of ground cover and shrubs to provide seasonal interest in the area surrounding the sign as required in CMC Section 15.76.030(D). Landscaping shall be well maintained at all times. The city planner may reduce the landscaping requirement where the signage incorporates decorative materials.

(d); Individual buildings and developments or complexes may not display more than one freestanding sign on each street frontage. Provided, a second freestanding sign may be displayed on the site as long as it advertises a different business or businesses on-site and is located at least one hundred fifty feet from the other sign.

F. Wall Signs. Wall signs are encouraged to be designed and located appropriate to the architecture of the underlying building. For example, wall signs should not cover windows, building trim or ornamentation.

1. Businesses may display one wall sign per building facade up to a maximum of two facades, unless otherwise approved by the city planner. Side wall signs are permitted and may cover up to ten percent of the side wall facade area. Such signs may include the name of the business and no more than two lines of incidental text in a smaller font. Such signs may be externally lit.
2. Maximum Size—Individual Business. Sign area shall not exceed ten percent of the facade area. Businesses located adjacent to street corners may feature a wall sign on each facade.
3. Maximum Size—Building or Center Name. A wall sign up to the lesser of one hundred square feet or five percent of the facade area to identify the name of the building or shopping center.
4. Maximum Size—Joint Business Directory. A wall sign up to fifty square feet for joint business directory signs identifying the occupants of a commercial building and located next to the entrance.
5. Maximum Height. Wall signs may not extend above the building parapet, soffit, eave line or roof of the underlying building.
6. Mounting. Building signs must be mounted plumb with the underlying building, with a maximum protrusion of one foot unless the sign incorporates sculptural elements or architectural devices.

The sign frame must be concealed or integrated into the building's architectural character in terms of form, color, and materials.

7. Miscellaneous. Wall signs consisting of painted wood are encouraged. Internal lighting is not permitted.
- G. Marquee Signs. Marquee signs meeting the following conditions are allowed for commercial uses:
 1. Maximum Size. The sign area shall not exceed sixty-five percent of the vertical face of the marquee, canopy, or awning.
 2. Maximum Height. The height of a vertical face (valance) of a marquee, canopy, or awning shall not exceed one foot. Signage shall not be placed on the sloping portion of a canopy or awning.
 3. Clearance. The marquee, canopy, or awnings must be placed a minimum of eight feet above the sidewalk or walkway.
- H. Under Marquee Signs. Under marquee signs meeting the following conditions are allowed for commercial uses:
 1. Projection. Under marquee signs shall have one foot minimum between the sign and the outer edge of the marquee, awning, or canopy and between the sign and the building facade.
 2. Clearance. Under marquee signs shall maintain a minimum clearance of eight feet between the walkway and the bottom of the sign.
 3. Vertical Dimension. Under marquee signs shall not exceed two feet in height.

(Ord. 679 § 2 (part), 2005)

15.68.120 Signs for businesses in mixed use zones without frontage on Tolt Avenue.

Business located in the mixed use zone that do not front on Tolt Avenue may use any of the signs permitted under CMC Section 15.68.110 with the exception of projecting signs and monument signs. Wall signs may not exceed thirty-two square feet. Such signs may not be lit from the interior, and no neon will be allowed. All other requirements of CMC Section 15.68.110 shall apply.

(Ord. 679 § 2 (part), 2005)

15.68.130 Temporary signs.

The following temporary off-site signs may be displayed pursuant to the restrictions contained within this section. Temporary off-site signs are signs temporary in nature that are not located along the frontage of a permitted businesses in the CBD, MU or SC zones. Provided that, except for hand-held signs, all off-site temporary signs must be securely fastened and positioned so as not to constitute a hazard to pedestrians or motorists. Signs may not obstruct the public right of way.

All temporary signs placed on Tolt Avenue in the CBD, MU or SC zones may only be A-Board style and constructed of wood or heavy plastic and be in good condition.

No sign shall be placed in the bioswales along Tolt Avenue. Signs in the bioswales interfere with the functionality of the City's biofiltration stormwater system.

- A. Temporary off-site signs must be removed within 5 days following the event or activity.

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- B. A sign permit is not required, but permission of the adjacent property owner is required.

