CITY OF SULTAN
JOINT WORK SESSION
PLANNING BOARD/CITY COUNCIL COVER SHEET

ITEM NO:	**D-1**
DATE:	September 15, 2016
SUBJECT:	Title 16 – Staff Report - Work Session on New Zoning Code
CONTACT PERSON:	Brad Collins FAICP, Interim Planning Director

To: Planning Board and City Council

Attached is a list of draft Zoning Code items that the Planning Board discussed in making its recommendations during its six month review. At the last joint meeting of the Planning Board and the City Council on June 9th, it was requested that we have a work session on the new Neighborhood Commercial Zone, which is being added for the first time as a zone in Sultan. A Neighborhood Commercial zone is a small scale retail business zone that is common in many larger city zoning codes. It replaces the many small business conditional uses in the City's three residential zones. However, the question remains where Neighborhood Commercial areas should be located within the residential zones. That question will be answered when the City's Comprehensive Plan is updated in 2017 by separating the future land use map from the current use zoning map.

Also attached is a matrix of duplex minimum lot sizes found in the zoning codes of other comparable cities. The Planning Board was asked to reevaluate retaining a 7,000 square foot minimum lot size for duplexes in the High Density Residential Zone. Staff finds that retaining the existing duplex minimum lot sizes for the City's two multiple-family residential zones (MDR and HDR) would be consistent for the various densities of single-family dwelling units in each residential zone and, therefore, equally appropriate to having one minimum lot size for duplexes in both the MDR and the HDR residential zones. The primary distinction between the two approaches to duplex minimum lot sizes involves nonconforming uses as zoning density changes with rezoning decisions. Since zoning densities rarely decrease from higher to lower densities with rezones, the distinction may be moot at best and create some nonconforming existing duplexes in the HDR Zone at worst.

Also attached are the proposed Section 6.18 identifying pastures as nonconforming uses and the current Section 16.16.020 prohibiting agricultural uses. The new language in Title 6 regarding animals in the City of Sultan clarifies the confusion caused by language in Title 6 describing how much pasture per animal and what fencing is required for keeping horse in the City. Staff recommends that we simplify the new Section 6.18 by deleting the last sentence of the proposed code amendment. Eliminating the entire new Section 6.18 does not change the prohibition of keeping animals for services or for food or other products (except as a legal nonconforming use established before and maintained since 1996) or the prohibition of other agricultural land uses in the Zoning Code.

Added by Planning Board recommendation:

1. Footnotes: After 24 months and 1 day from the date of initial occupancy, the maximum lot coverage for a detached single-family dwelling unit may be increased from 35% to 40% in the Low Density Residential and Moderate Density Residential Zones.
2. See attached changes to yards, fences, landscaping, sight clearance triangle, and maintenance of planting strips for safety and administrative purposes.
3. Hold a public hearing and include new Section 16.118 Impact Fee Deferral in the adoption of the Zoning Code.
4. Review final draft of the Table on minimum/maximum dimensional and density requirements, including school building height.

These are the major changes proposed and recommended by the Planning Board and City staff, although the Code Amendments are only drafts and some clerical errors are still present which need correction. The Planning Board did a great job of wrestling some of the more difficult development regulation choices in making their recommendations to the City Council.

CITY OF SULTAN
JOINT WORK SESSION
PLANNING BOARD/CITY COUNCIL COVER SHEET

ITEM NO:	**D-2**
DATE:	September 15, 2016
SUBJECT:	Planning Board Recommendation List
CONTACT PERSON:	Brad Collins FAICP, Interim Planning Director

Title 16 Zoning Code

Final Draft Amendment Recommendations of the Planning Board Review:

1. Maximum Lot Coverage option in Low Density Residential and Moderate Density Zones for single-family dwelling units through a footnote to allow an increase from 35% to 40% 24 months and 1 day after initial occupancy.
2. Sight clearance triangle amendments related to fence and yard definitions, landscaping adjacent to public rights-of-way and driveways, fence regulations, and maintenance of planting strips and declaration of nuisances. Add sight clearance triangle diagrams.
3. New Section 6.18 Pasture Nonconformance related to General Regulation 16.16.020 to avoid confusion in SMC enforcement (not related to eliminating conditional uses for agriculture stands/uses).
4. Minimum lot sizes for duplex dwelling units comparison to other similar cities (Arlington, Stanwood, Monroe, Snohomish, Mukilteo) in all residential zones suggests retaining 7,000 square feet for HDR Zone.
5. New Section 16.118 Impact Fee Deferral amendment as required by the State Legislature and approved by the City Council to meet the September 1, 2016, deadline.
6. Designation of new Neighborhood Commercial zoned areas on a new Zoning Map and update of the Comprehensive Plan Future Land Use Map in 2017 (including discussion with the City Council at a joint meeting on September 15, 2016).
7. PROS Plan (discussion with the City Council at a joint meeting and reviewing park impact fee numbers (and accounts).
8. Planning Board discussion of Minimum and/or Maximum units per acre in the residential zones, particularly the Low Density Residential Zone.
9. Concordance and location of definitions in particular sections of the Zoning Code in comparison to those in the Chapter 16.150 Definitions.
10. How Accessory Dwellings Units are addressed in the new Zoning Code as subordinate and incidental to the principal dwelling unit.
11. Minimum lot sizes and minimum lot depth in residential zones amended from old code and new draft code to allow slightly greater densities than 4 units per acre and to provide some consistency in densities for similar housing types, single-family, multiple-family, etc. Low Density Residential becomes 9,600 square feet, Moderate Density

Residential becomes 6,500 square feet, High Density Residential stays at 5,000 square feet, duplexes become 10,000 square feet.

12. Referencing densities in units per acre as well as by calculated minimum lot sizes reflects changing lifestyles (household demographics) and housing styles, particularly larger houses on smaller lots.
13. Amended school building height to be consistent in Moderate Density Residential, High Density Residential, and Public Building Zones at 50 feet at the top of the roof.
14. Reorganized various SMC Chapters via land use (Title 16), environmental (Title 17), subdivision (Title 19), building (Title 15), other regulations (various Titles including 2, 6, and 12), and eliminating other land use (Title 21 and proposed Title 18).
15. Cleaning up wording to "say what we mean and mean what we say" in the various and sometimes confusing or contradictory regulations that can be overlooked when the staff cannot find where the regulations are located in the Sultan Municipal Code. Relying on more specific language in the definitions section to regulate permitted uses than complicated regulations to define permitted uses and conditional uses.
16. Correct authority titles for consistency and clarity.
17. Add Board of Adjustment to reduce minor appeal issues going to an expensive Hearing Examiner process, eliminate conditional uses to reduce less complicated administrative decisions going through an expensive Hearing Examiner process, and keep the Hearing Examiner public review process focused on larger issues that should receive more input and time in making complicated land use decisions.
18. Return to a more traditional zoning code with zones focused on residential uses in residential zones and commercial uses in commercial zones, while allowing mixed-use developments (combined residential and commercial uses) in commercial zones. Changed many conditional uses which require expensive review processes and permit land uses often incompatible with residential uses in residential zones to be permitted uses in a specific.
19. Review permitted uses and development requirements in the Section 16.12 summary table that is used as the quick reference for what is allowed and not allowed in answering inquiries about development.

CITY OF SULTAN
JOINT WORK SESSION
PLANNING BOARD/CITY COUNCIL COVER SHEET

ITEM NO: D-3

DATE: September 15, 2016

SUBJECT: Minimum Lot Size for Duplexes – Comparisons by Cities

CONTACT PERSON: Brad Collins FAICP, Interim Planning Director

Minimum Lot Size for Duplex in Residential Zones Comparison by Cities

City		Zone	Minimum Lot Size	
Sultan	current	Low Density Residential	14,000 sq ft	CUP
	proposed		not permitted	
	current	Moderate Density Residential	10,000 sq ft	CUP
	proposed		10,000 sq ft	
	current	High Density Residential	7,000 sq ft	
	proposed		10,000 sq ft	
Snohomish	current	Low Density Residential	7,200 sq ft	
		Medium Density Residential	6,000 sq ft	
		High Density Residential	5,000 sq ft	
Stanwood	current	Low Density Residential	8,712 sq ft	5 per ac
		Moderate Density Residential	6,000 sq ft	
		High Density Residential		
Monroe	current	Low Density Residential	9,000 sq ft	
		Medium Density Residential	8,000 sq ft	
		High Density Residential	8,000 sq ft	

CITY OF SULTAN
JOINT WORK SESSION
PLANNING BOARD/CITY COUNCIL COVER SHEET

ITEM NO:	**D-4**
DATE:	September 15, 2016
SUBJECT:	Title 16 – DRAFT Zoning Code
CONTACT PERSON:	Brad Collins FAICP, Interim Planning Director

Chapter 2.25
BOARD OF ADJUSTMENT

Sections:

2.25.010 Purpose.
2.25.020 Establishment – Membership.
2.25.030 Organization.
2.25.040 Terms of office.
2.25.050 Removal.
2.25.060 Vacancy filling.
2.25.070 Meetings.
2.25.080 Rules and records.
2.25.090 Powers and duties.
2.25.100 Appeals from board of adjustment.

2.25.010 Purpose.
The purpose of this chapter is to establish a board of adjustment for the city, to provide for their powers and duties, and to set forth their procedures.

2.25.020 Establishment – Membership.
Pursuant to RCW 35.63.080, a board of adjustment is established, which shall consist of three members who are residents of the city or its urban growth area, to be appointed by the mayor and approved by the city council. A quorum of this committee shall be two members. The board of adjustment shall also act as the board of appeals of the city building codes as adopted in SMC 15.01.030.

2.25.030 Organization.
The board of adjustment shall elect a chairman and vice chairman from among its members and shall provide a secretary who need not be a member of the board. The planning staff shall provide assistance necessary to carry out the functions of the board of adjustment.

2.25.040 Terms of office.
The initial appointments to the board of adjustment shall be staggered. One member shall be appointed for one year, one member shall be appointed for two years, and one member shall be appointed for three-year terms. Thereafter, the terms shall be for three years.

2.25.050 Removal.
Any member of the board of adjustment may be removed by the mayor for neglect of duty or malfeasance in office. Neglect of duty shall include, but not be limited to, three consecutive unexcused absences for regular meetings, or a recurring pattern of unexcused absences, not necessarily consecutive.

2.25.060 Vacancy filling.
Vacancies on the board of adjustment shall be filled by appointment of the mayor and approved by the city council. Appointment shall be for the unexpired portion of the term.

2.25.070 Meetings.
The board of adjustment shall meet on the first Thursday of any month as may be needed for conducting their business at 7:00 p.m., at City Hall, 319 Main Street, Sultan, WA, and all such meetings shall be open to the public in accordance with the provisions of the Open Public Meetings Act.

2.25.080 Rules and records.
The board of adjustment shall adopt rules for the transaction of its business and shall keep official minutes of its proceedings and shall keep a public record of its transactions, findings and determinations.

2.25.090 Powers and duties.
The board of adjustment shall hear and decide the following:

A. Zoning Ordinance. To hear and decide appeals of orders, decisions, or determinations made by the planning staff regarding the application and interpretation of the Zoning Code, SMC Title 16.
B. International Construction Codes. To hear and decide appeals of orders, decisions, or determinations made by the building official regarding the application and interpretation of the International Construction Codes, SMC Title 15.
C. Majority Vote Required. The concurring vote of two members of the board of adjustment shall be necessary to set aside any order, decision, or determination regarding a requirement or condition placed on an appellant's development application or project for any matter upon which the board is required to pass under this chapter.

2.25.100 Appeals from board of adjustment.

A. Action Final. The action by the board of adjustment shall be final and conclusive unless within 10 days from the date of said action the original appellant or an adverse party makes application to a writ of prohibition or a writ of mandamus filed in the Snohomish County Superior Court.
B. Inclusion of Findings of Fact. The board of adjustment shall, in making an order, decision, or determination, include, in a brief nonverbatim written record of the case, the findings of fact upon which the action is based.

Chapter 2.26
HEARING EXAMINER

Sections:

2.26.010 Purpose.
2.26.020 Creation of hearing examiner position.
2.26.030 Appointment.
2.26.040 Qualifications.
2.26.050 Removal.
2.26.060 Freedom from improper influence.
2.26.070 Conflict of interest.
2.26.080 Rules.
2.26.090 Duties of the hearing examiner – Applications.
2.26.100 Reports of city departments.
2.26.110 Public hearing.
2.26.120 Hearing examiner's decision.
2.26.125 Reconsideration of hearing examiner's decision.
2.26.130 Notice of hearing examiner's decision.
2.26.140 Appeal from hearing examiner's decision.
2.26.150 *Repealed.*
2.26.160 *Repealed.*
2.26.180 Local improvement district assessment roll hearings.
2.26.190 Variance criteria.

2.26.010 Purpose.
The purpose of this chapter is to establish a system of land use regulatory hearings which will satisfy the following basic needs:

A. A more prompt opportunity for a hearing and decision on alleged violations of land use regulations, and such other regulations as may be assigned to the hearing examiner;
B. To provide an efficient and effective system for deciding quasi-judicial actions including conditional use applications, variance applications, preliminary subdivision applications, and various other procedures as specified in the Sultan Municipal Code (RCW 58.17.330); and
C. To help ensure procedural due process and appearance of fairness by holding such hearings before a neutral party, competent in the fields of land use and procedural requirements. (Ord. 1050-09 § 1; Ord. 979-08 (9/11/08); Ord. 550, 1990)

2.26.020 Creation of hearing examiner position.
Pursuant to Chapter 35A.63 RCW, the office of hearing examiner, hereinafter referred to as examiner, is created. Except for appeals of administrative decisions, all land use development regulation and construction code matters of a quasi-judicial nature, not requiring a modification of any ordinance or legislation, shall be referred to the hearing examiner who shall hear and decide land use regulations in accordance with the procedures set forth herein. (Ord. 1050-09 § 1; Ord. 979-08 (9/11/08); Ord. 701, 1999; Ord. 550, 1990)

2.26.030 Appointment.
The hearing examiner shall be appointed by the mayor from a list of qualified persons approved by the city council. The city council shall approve the compensation of the hearing examiner as with other professional and consultant positions. (Ord. 1050-09 § 1; Ord. 979-08 (9/11/08); Ord. 701, 1999; Ord. 550, 1990)

2.26.040 Qualifications.
Hearing examiners shall be appointed solely with regard to their qualifications for the duties of their office and will have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge the other functions conferred upon them. Hearing examiners shall hold no other elective or appointive office or position in the City of Sultan. (Ord. 1050-09 § 1; Ord. 979-08 (9/11/08); Ord. 550, 1990)
2.26.050 Removal.