(Ord. 679 § 2 (part), 2005)

15.68.140 Enforcement.

Violations of this chapter shall be enforced pursuant to Chapter 15.28 of this title. The following enforcement provisions shall also apply:

- A. Removal of Signs. The city manager may order, direct or cause the removal of any sign erected, installed, or maintained in violation of this chapter.
- B. Nonconforming Signs. Nonconforming signs that are permanently installed and were legally installed prior to the adoption of this chapter shall be deemed legally nonconforming and allowed to continue in use so long as they are continuously maintained, are not relocated, or are not structurally altered or made less conforming in any way.
 - 1. Legal nonconforming signs may be temporarily removed for cleaning and routine maintenance, including but not limited to changing of lighting and wiring. Temporary removal for cleaning and maintenance purposes shall not terminate the legal nonconforming status of any such sign.
 - 2. Except as otherwise provided by this section, any legal nonconforming sign that is relocated or replaced shall be brought into conformance immediately, or removed within ninety days.
 - 3. If a business ceases to operate, all existing nonconforming signs associated with the business shall be removed by the property owner within ninety days. If the business had signage on a mall sign or building or related structure, the surface or facade or structure at the previous location of the nonconforming sign(s) shall be repaired at the time of nonconforming sign removal.
 - 4. A nonconforming sign, when serving as an accessory to a business operation which changes its use or location, shall no longer be considered a legal sign and shall be removed within ninety days.
 - 5. A legal nonconforming sign shall be brought into conformance immediately or removed within ninety days if either:
 - a. The building to which the sign is attached is expanded by greater than twenty percent in area; or
 - b. The building to which the sign is attached is improved or otherwise remodeled in an amount exceeding fifty percent of its valuation.

(Ord. 679 § 2 (part), 2005)

15.68.150 Master sign program.

For lots occupied or intended to be occupied by multiple business enterprises (e.g., a shopping center), a master sign program may be approved in the name of the lot owner or his agent. Such master sign program shall address general design standards, design and location(s) of communal signs, and all other issues addressed by this chapter. The city may assist the owner by suggesting a formula whereby the maximum square footage of sign area allowed on the lot may be allocated equitably among all tenants, but the city shall be responsible for enforcing only the provisions of this chapter and not the provisions of any allocation formula, lease, or other private restriction. Permits for individual businesses may then be issued in the name of the individual business enterprise

requesting a particular sign provided that: (i) they meet the requirements of this chapter, (ii) they conform to the master sign program for the particular property on which they are located, and (iii) the owner of such property or his/her agent has signed the application acknowledging that he/she has reviewed the proposal and that it conforms to the master sign program for the property. Provided, once the maximum square footage allotment for the entire property has been reached, no further sign permits may be issued for that property unless other signs are removed or reduced in size pursuant to this chapter.

(Ord. 679 § 2 (part), 2005)

15.68.160 Variances.

A person requesting a variance from the requirements of this chapter shall file an application, along with the appropriate filing fees, as provided in Chapter 15.20 of this title.

(Ord. 679 § 2 (part), 2005)

(Ord. 693b § 1 (Exh. A) (part), 2006: Ord. 670 § 9 (Exh. H) (part), 2005)

Chapter 15.92 SHORELINE MANAGEMENT

15.92.010 Definitions.

Definitions contained in the Washington State Shoreline Management Act (RCW 90.58) shall apply to all terms and concepts used in this chapter; provided that, definitions contained in this chapter shall be applicable where not in conflict with the Washington State Shoreline Management Act.

Development means a use consisting of the construction or exterior alteration of structures; dredging, drilling, dumping, filling, removal of sand, gravel or minerals, bulkheading, driving of piling, placing of obstructions, or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level. "Development" does not include dismantling or removing structures if there is no other associated development or re-development.

Carnation means any lands or waters contained within the incorporated boundaries of the City.

Master Program shall mean the comprehensive shoreline plan for Carnation and the use regulations together with maps, diagrams, charts or other descriptive material and text, developed in accordance with the policies enunciated in RCW 90.58.020 of the Shoreline Management Act (RCW 90.58.) and Chapter 14.06 of the Carnation Municipal Code.

Ordinary High Water Mark shall be the line of mean high water.