The mayor with concurrent majority vote of the city council may remove a hearing examiner from office for cause. (Ord. 1050-09 § 1; Ord. 979-08 (9/11/08); Ord. 550, 1990)

2.26.060 Freedom from improper influence.
No person, including city officials, elected or appointed, shall attempt to influence a hearing examiner in any matter pending before him or her, except at a public hearing duly called for such purpose, or to interfere with a hearing examiner in the performance of his or her duties in any other way; provided, that this section shall not prohibit the city's attorney from rendering legal service to the hearing examiner upon request. (Ord. 1050-09 § 1; Ord. 979-08 (9/11/08); Ord. 550, 1990)

2.26.070 Conflict of interest.
No hearing examiner shall conduct or participate in any hearing, decision, or recommendation in which the examiner has a direct or indirect substantial financial or familial interest or concerning which the hearing examiner has had substantial prehearing contacts with proponents or opponents. Nor, in considering a hearing examiner's recommendation, shall any member of the city council who has such an interest or has had such contacts participate in consideration thereof. (Ord. 1050-09 § 1; Ord. 979-08 § 1 (9/11/08); Ord. 550, 1990)

2.26.080 Rules.
The hearing examiner shall have the power to prescribe rules for the scheduling and conduct of hearings and other procedural matters related to the duties of his or her office. Such rules may provide for cross-examination of witnesses. (Ord. 1050-09 § 1; Ord. 979-08 § 1 (9/11/08); Ord. 550, 1990)

2.26.090 Duties of the hearing examiner – Applications.

A. The hearing examiner shall receive and examine available information, conduct fair and impartial public hearings, prepare a record thereof, and enter findings, conclusions, recommendations, or decisions as provided throughout the Sultan Municipal Code.
B. Except for appeals of administrative decisions, the hearing examiner is empowered to act in lieu of the board of adjustment, and such other officials, boards or commissions as may be assigned. Whenever existing ordinances, codes or policies authorize or direct other officials, boards or commissions to undertake certain activities which the hearing examiner has been assigned, such ordinances, codes or policies shall be construed to refer to the examiner.
C. The hearing examiner is empowered consistent with SMC 2.26.125(D) and rules adopted by the hearing examiner to reconsider decisions or recommendations of the hearing examiner. (Ord. 1050-09 § 1; Ord. 979-08 § 2 (9/11/08); Ord. 764-01; Ord. 550, 1990)

2.26.100 Reports of city departments.
On any land use issue coming before the examiner, the planning director shall coordinate and assemble the reviews of other city departments, governmental agencies, and other interested parties and shall prepare a report summarizing the factors involved. At least seven calendar days prior to the scheduled hearing, the report shall be filed with the hearing examiner and copies thereof shall be mailed to the applicant and made available for public inspection. Copies thereof shall be provided to interested parties upon payment of reproduction costs. In the event that information to be provided by the applicant or other parties outside of city control has not been provided in sufficient time for filing seven days in advance of the hearing, the hearing examiner may reschedule the hearing and notify interested parties. (Ord. 1050-09 § 1; Ord. 979-08 § 2 (9/11/08); Ord. 550, 1990)

2.26.110 Public hearing.

A. Before rendering a decision or recommendation on any application, the hearing examiner shall hold at least one public hearing thereon.
B. Notice of the time and place of the public hearing shall be given as provided in the ordinance governing the application. If none is specifically set forth, such notice shall be given no less than 10 calendar days before the public hearing.
C. The hearing examiner shall have the power to prescribe rules and regulations for the conduct of hearings under this chapter and also to administer oaths, and preserve order. (Ord. 1050-09 § 1; Ord. 979-08 § 2 (9/11/08); Ord. 821-03 § 1; Ord. 550, 1990)

2.26.120 Hearing examiner's decision.
The hearing examiner shall render a written decision within 10 working days of the conclusion of a hearing, unless the applicant or appellant agrees to a longer period in writing. The decision shall include at least the following:

A. Findings of fact and conclusions of law based upon and supported by the record;
B. A decision on the application, or the appeal, to grant, deny, or grant with such conditions, modifications, and restrictions as the examiner finds reasonable to make the application or appeal compatible with its environment, the Sultan Municipal Code, the City of Sultan comprehensive plan, other official policies and objectives, and land use regulatory enactments. Examples of the kinds of conditions, modifications, and restrictions that may be imposed include but are not limited to additional setbacks, screenings in the form of fencing or landscaping, easements, dedications, or additional right-of-way and performance bonds;
C. A statement of the date the decision will become final. (Ord. 1050-09 § 1; Ord. 979-08 § 3 (9/11/08); Ord. 764-01; Ord. 550, 1990)

2.26.125 Reconsideration of hearing examiner's decision.

A. All decisions or recommendations of the hearing examiner are subject to reconsideration, unless reconsideration is waived. Reconsideration is waived unless within seven calendar days of the date of mailing of the decision or recommendation, the applicant, the city, or a party of record submits a written request for reconsideration in accordance with rules issued by the hearing examiner.
B. Pending reconsideration by the hearing examiner, a decision shall not be deemed final for the purpose of commencement of the period of time in which to commence an appeal.
C. If reconsideration is waived because no timely request for reconsideration is made, the initial decision of the hearing examiner, subject to any right of appeal, shall be deemed final as of the eighth calendar day after the date of mailing of the decision.
D. If a timely request for reconsideration is made, the hearing examiner shall grant or deny reconsideration within 10 working days of the date of receipt of the request for reconsideration. (Ord. 979-08 § 3 (9/11/08); Ord. 1050-09 § 1)

2.26.130 Notice of hearing examiner's decision.
Not later than three working days following the rendering of a written decision, copies thereof shall be mailed to the applicant and to other parties of record in the case. "Parties of record" shall include the applicant and all other persons who specifically request notice by signing a register provided for such purpose at the public hearing, or otherwise provide written request for such notice. (Ord. 1050-09 § 1; Ord. 979-08 § 4 (9/11/08); Ord. 550, 1990)

2.26.140 Appeal from hearing examiner's decision.
Hearing examiner's decisions may be appealed to the Snohomish County Superior Court by a party with standing in accordance with the procedures of Chapter 36.70C RCW, or other court of competent jurisdiction as provided by law. (Ord. 1050-09 § 1; Ord. 979-08 § 6 (9/11/08); Ord. 979-08 § 1 (2/14/08); Ord. 550, 1990)

2.26.150 Council consideration.
Repealed by Ord. 1050-09. (Ord. 979-08 § 7 (9/11/08); Ord. 550, 1990)

2.26.160 Effect of council action.
Repealed by Ord. 979-08, 9/11/08. (Ord. 550, 1990)

2.26.180 Local improvement district assessment roll hearings.

A. As authorized by RCW 35.44.070, the city council hereby provides for delegating the duty of conducting public hearings for the purpose of considering and making recommendations on final assessment rolls and the individual assessments upon property within local improvement districts to a hearing examiner appointed under this section, and the hearing examiner is directed to conduct such hearings and make those recommendations to the city council.