Person means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation or agency of the state or local governmental unit however designated.

Shorelines means all of the water areas of the state, including reservoirs, and their associated Wetlands, together with the lands underlying them; except,

- (1) Shorelines of state-wide significance;

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- (2) Shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the Wetlands associated with such upstream segments;
 - (3) Shorelines on lakes less than twenty acres in size and Wetlands associated with such small lakes.

Shorelines of the City means the shorelines of the Snoqualmie and Tolt Rivers.

Shorelines of the State are the total of all "shorelines and shorelines of state-wide significance" within the state, including the Snoqualmie River.

Substantial Development shall mean any development of which the total cost or fair market value exceeds seven thousand and forty seven dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the types of development defined in Section 15.92.030 (Development Exempted from the Shoreline Development Permit Requirement) shall not be considered substantial developments for the purpose of this chapter.

(Ord. No. 918, § 4, 6-18-2019)

b.

e.

15.92.070 Special use criteria.

In addition to the requirements of this chapter, an application for shoreline substantial development permit shall also be subject to the decisional criteria for Special use permits pursuant to Section 15.18.040 CMC. A decision to approve a shoreline substantial development permit shall include a finding of consistency with the decisional criteria for Special use permits pursuant to Section 15.18.040 CMC.

10.

Chapter 15.100 ZONING, COMPREHENSIVE PLAN, AND DEVELOPMENT REGULATIONS—AMENDMENTS AND PROPOSALS*

15.100.005 Definitions.

For purposes of this chapter, the following terms shall have the assigned meaning.

"Area-wide rezone" means an amendment to the zoning map that addresses the zoning district classification of five or more tracts of land in separate ownership or any parcel of land (regardless of the number of lots or owners) is excess of fifty acres.

"Comprehensive plan" means the generalized coordinated land use policy statement and comprehensive land use plan and all elements and subelements thereof, as adopted by the city council in accordance with the Growth Management Act, Chapter 36.70A RCA.

"Development regulation" means the controls placed on development or land use activities by this title, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official

controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

"Site specific rezone" means the amendment of the zoning map, and/or the comprehensive plan land use map, to change or amend the zoning designation of a specific parcel or site or small number of associated parcels or sites, not otherwise constituting an area wide rezone.

"Zoning map" means that official zoning map as designated and adopted pursuant to Section 15.36.100.

(Ord. 612 § 1 (Attach. A) (part), 2000)

15.100.010 Amendments and proposals in general.

- A. The following amendments and proposals are legislative in nature and shall be reviewed and considered under the procedures set forth in this chapter:
 - 1. Area wide rezones;
 - 2. Amendments to the comprehensive plan;
 - 3. Proposals for new or revised elements, goals, or policies to the comprehensive plan;
 - 4. Amendments to development regulations;
 - 5. Proposals for new development regulations;
- B. Site specific rezones are a project permit as defined in Section 15.08.030 and shall be submitted, processed, and reviewed in accordance with those procedures set forth for local project review in Chapters 15.09 through 15.11. Provided that where a proposed rezone also requires an amendment to the comprehensive plan land use map, the comprehensive plan amendment and site specific rezone may be consolidated and processed together, subject to the consolidation provisions of Section 15.09.040. Where consolidated, the planning board shall be the hearing body for purposes of both the rezone and comprehensive plan amendment, notwithstanding the provisions of Section 15.09.010.

(Ord. 612 § 1 (Attach A) (part), 2000)

15.100.020 Initiation of legislative proposals; docketing.

- A. Unless otherwise directed by the council pursuant to subsection E of this section, whenever a request to adopt a legislative proposal is initiated by the city council, the planning board, city manager, or the city staff, the city planner shall keep and maintain a list of such requested amendments to be considered at the appropriate annual review of the comprehensive plan.
- B. Any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, may petition the city planner to recommend legislative amendments to the city council. The petition shall be filed with the city planner and shall include, among the information deemed relevant by the planner:
 - 1. The name, address, and phone number of the petitioner;
 - 2. A specific description of the proposed amendment, including text and maps as necessary to define and illustrate the proposed amendment;
 - 3. A statement of how the proposed amendment is consistent with the comprehensive plan, containing references to specific policies, goals, or other elements of the comprehensive plan;