B. All objections to the confirmation of the assessment roll shall be in writing and identify the property, be signed by the owners and clearly state the grounds of the objection. Objections not made within the time and in the manner prescribed and as required by law shall be conclusively presumed to have been waived.
C. The hearing examiner shall conduct the hearing to be commenced at the time and place designated by the city council, cause an adequate record to be made of the proceedings, and make written findings, conclusions and recommendations to the city council following the completion of such hearings, which may be continued and recontinued as provided by law whenever deemed proper by the hearing examiner, and the city council shall either adopt or reject the recommendations of the hearing examiner.
D. The recommendations of the hearing examiner shall be that the city council correct, revise, lower, change or modify the roll or any part thereof, or set aside the roll in order for the assessment to be made de novo, or that the city council adopt or correct the roll or take other action on the roll as appropriate, including confirmation of the roll without change. The recommendations of the hearing examiner shall be filed with the city clerk and be open to public inspection. All persons whose names appear upon the recommended assessment roll who timely filed written objections to their assessments shall receive mailed written notification of their recommended assessments.
E. Any persons who shall have timely filed objections to their assessments may appeal the recommendations of the hearing examiner regarding their properties to the city council by filing written notice of such appeal with the city clerk within 10 calendar days after the date of mailing of the hearing examiner's recommendations.
F. The appeal shall be based exclusively upon the record made before the hearing examiner and shall be considered by the city council at a public meeting. No new evidence may be presented. Arguments on appeal shall be either oral or written as the city council may order.
G. The city council shall adopt or reject the recommendations of the hearing examiner at a public meeting, after considering any appeals, and shall act by ordinance in confirming the final assessment roll.
H. Any appeal from a decision of the city council regarding any assessment may be made to the Snohomish County Superior Court within the time and in the manner provided by law.
I. The procedures set forth in this section are independent of an alternative to any other hearing or review processes heretofore or hereafter established by the city, and shall govern the conduct and review of final assessment hearings conducted before hearing examiners and related proceedings when authorized by the city council. (Ord. 1050-09 § 1; Ord. 979-08 § 8 (9/11/08); Ord. 775-01 § 1)

2.26.190 Variance criteria.

No application for a variance shall be granted unless the hearing examiner finds:

A. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which their application was filed is located; and
B. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and
C. That such variance is necessary:
    1. Because of special circumstances set forth in the findings relating to size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
    2. Because for reasons set forth in the findings, the variance as approved would contribute significantly to the improvement of environmental conditions, either existing or potentially arising from the proposed improvement. (Ord. 1050-09 § 1; Ord. 979-08 § 9 (9/11/08))

6.18 Pastures as Nonconforming Uses

SMC Title 16 Zoning Code does not permit agricultural uses, including livestock, in the City of Sultan. Since the adoption of zoning regulations in 1995, no agricultural activity was permitted as a new land use in the City of Sultan. Agricultural activities that were in existence prior to 1995 were allowed to continue their operations as legal nonconforming uses. Per SMC Chapter 6.08 and SMC 16.150.120.L.13, pasture land of one half acre per domestic animal and provisions of fencing and sheltering are required to keep livestock and maintain the legal nonconforming use.

Chapter 12.08
MAINTENANCE OF PLANTING STRIPS

Sections:

12.08.010 Required by abutting owner – Serving of notice – Penalty.
12.08.020 Failure by owner – Employment of labor by city – Lien on property.

12.08.010 Required by abutting owner – Serving of notice – Penalty.

A. The committee upon streets and alleys of the council of the city of Sultan shall have power to require any owner, tenant or person in possession of any lot in the city of Sultan to cut the grass upon the planting strip upon each side of the sidewalk abutting such lot and to remove all growth from such walk.
B. Written notice of the committee's requirements, signed by the chairman of the committee, shall be served upon such owner, tenant or person in possession in person if a resident of Sultan, otherwise by mailing such notice to the last-known post office address of such person.
C. Any owner, tenant or person in possession, who fails or neglects for a period of seven days after the service of such notice in person, or for 14 days after such notice is deposited in the U.S. Post Office properly addressed, to obey the requirements of the committee shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $10.00. (Ord. 90 § 3, 1916)

12.08.020 Failure by owner – Employment of labor by city – Lien on property.

A. If any owner, tenant or person in possession fails or neglects to cut the grass upon any such planting strip or remove growths from any sidewalk when required to do so as provided in SMC 12.08.010, the committee upon streets and alleys may employ labor to do so.
B. The bill of expense for such labor shall be presented to the council of Sultan for audit and allowance.
C. Thirty days' notice of the time and place such bill is to be so audited shall be given the owner or person in possession of such lot, to which notice shall be attached a copy of said bill, and such owner or person in possession shall have the right to appear and make objection to such bill of expense.
D. Such bill of expense when duly audited and allowed, if not paid within 10 days thereafter by such owner or person in possession, shall be paid out of the general funds of the city and the city may recover same by action against such owner, tenant or person in possession in any court having jurisdiction of the amount thereof, or the city of Sultan may have a lien upon said lot for the amount of such bill of expense by filing with the county auditor of Snohomish County, Washington, a claim of lien in proper form.
E. Any said lien may be enforced by the Superior Court of the state of Washington, in and for Snohomish County, at any time.

Chapter 15.08
FENCE STANDARDS

Sections:

15.08.010 Purpose.
15.08.015 Definition.
15.08.020 General.
15.08.030 Residential design standards.
15.08.040 Commercial design standards.

15.08.010 Purpose.
The purpose and intent of these fencing standards is to create aesthetic fencing that is uniform along frontages with characteristics similar to the existing neighborhood. No fence or wall shall create a hazard to the general public. (Ord. 807-03; Ord. 713-00)

15.08.015 Definition.
Any person not finding a definition of a word or phrase in this chapter shall first refer to Chapter 16.150 SMC; any word phrase not defined by either this chapter or Chapter 16.150 SMC shall then refer to Webster's Dictionary.

A. "Fence" means any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land. Per SMC 16.150.060(4). (Ord. 807-03)

15.08.020 General.
Fences shall be regulated by this code when placed on or near the property boundary which may include fences within 10 feet of any right-of-way, street, alley, access easement, driveway or within 30 feet of a corner. A permit is required for all new fences constructed within the city of Sultan.

All permit applications shall:

A. Include the required fee;
B. A site plan drawn to scale indicating property lines, easements, abutting rights-of-way, adjacent driveways, location and height of fence and all structures including fire hydrants and power poles within 10 feet of proposed fence. (Ord. 807-03; Ord. 713-00)

15.08.030 Residential design standards.
Fences may be installed on property lines on residentially zoned lots, with the exception offences over three feet in height ground the ground in front yards.

A. Fences installed on or across a city of Sultan easement may be required to be removed by the property owner, or may be removed by the city of Sultan, a city agent, or a city contractor at the property owner's expense.
It shall be the property owner's responsibility to determine the location of all property lines.

B. Height of all fences shall be limited to three feet above the ground within 10 feet of any right-of-way, street, access easement, or driveway or 30 feet of any corner.

C. A minimum four-foot high fence shall be placed around open storm drainage retention/detention systems when required by the Uniform Building Code (U.B.C.) Division 1 Section 419 for swimming pools. The design shall be approved by the city and in compliance with the U.B.C. Division 1 Section 419, a 10-foot wide service access with a 10-foot wide service access gate shall be provided.