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4. A "nonproject" environmental checklist prepared in accordance with the State Environmental Policy Act (SEPA) Chapter 43.21C, WAC Chapter 197-11, and Chapter 14.04 of this code.
 5. The applicable processing fee, as established by resolution of the city council;
 6. Any maps, studies, reports, or technical data that supports or analyzes the proposal, as deemed necessary or appropriate by the city planner;
 7. An analysis of the cumulative impacts of the proposed amendment upon the city and the implementation of the comprehensive plan.
 8. Incomplete applications will be deemed incomplete and the applicant will be notified.
- C. Upon receipt of a complete request or petition as provided in subsections A and B of this section, the city planner shall compile and maintain a list of all requests and petitions received. Such requests and petitions shall be reviewed and considered on an annual basis as provided herein. No later than third Tuesday in January annually, the city planner shall present the current list of requests and petitions to the city council for consideration to be included within that year's docket. The city council shall consider the list and shall vote to accept or reject each request and petition for docketing. Once a request or petition has been rejected for docketing by the city council, resubmittal of the same request or petition, or its substantial equivalent, shall not be allowed for a period of at least two years following the date the original request or petition was rejected for docketing. The docket approved by the city council shall be available for public inspection and copying.
- D. At least once every two years, the city planner shall establish and broadly disseminate to the public a notice inviting public participation in identifying legislative proposals for amendments or revisions to the comprehensive plan and development regulations.
- E. Nothing contained in this chapter shall be construed to prohibit or limit the authority of the city council to adopt moratoria, interim zoning ordinances, interim development regulations, and other land use controls as authorized by RCW 36.70A.390 and 35A.63.210. The procedures set forth in this chapter shall be inapplicable to such action by the council.
- F. The docketing process may be waived by the City Manager or city planner the year prior to the periodic update of the comprehensive plan or alternatively may be waived in the year the periodic update to the comprehensive plan is due.

(Ord. 612 § 1 (Attach. A) (part), 2000)

(Ord. No. 888, § 2, 8-15-2017)

15.100.030 Planning board consideration of legislative proposals.

- A. At least once every two years, the city planner shall refer all complete docketed requests and petitions for legislative proposals to the planning and parks board for review and consideration consistent with this chapter.
- B. The city planner shall prepare a written report to the planning board which analyzes the legislative proposal and recommends approval, approval with modifications, denial, or remand in accordance with those criteria set forth in subsection E of this section.
- C. The planning board shall review each docketed request or petition and shall hold at least one public hearing on such requests and petitions. More than one request or petition may be considered at any individual public hearing.

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- D. Following the public hearing upon a docketed request or petition, the planning board shall make one of the following written recommendations to the council:
1. Approval of the legislative proposal;
 2. Approval of the legislative proposal as modified or amended by the planning board;
 3. Denial of the legislative proposal;
 4. Remand the proposal with a request for additional information, studies or reports deemed necessary to fully analyze and consider the proposal and its associated impacts.
- E. In making the recommendation provided for in subsection D of this section, the planning board shall consider the following criteria:
1. If a proposal for amendment or revision to the comprehensive plan or an area wide rezone:
 - a. Consistency with the Growth Management Act (Chapter 36.70A RCW);
 - b. Consistency with existing goals and policies of the comprehensive plan;
 - c. The cumulative impact of the proposed amendment upon the city;
 - d. The availability of capital facilities and infrastructure to support the proposed amendment;
 - e. Any change in circumstances supporting such amendment, such as revisions to population estimates, expansion or reduction of the urban growth area, annexation, new infrastructure or capital facilities, and other such similar factors.
 - f. The probable significant adverse environmental impacts of the proposal, if any.
 2. If a proposal for amendment or revision to the city's development regulations:
 - a. Consistency with the Growth Management Act (Chapter 36.70A RCW);
 - b. Consistency with existing goals and policies of the comprehensive plan;
 - c. Whether the proposal adequately implements the goals and policies of the comprehensive plan;
 - d. The cumulative impact of the proposed amendment upon the health, safety, and welfare of the city;
 - e. The probable significant adverse environmental impacts of the proposal, if any.