D. When a retaining wall three feet in height or greater is contiguous to and below a proposed fence, the proposed fence may be constructed for the purposes of safety not greater than three feet above the top of the retaining wall or the finished grade, whichever is less, without the necessity for a variance.

E. Fence height shall be measured from the top of the fence to the lowest grade of the ground on the property owner's side.

F. Supporting fence post shall be installed at one-third of the distance of the fence height into the ground. Fence post for privacy fence (solid board) shall be installed at 40 percent of the fence height.

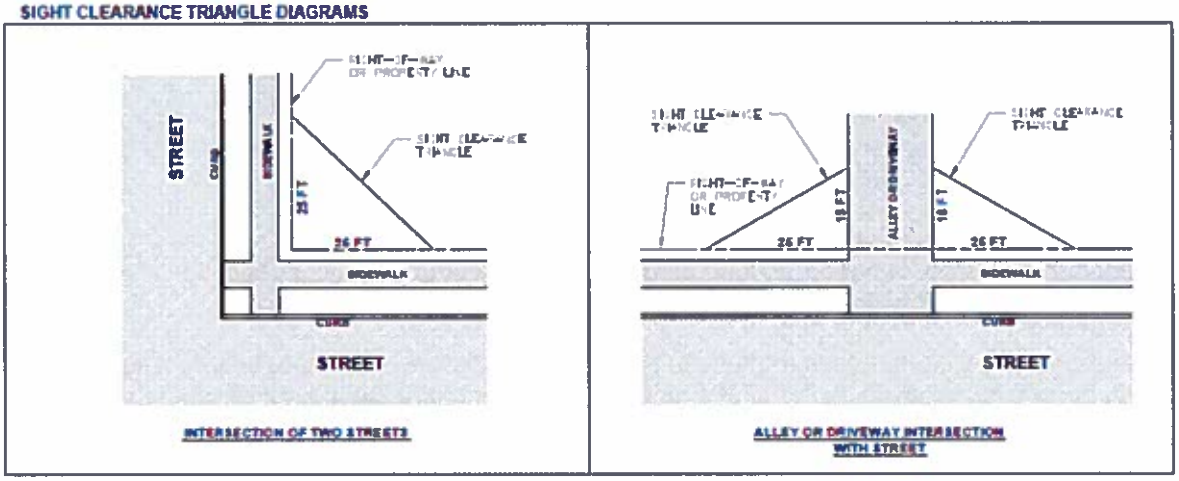
G. No fence, structure, or landscaping may be constructed or maintained if it creates a hazard to users of the street or to nearby property. Electrical, barbed wire, and any material that may cause a safety hazard shall be prohibited, unless the applicant can prove that the fence is for existing agricultural uses. (Ord. 807-03; Ord. 713-00)

15.08.040 Commercial design standards.
In all other zones, fences and walls may be installed up to a height of eight feet; provided, that the following requirements are met:

A. Where commercially or industrially zoned property has street frontage across from residential property, there shall be a setback of one foot for each foot in height of the fence or wall. This setback will be densely landscaped to provide a vegetative barrier. A landscaping plan will be submitted to and approved by the planning director prior to construction of the fence or wall. All installed landscaping materials will be maintained in a healthy state.

B. A landscaped setback area shall not be required for fences or walls if the commercial or industrially zoned property adjoins or abuts similarly zoned property. (Ord. 807-03)

SIGHT CLEARANCE TRIANGLE DIAGRAMS



Title 16 Zoning Code

Final Draft Amendment Recommendations of the Planning Board Review:

1. Maximum Lot Coverage option in Low Density Residential and Moderate Density Zones for single-family dwelling units through a footnote to allow an increase from 35% to 40% 24 months and 1 day after initial occupancy.
2. Sight clearance triangle amendments related to fence and yard definitions, landscaping adjacent to public rights-of-way and driveways, fence regulations, and maintenance of planting strips and declaration of nuisances. Add sight clearance triangle diagrams.
3. New Section 6.18 Pasture Nonconformance related to General Regulation 16.16.020 to avoid confusion in SMC enforcement (not related to eliminating conditional uses for agriculture stands/uses).
4. Minimum lot sizes for duplex dwelling units comparison to other similar cities (Arlington, Stanwood, Monroe, Snohomish, Mukilteo) in all residential zones suggests retaining 7,000 square feet for HDR Zone.
5. New Section 16.118 Impact Fee Deferral amendment as required by the State Legislature and approved by the City Council to meet the September 1, 2016, deadline.
6. Designation of new Neighborhood Commercial zoned areas on a new Zoning Map and update of the Comprehensive Plan Future Land Use Map in 2017 (including discussion with the City Council at a joint meeting on September 15, 2016).
7. PROS Plan (discussion with the City Council at a joint meeting and reviewing park impact fee numbers (and accounts).
8. Planning Board discussion of Minimum and/or Maximum units per acre in the residential zones, particularly the Low Density Residential Zone.
9. Concordance and location of definitions in particular sections of the Zoning Code in comparison to those in the Chapter 16.150 Definitions.
10. How Accessory Dwellings Units are addressed in the new Zoning Code as subordinate and incidental to the principal dwelling unit.
11. Minimum lot sizes and minimum lot depth in residential zones amended from old code and new draft code to allow slightly greater densities than 4 units per acre and to provide some consistency in densities for similar housing types, single-family, multiple-family, etc. Low Density Residential becomes 9,600 square feet, Moderate Density Residential becomes 6,500 square feet, High Density Residential stays at 5,000 square feet, duplexes become 10,000 square feet.
12. Referencing densities in units per acre as well as by calculated minimum lot sizes reflects changing lifestyles (household demographics) and housing styles, particularly larger houses on smaller lots.

13. Amended school building height to be consistent in Moderate Density Residential, High Density Residential, and Public Building Zones at 50 feet at the top of the roof.
14. Reorganized various SMC Chapters via land use (Title 16), environmental (Title 17), subdivision (Title 19), building (Title 15), other regulations (various Titles including 2, 6, and 12), and eliminating other land use (Title 21 and proposed Title 18).
15. Cleaning up wording to "say what we mean and mean what we say" in the various and sometimes confusing or contradictory regulations that can be overlooked when the staff cannot find where the regulations are located in the Sultan Municipal Code. Relying on more specific language in the definitions section to regulate permitted uses than complicated regulations to define permitted uses and conditional uses.
16. Correct authority titles for consistency and clarity.
17. Add Board of Adjustment to reduce minor appeal issues going to an expensive Hearing Examiner process, eliminate conditional uses to reduce less complicated administrative decisions going through an expensive Hearing Examiner process, and keep the Hearing Examiner public review process focused on larger issues that should receive more input and time in making complicated land use decisions.
18. Return to a more traditional zoning code with zones focused on residential uses in residential zones and commercial uses in commercial zones, while allowing mixed-use developments (combined residential and commercial uses) in commercial zones. Changed many conditional uses which require expensive review processes and permit land uses often incompatible with residential uses in residential zones to be permitted uses in a specific.
19. Review permitted uses and development requirements in the Section 16.12 summary table that is used as the quick reference for what is allowed and not allowed in answering inquiries about development.