(Ord. 612 § 1 (Attach. A) (part), 2000)

15.100.050 Council action on legislative proposals.

- A. At least once every two years, the city council shall hold a public hearing to consider the recommendations of the planning board on those requests and petitions initiated and docketed pursuant to Section 15.100.020(A) through (C). More than one request or petition may be considered at any individual public hearing.
- B. Following the city council's public hearing upon the legislative proposal, the council shall determine whether to take any of the following action:
1. Approve the legislative proposal;
 2. Approve the legislative proposal as modified or amended by the planning board and/or by the council;
 3. Deny the legislative proposal;

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4. Remand the proposal with a request for additional information, studies or reports deemed necessary to fully analyze and consider the proposal and its associated impacts.
 5. Refer the legislative proposal to a legislative committee for further review and evaluation and report back to the council.
- C. In electing to take the action described in subsection B of this section, the council shall apply that criteria for legislative proposals set forth in Section 15.100.030(E).
 - D. Nothing contained in this section shall be construed to prohibit or limit the authority of the city council to adopt moratoria, interim zoning ordinances, interim development regulations, and other land use controls, without prior public hearing, as authorized by RCW 36.70A.390 and 35A.63.210. The procedures set forth in this section shall be inapplicable to such action by the council.

(Ord. 612 § 1 (Attach. A) (part), 2000)

Chapter 15.110 MARIJUANA RELATED USES

15.110.010 Reserved.

Editor's note(s)—Ord. No. 954, § 2(Exh. A), adopted April 19, 2022, repealed § 15.110.010, which pertained to collective gardens and derived from Ord. No. 832, § 3, adopted June 18, 2013.

15.110.020 Reserved.

Editor's note(s)—Ord. No. 954, § 2(Exh. A), adopted April 19, 2022, repealed § 15.110.020, which pertained to medical cannabis collective gardens and derived from Ord. No. 832, § 3, adopted June 18, 2013.

15.110.030 State-licensed facilities—Definitions.

- A. Unless the context clearly indicates otherwise, all terms used in Sections 15.110.030, et seq. shall have the meanings established pursuant to RCW 69.50.101.

(Ord. No. 839, § 2(Exh. B), 12-3-2013; Ord. No. 954, § 2(Exh. A), 4-19-2022)

15.110.040 Marijuana related uses.

- A. The production, processing and retailing of marijuana is and remains illegal under federal law. Nothing herein or as provided elsewhere in the ordinances of the city of Carnation is an authorization to circumvent federal law or provide permission to any person or entity to violate federal law. Only state-licensed marijuana producers, marijuana processors, and marijuana retailers may locate in the city of Carnation and then only pursuant to a license issued by the state of Washington. The purposes of these provisions is solely to acknowledge the enactment by Washington voters of Initiative 502 and a state licensing procedure and to permit to, but only to, the extent required by state law marijuana producers, marijuana processors, and marijuana retailers to operate in designated zones of the city.
- B. Marijuana producers may be located only in the Horticultural Commercial (HC) zone of the city. Such facilities and uses may be located only at designated sites licensed by the state of Washington and fully conforming to state law.

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- C. Marijuana processors may be located only in the Horticultural Commercial (HC) zone of the city. Such facilities and uses may be located only at designated sites licensed by the state of Washington and fully conforming to state law.
 - D. Marijuana retailers may be located only in the Agri-Tourism and Industries (AGI), Horticultural Commercial (HC), Light Industrial/Manufacturing (LI/M), and Service Commercial (SC) zones of the city. Such facilities and uses may be located only at designated sites licensed by the state of Washington and fully conforming to state law. Location restrictions apply: RCW 69.50.331(8)
 - E. In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated by the city attorney under the applicable provisions of this code or state law, including but not limited to the provisions of CMC Chapter 8.26.

(Ord. No. 839, § 2(Exh. B), 12-3-2013; Ord. No. 954, § 2(Exh. A), 4-19-2022)

Chapter 15.120 ESSENTIAL PUBLIC FACILITIES

15.120.010 Purpose and applicability.

The purpose of this chapter is to establish a formal process for identifying and siting essential public facilities and minimizing their adverse impacts. Essential public facilities are defined in Chapter 15.08 CMC Basic Definitions and Interpretations and include, but are not limited to, airports, state education facilities, state or regional transportation facilities, jails and other correctional facilities.