Title 16
ZONING CODE

Chapters:

Division I. General Provisions

16.01 General Provisions

Division II. Zoning Districts

16.08 Establishment of Zoning Districts

16.12 Permitted Uses and Tables of Dimension and Density Requirements

Division III. Site Development Regulations

16.16 General Regulations

16.17 Conditional Use Permits

16.18 Nonconformances

16.19 Variances

Division IV. Performance Standards

16.20 Performance Standards – General

16.24 Home Occupations Standards

16.28 Manufactured Housing Standards

16.32 Nonresidential Performance Standards

16.36 Marijuana Businesses Standards

16.40 Off-Street Parking and Loading Standards

16.44 Recreation and Open Space Standards

16.52 Wireless Communications Facilities Standards

Division V. Concurrency Management System

16.108 Concurrency Management System

16.112 Development Impact Fees

16.116 School District Impact Fees

16.118 Impact Fee Deferral

Division VI. Administration

16.120 Administration

16.124 Public Hearings

16.126 Amendments

16.128 Public Participation and Notice Procedures for Amendments to the Comprehensive Plan, Comprehensive Plan Elements and Development Regulations

Division VII. Enforcement

16.132 Enforcement and Penalties (replaced by SMC Chapter 1.10)

16.140 Suspension and Revocation of Permits (replaced by SMC Chapter 1.10)

Division VIII. Definitions

16.150 Definitions

*Prior legislation: Ords. 453, 494, 527 and 608.

Division I. General Provisions
Chapter 16.01
GENERAL PROVISIONS

Sections:
16.01.010 Purpose and scope.
16.01.020 Rules for construction of language.

16.01.010 Purpose and scope.
The purpose of the Zoning Code is to establish standards, procedures, and minimum requirements for land use and development regulation in the City of Sultan and thereby achieve the following general intentions and purposes of the Sultan Comprehensive Plan:
A. To establish regulatory procedures and standards for review and approval of all proposed development in the city.
B. To foster and preserve public health, safety, comfort, and welfare, and to aid in the harmonious, orderly, aesthetically pleasing, and socially beneficial development of the city.
C. To adopt a development review process that is:
1. Efficient, in terms of time and expense relative to staff resources;
2. Effective, in terms of addressing the natural, historic, and aesthetic resources and public facility implications of any proposed development, while also protecting and improving the quality of life in the city; and
3. Equitable, in terms of consistency with established regulations and procedures, respect for the rights of all property owners, and consideration of the interests of the citizens and residents of the city.

D. To implement the comprehensive plan of the city by:
1. Establishing regulations and conditions governing the erection and use of buildings and other structures and the uses of land;
2. Securing safety from fire, panic, and other dangers;
3. Lessening automobile congestion of the streets;
4. Providing for adequate light and air;
5. Preventing the overcrowding of land;
6. Avoiding undue congestion of population and facilitating the adequate provision of transportation, potable water, sanitary sewage disposal, schools, parks, and other public requirements of the city;
7. Dividing the city into zoning districts, defining certain terms, designating the land uses and intensities thereof that are permitted in the different districts, and providing lot size and other dimensional and density requirements for new development;
8. Establishing a separate and distinct map of permitted land uses of said zoning districts along specific property lines and natural boundaries to implement the Comprehensive Plan land use map of future planned land uses, which are not necessarily the same as the current permitted land uses as shown for the districts on the Zoning Map;
9. Establishing performance standards that apply to all new development as well as the redevelopment of all lands in the city;
10. Continuing a planning board, including the composition of its membership and powers and duties of said citizen board;
11. Defining the functions of the building and zoning official, hearing examiner, planning board, and city council and other relevant agencies with respect to the administration and enforcement of the Zoning Code and other development regulations.

E. To ensure that all development in the city will be served by adequate public infrastructure consistent with the City of Sultan Comprehensive Plan.
F. To require that all new land development activity contribute its proportionate share of the funds, land, and/or public facilities necessary to accommodate the impacts that such new development has on public facilities and services having a rational nexus to the proposed development and for which the need is reasonably attributable to the proposed development.
G. To enforce the development regulations in the Zoning Code. (Ord. 630 § 2 [16.01], 1995)

16.01.020 Rules for construction of language.

The following rules of construction apply to the text of the Zoning Code:

A. The particular shall control the general.

B. In case of any difference of meaning or implication between the text of the Zoning Code and any caption, illustration, summary table, or illustrative table, the text shall control.

C. The word "shall" is always mandatory and not discretionary. The word "should" is permissive and is discretionary.

D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

E. A "building" or "structure" includes any part thereof.

F. The phrase "used for" includes "arranged for," "designed for," "maintained for" or "occupied for."

G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either or," the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

I. The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

J. The use of any gender-based pronoun shall not be construed to be gender-biased, but is only used for grammatical simplicity. (Ord. 630 § 2 [16.04.10], 1995)

Division II. Zoning Districts
Chapter 16.08

ESTABLISHMENT OF ZONING DISTRICTS

Sections:
16.08.010 Establishment of zoning districts.
16.08.020 Establishment of zoning maps.

16.08.010 Establishment of zoning districts.

The City of Sultan is hereby divided into eight zoning districts as follows:

A. Low Density Residential Zone (LDR);
B. Moderate Density Residential Zone (MDR);
C. High Density Residential Zone (HDR);
D. Neighborhood Commercial Zone (NC)
D. Urban Center Zone (UC);
E. Highway-Oriented Commercial Zone (HOC);
F. Manufacturing Zone (M);
G. Public Buildings, Parks and Open Space Zone (PB/P/OS).
(Ord. 1072-10 § 1 (Exh. B); Ord. 630 § 2[16.02], 1995)

16.08.020 Establishment of a zoning map.

A. The boundaries and identification of the zoning districts established by the Zoning Code are shown on the zoning map which is filed in the office of the city clerk/treasurer (with copies in the office of the building and zoning official). Said map is hereby declared to be part of the Zoning Code as fully as set out herein.
B. No building or land shall be used and no building shall be erected or altered except in conformity with the regulations herein prescribed for the district designated and identified on the zoning district map in which such building, land, or water is located.
C. Interpretation of the Zoning Map.

1. Zoning district boundaries are shown as heavy solid lines on the zoning map and may be superimposed on lighter lines designating platted lot lines, streets, and other physically identifiable ground features, unless specific distances in feet or angles, bearings, radii, or other references to a boundary line located are specified.
2. Zoning district boundary lines, when located in streets or other public rights-of-way shall be interpreted as being located in the center line of such rights-of-way. When distances expressed as linear footage are shown between a zoning district and a street, the distance shall be interpreted as being between said boundary line and the center line of said street, unless otherwise specified.
3. Boundary lines between zoning districts which are interrupted on the zoning map to show street names or other identification numbers shall be interpreted as extending through such identification, unless otherwise specified.
4. When the exact location of a zoning district boundary line is not clear, it shall be determined by the building and zoning official, with due consideration given to the location as indicated by the scale of the zoning map. When, for any reason, the streets or alleys as they actually exist on the ground differ from the depiction of said streets and alleys as they are shown on the zoning map, the building and zoning official may apply the district designations on the map to the streets on the ground in such manner as to conform to the intent and purpose of the Zoning Code.
5. Where a zoning district boundary line shown on the zoning map divides a lot of record at the time of the adoption of the Zoning Code, the property owner shall have the option of choosing either of the two districts to apply to the entire lot area, or may subdivide the lot to retain both districts as mapped; provided, that all of the standards and requirements of the relevant performance standards can be met. (Ord. 630 § 2 [16.03], 1995)

D. Zoning Map Amendments.
The Zoning Map is forthwith separate and distinct from the Future Land Use Map (Comprehensive Plan Figure LU-1). The Zoning Map depicts the zoning districts along specific property lines (except as noted above) and along natural boundary geographic features such as steep slopes, floodways, rivers and

streams, wetlands, etc. The Future Land Use Map Figure LU-1 shows land uses planned for future development that may not be the same as current land uses depicted on the Zoning Map. The boundaries of different land uses shown on the Future Land Use Map should not be considered precise boundaries along specific property lines as the zoning district boundaries are intended. Instead, the Future Land Use Map may have imprecise boundaries between different land uses allowing for a margin of flexibility to property owners in changing the long-range planning designation for the future land use in the vicinity of their properties.