The provisions of this chapter shall be reasonably construed and applied in a manner that ensures the siting of essential public facilities within the city of Carnation is not precluded in violation of applicable state law, including without limitation RCW 36.70A.200. For the purposes of this chapter, "preclude" is defined as to render impossible or impracticable, and "impracticable" is defined as not practicable, incapable of being accomplished by the means employed or at command.

Without prejudice to the foregoing, the zoning and permissible use regulations set forth at Chapter 15.36 CMC and 15.40 CMC shall not be construed in a manner that unlawfully precludes essential public facilities.

(Ord. No. 866, § 2(Exh. A), 8-4-2015)

15.120.020 Exemptions.

Essential public facilities for which the city's regulatory authority is preempted by state or federal law, or is otherwise inconsistent with state or federal law, are exempt from the provisions of this chapter to the extent of such preemption.

(Ord. No. 866, § 2(Exh. A), 8-4-2015)

15.120.030 Identification and classification of essential public facilities.

Following the preapplication meeting, the City Manager or his/her designee shall determine: (i) if the subject application is for an essential public facility, and, if so, (ii) whether the essential public facility is locally sponsored essential public facility or a state or regionally sponsored essential public facility. Such determination shall be promptly communicated in writing to the applicant.

(Ord. No. 866, § 2(Exh. A), 8-4-2015)

15.120.040 Conditional use permit required for essential public facilities.

- A. Essential public facilities shall qualify as conditional uses, subject to the requirements of Chapter 15.09 CMC Local Project Review and Chapter 15.18 CMC Land Use Approvals, Part I Special Use and Conditional Use Permits, except to the extent otherwise provided by this chapter.
- B. Locally sponsored essential public facilities shall be limited to the zoning districts identified in CMC 15.40 Permissible Uses.
- C. The conditional use permit application shall also include a public participation plan de-signed to encourage early and meaningful public involvement in the permitting decision and in determining possible mitigation measures.
- D. An essential public facility must satisfy the conditions of this chapter and Chapter 15.18 CMC, Part I Special Use and Conditional Use Permits, except as otherwise provided by this chapter.
- E. Conditional use permits for essential public facilities may not be conditioned or denied to the extent that the condition or denial would preclude the siting of the essential public facility.

(Ord. No. 866, § 2(Exh. A), 8-4-2015)

15.120.050 Decision criteria for locally sponsored essential public facilities.

The hearing examiner may approve, or approve with conditions, a conditional use permit for a locally sponsored essential public facility only when the proposal meets all of the following criteria in addition to the criteria imposed by Chapter 15.18 CMC Part I Special and Conditional Use Permits:

- A. The proposal is consistent with the comprehensive plan;
- B. The project sponsor has demonstrated the need for the project, supported by an analysis of the projected service population, an inventory of existing and planned comparable facilities, and the projected demand for the type of facility proposed;
- C. The sponsor has reasonably investigated alternative sites, as evidenced by a detailed explanation of site selection methodology;
- D. The project is consistent with the sponsor's own long-range plans for facilities and operations;
- E. The sponsor has provided a meaningful opportunity for public participation in the siting decision and development of mitigation measures that is appropriate in light of the project's scope, applicable requirements of the city code, and state or federal law;
- F. The proposal, as conditioned, complies with all applicable provisions of the city code;
- G. The project site meets the facility's minimum physical site requirements, including reasonably projected expansion needs. Site requirements shall be determined by reference to the minimum size of the facility, setbacks, access, support facilities, topography, geology, and on-site mitigation needs;
- H. The proposal, as conditioned, adequately mitigates adverse impacts to life, limb, property, the environment, public health and safety, transportation system, economic development, and other identified impacts;
- I. The proposal incorporates specific features to ensure that it is reasonably compatible with the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding properties; and

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- J. Essential public facilities shall, to the extent reasonably practicable, be located and designed to minimize adverse impacts on nearby residential areas.