Accordingly, the City of Sultan will allow for amendments to the Zoning Code Map to be applied for independent of the annual docketing process required for Comprehensive Plan amendments to the Future Land Use Map. The Zoning Code map amendment process will follow procedures similar to Zoning Code development regulation text amendments. Applicants as well as the City may apply for both Zoning Code map and text amendments through a public hearing process before the city council after review and recommendation from the planning board. Zoning Code map and text amendments are legislative actions. Only large area rezones or revisions to existing zoning district boundaries will be considered by Zoning Code map amendment application and site-specific rezones that can be categorized as "spot zones" will not be considered as a legal Zoning Code map amendment.

Low Density Residential (LDR) Zone
Table of Dimension and Density Requirements

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft)[9]			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front[10]	Each Side[10]	Rear[10]		
Single-Family Detached Dwellings	4.0	9,600 sq ft	80	100	20	10	20	30	40[12]
Single-Family Detached Dwellings (Clustered)[7]	4.0	9,600 sq ft	80	100	20	10	20	30	35
Group Homes	4.0	9,600 sq ft	80	100	20	10	20	30	35
Accessory Dwelling Units	*	n/a	80	100	20	10	20	30	35
Home Occupations	--	n/a	80	100	20	10	20	30	35
Accessory Buildings/Structures	--	n/a	80	100	20	10	20	30	35
Guest Houses[2]	4 guest rms[2]	9,600 sq ft	80	80	20	10	20	30	35
Elementary Schools[6,7]	--	10 acres[6]	300	300	25	25	50	50	25

[1]*Repealed by Ord. 1076-10.*

[2]Guest Houses shall not exceed a total of 4 bedrooms.

[6]Plus one acre per 100 students.

[7]Conditional use.

[9]All site and development plans including lots within short and formal subdivisions shall show building envelopes based on minimum yard setbacks.

[10]Eaves of a dwelling or accessory structure may project 12 inches from the line of the setback toward a property line when the setback is at least five feet, and 16 inches toward a property line when the setback is at least six feet. All other uses shall conform to the requments of the Uniform Building Code Sections 503.2 and 705.

(Ord. 1076-10 § 2 (Exh. A); Ord. 917-06 § 1; Ord. 834-03 § 1; Ord. 780-02 §§ 1, 2, 3; Ord. 630 § 2[16.07.010], 1995)

* Units/Acre density will increase as an ADU is added on the lot of a principal single-family dwelling unit.

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[12] After 5-years from the time of first occupancy of a single-family dwelling unit, the maximum lot coverage may be increased from 35% to 40%.

Moderate Density Residential (MDR) Zone
Table of Dimension and Density Requirements

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions: Area	Minimum Lot Dimensions: Width (ft)	Minimum Lot Dimensions: Depth (ft)	Minimum Yard Setbacks (ft)[11]: Front[12]	Minimum Yard Setbacks (ft)[11]: Each Side[12]	Minimum Yard Setbacks (ft)[11]: Rear[12]	Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
Duplexes/Two-Family Dwellings	8.0	10,000 sq ft	80	80	20	10	20	30	40
Single-Family Attached Dwellings (Zero Lot Line and Townhouse Dwellings)	6.0	6,500 sq ft	60	80	20	20	20	30	40
Single-Family Detached Dwellings	6.0	6,500 sq ft	60	80	20	10	20	30	35
Single-Family Detached Dwellings (Clustered)[9]	6.0	6,500 sq ft	60	80	20	10	20	30	35
Group Homes	6.0	6,500 sq ft	60	80	20	10	20	30	35
Accessory Dwelling Units	*	n/a	60	80	20	10	20	30	35
Home Occupations	--	n/a.	60	80	20	10	20	30	35
Accessory Buildings/Structures	--	n/a	60	80	20	10	20	30	35
Guest Houses[2]	6 guest rms	6,500 sq ft	60	80	20	10	20	30	35
Day-Care Centers[9]	--	6,500 sq ft	60	80	20	10	20	30	35
Preschools[9]	–	6,500 sq ft	60	80	20	10	20	30	35
Elementary Schools[9]	–	10 acres[8]	300	300	25	25	50	50	25
Middle Schools[9]	–	15 acres[8]	300	300	25	25	50	50	25
High Schools[9]	–	15 acres[9]	500	500	50	50	50	50	25
Community Centers[9]	–	0.5 acre	100	100	25	15	25	30	25
Houses of Worship[9]	–	1 acre	100	200	25	15	25	30	25

Moderate Density Residential (MDR) Zone
Table of Dimension and Density Requirements

[1]The front yard setback of 10 feet shall apply to the principal structure. Any garage or carport built in conjunction with this type of dwelling, either attached to the principal structure or detached, shall have a minimum setback of 20 feet.

[2]Guest houses shall not exceed a total of 6 guest rooms

[8]Plus one acre per 100 students.

[9]Conditional use.

[11]All site and development plans including lots within short and formal subdivisions shall show building envelopes based on minimum yard setbacks.

[12]Eaves of a dwelling or accessory structure may project 12 inches from the line of the setback toward a property line when the setback is at least five feet, and 16 inches toward a property line when the setback is at least six feet. All other uses shall conform to the requirements of the Uniform Building Code Sections 503.2 and 705.

(Ord. 1145-12 §§ 4, 5; Ord. 1076-10 § 3 (Exh. B); Ord. 928-06 § 1; Ord. 917-06 § 2; Ord. 834-03 § 2; Ord. 780-02 §§ 4, 5, 6; Ord. 630 § 2[16.07.020], 1995)

* Units/Acre density will increase as an ADU is added on the lot of a principal single-family dwelling unit.