(Ord. No. 866, § 2(Exh. A), 8-4-2015)

15.120.055 Decision criteria for state and regionally sponsored essential public facilities.

The hearing examiner shall approve, or approve with conditions, a conditional use permit for a state or regionally sponsored essential public facility. In addition to the criteria imposed by Chapter 15.18 CMC Part I Special and Conditional Use Permits, the conditional use permit for a state or regionally sponsored essential public facility shall ensure that:

- A. The proposal, as conditioned, adequately mitigates adverse impacts to life, limb, property, the environment, public health and safety, transportation system, economic development, and other identified impacts;
- B. The proposal incorporates specific features to ensure that it is reasonably compatible with the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding properties; and
- C. Essential public facilities shall, to the extent reasonably practicable, be located and designed to minimize adverse impacts on nearby residential areas.

The provisions of this section shall not be construed as authorizing the preclusion of a state or regionally sponsored essential public facilities either through: (i) denial of a conditional use permit, or (ii) the imposition of conditions that would render the essential public facility impossible or impracticable.

(Ord. No. 866, § 2(Exh. A), 8-4-2015)

15.120.060 Development agreements for essential public facilities.

At the mutual discretion of the city and the sponsor of an essential public facility, a development agreement negotiated, processed and executed in accordance with Chapter 36.70B RCW may be utilized for essential public facilities. The public hearing required for any such development agreement shall be separate from and additional to any public hearing associated with the conditional use permit for the essential public facility.

(Ord. No. 866, § 2(Exh. A), 8-4-2015)

15.120.065 Federally sponsored facilities.

To the extent not preempted by applicable federal law, essential public facilities sponsored by a governmental agency or department of the United States shall be reviewed and processed in accordance with the standards and procedures for state and regionally sponsored essential public facilities under this chapter.

(Ord. No. 866, § 2(Exh. A), 8-4-2015)

15.120.070 Modifications for development agreements.

The city council may approve a development agreement that creates exemptions or modifications to the requirements of this title to the extent necessary to avoid preclusion of an essential public facility.

(Ord. No. 866, § 2(Exh. A), 8-4-2015)

15.120.080 Independent consultant review.

- A. The city planner may require independent consultant review of a proposed essential public facility in order to assess its compliance with the criteria contained in this chapter.
- B. If independent consultation is required, the sponsor shall follow the provisions of CMC 5.32.020, to provide for cost recovery of consultant costs.

(Ord. No. 866, § 2(Exh. A), 8-4-2015)

15.120.090 Building permits.

Any building permit for an essential public facility approved under this chapter shall comply with all applicable conditions of approval in the conditional use permit.

(Ord. No. 866, § 2(Exh. A), 8-4-2015)

15.120.100 Final decision timeframe for essential public facilities.

In accordance with RCW 36.70B.080, the city finds that essential public facilities inherently involve siting difficulties, implicate potentially significant community and environmental impacts, and warrant enhanced opportunities for public notice and comment. Based upon these findings, the City concludes that the standard one hundred twenty-day final decision timeframe for most project permit types is inapplicable to applications for essential public facilities. The City instead hereby establishes one hundred eighty days, measured from the City's notice of complete application, as the timeframe within which a final notice of decision shall be issued with respect to an application for an essential public facility. The following shall be excluded from said one hundred eighty-day period:

- 1. Any time during which the city is waiting for the applicant to provide information reasonably requested by the city;
- 2. Any time during which a SEPA EIS is being prepared, revised and/or issued with respect to the proposal;
- 3. Any time during which an administrative or judicial appeal involving any part of the proposal is ongoing; and
- 4. Any time agreed to or otherwise requested by the applicant.

(Ord. No. 866, § 2(Exh. A), 8-4-2015)

15.120.110 List of essential public facilities.

The city hereby adopts by reference the list of categories of essential public facilities set forth in RCW 36.70A.200, together with the list of essential state facilities maintained by the state Office of Financial Management, including any future amendments or revisions thereto. The city further designates the following existing and/or planned facilities as essential public facilities for purposes of this chapter:

- 1. Carnation Wastewater Treatment Facility
- 2. State Route 203
- 3. Carnation Landfill
- 4. Carnation Vacuum Sewer station

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5. Carnation Spring source watershed
 6. Carnation well
 7. Evacuation Trail
 8. Carnation Water Storage facilities

(Ord. No. 866, § 2(Exh. A), 8-4-2015)