High Density Residential (HDR) Zone
Table of Dimension and Density Requirements

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft)[9]			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front[10]	Each Side[10]	Rear[10]		
Multiple-Family Dwellings	20.0	10,000 sq ft for first 3 units + 2,000 sq ft additional lot area for each additional unit	100	100	25	10	25	30	45
Duplexes/Two-Family Dwellings	8.0	10,000 sq ft	60	80	20	10	20	30	40
Townhouses (Attached Single-Family Dwellings)	8.0	5,000 sq ft	60	80	20	10	20	30	40
Zero Lot Line Dwellings (Attached Single-Family Dwellings)	8.0	5,000 sq ft	60	80	20	20	20	30	40
Single-Family Detached Dwellings	80	5,000 sq ft	60	80	20	10	20	30	40
Single-Family Detached Dwellings (Clustered)	8.0	5,000 sq ft	60	80	20	10	20	30	40
Group Homes	8.0	5,000 sq ft	60	80	20	10	20	30	40
Accessory Dwelling Units	*	n/a	60	80	20	10	20	30	40
Home Occupations	--	n/a	60	80	20	10	20	30	40
Accessory Buildings/Structures	--	n/a	60	80	20	10	20	30	40
Guest Houses[7]	8 guest rms	5,000 sq ft	100	100	25	10	25	30	45
Boarding Houses	10 rooms	10,000 sq ft	100	100	25	10	25	30	45
Residential Care Facilities	10 rooms	10,000 sq ft	100	100	25	10	25	30	45
Day-Care Centers[7]	--	5,000 sq ft	60	80	20	10	20	30	35

Preschool Facilities[7]	–	5,000 sq ft	60	80	20	10	20	30	35
Elementary Schools[6, 7]	–	10 acres[6]	300	300	25	25	50	50	25
Middle Schools[6, 7]	–	15 acres[6]	300	300	25	25	50	50	25
High Schools[6, 7]	–	15 acres[6]	500	500	50	50	50	50	25
Community Centers[7]	–	1 acre	100	100	25	25	25	30	25
Houses of Worship[7]	–	1 acre	100	100	25	25	25	30	25

[1]The front yard setback of 10 feet shall apply to the principal structure. Any garage or carport built in conjunction with these dwelling unit types, either attached to or detached from the principal structure shall have a minimum front yard setback of 20 feet.

[3]*Repealed by Ord. 1076-10.*

[2]*Guest Houses shall not exceed a total of 8 guest rooms.*

[6]Plus one acre per 100 students.

[7]Conditional use.

[8]No portion of a building wall 10 feet to 20 feet in height shall be closer than 10 feet. No portion of a building wall 20 feet to 30 feet in height shall be closer than 15 feet.

[9]All site and development plans including lots within short and formal subdivisions shall show building envelopes based on minimum yard setbacks.

[10]Eaves of a dwelling or accessory structure may project 12 inches from the line of the setback toward a property line when the setback is at least five feet, and 16 inches toward a property line when the setback is at least six feet. All other users shall conform to the requirements of the Uniform Building Code Sections 503.2 and 705.

(Ord. 1076-10 § 4 (Exh. C); Ord. 928-06 § 2; Ord. 917-06 §§ 3, 4; Ord. 834-03 § 3; Ord. 780-02 §§ 7, 8, 9; Ord. 765-01 §§ 1, 2; Ord. 630 § 2[16.07.030], 1995)

* Units/Acre density will increase as an ADU is added on the lot of a principal single-family dwelling unit.

Neighborhood Commercial (NC) Zone
Table of Dimension and Density Requirements

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft)			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)[8]
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Single-Family Detached Dwellings	8.0	5,000 sq ft	60	80	20	10	20	30	40
Townhouses (Attached Single-Family Dwellings)	8.0	5,000 sq ft	60	80	20	10	20	30	40
Duplexes/Two-Family Dwellings	8.0	10,000 sq ft	60	80	20	10	20	30	40
Multiple-Family Dwellings	20.0	10,000 sq ft for first 3 units + 2,000 sq ft additional lot area for each additional unit	100	100	25	10	25	30	45
Residential Over Commercial/Office	**20.0**	-	-	-	-	-	-	**30**	-
Group Homes	8.0	5,000 sq ft	60	80	20	10	20	30	40
Boarding Houses	10 rooms	10,000 sq ft	100	100	25	10	25	30	45
Residential Care Facilities	10 rooms	10,000 sq ft	100	100	25	10	25	30	45
Accessory Dwelling Units	*	n/a	60	80	20	10	20	30	40
Day-Care Centers	--	5,000 sq ft	60	80	20	10	20	30	35

Retail Trade Establishments	–	2,500 sq ft	20	75	0	0	15	30	80
Personal Service Establishments	–	2,500 sq ft	20	75	0	0	15	30	80
Business/Professional Services Establishments	–	2,500 sq ft	20	75	0	0	15	30	80
Office Buildings	–	10,000 sq ft	75	75	0	0	35	30	60

[1]The front yard setback of 10 feet shall apply to the principal structure. Any garage or carport built in conjunction with these dwelling unit types, either attached to or detached from the principal structure shall have a minimum front yard setback of 20 feet.

[2]*Guest Houses shall not exceed a total of 8 guest rooms.*

[7]Conditional use.

[8]No portion of a building wall 10 feet to 20 feet in height shall be closer than 10 feet. No portion of a building wall 20 feet to 30 feet in height shall be closer than 15 feet.

[9]All site and development plans including lots within short and formal subdivisions shall show building envelopes based on minimum yard setbacks.

[10]Eaves of a dwelling or accessory structure may project 12 inches from the line of the setback toward a property line when the setback is at least five feet, and 16 inches toward a property line when the setback is at least six feet. All other users shall conform to the requirements of the Uniform Building Code Sections 503.2 and 705.

* Units/Acre density will increase as an ADU is added on the lot of a principal single-family dwelling unit.

Urban Center (UC) Zone
Table of Dimension and Density Requirements

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions: Area	Minimum Lot Dimensions: Width (ft)	Minimum Lot Dimensions: Depth (ft)	Minimum Yard Setbacks (ft): Front	Minimum Yard Setbacks (ft): Each Side	Minimum Yard Setbacks (ft): Rear	Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)[a]
Single-Family Detached/Attached Dwellings	8.0	5,000 sq ft	70	80	20	10	25	30	50
Multiple-Family Dwellings	20.0	10,000 sq ft for first 3 units +2,000 sq ft additional lot area for each additional unit	100	100	20	10	25	30	50
Duplexes/Two-Family Dwellings	8.0	10,000 sq ft	70	80	20	10	25	30	50
Boarding Houses	12 (rooms)	10,000 sq ft	70	80	20	10	25	30	50
Residential Care Facilities	12 (rooms)	10,000 sq ft	70	80	20	10	25	30	50
Residential Over Commercial/Office	**20.0**	-	-	-	-	-	-	**30**	-
Accessory Dwelling Units	*	n/a	60	80	20	10	20	30	40
Guest Houses	–	5,000 sq ft	70	80	20	10	25	30	50
Retail Trade Establishments	–	3,500 sq ft	20	75	0	0	15	30	90
Personal Service Establishments	–	2,500 sq ft	20	75	0	0	15	30	90
Business/Professional Services Establishments	–	2,500 sq ft	20	75	0	0	15	30	90
Post Offices	–	0.5 acre	100	200	0	0	35	30	40

Courthouses/Government Offices	–	0.5 acre	100	100	0	0	35	30	40
Office Buildings	–	10,000 sq ft	75	75	0	0	35	30	60
Public Safety (Police/Fire) Stations	–	0.5 acres	100	200	0	0	35	30	40
Libraries	–	10,000 sq ft	75	75	0	0	35	30	60
Houses of Worship	–	0.5 acre	100	100	10	25	35	30	35
Community Centers	–	0.5 acre	100	100	10	25	35	30	35
Theaters	–	8,000 sq ft	40	80	0	0	15	30	60
Museums/Art Galleries	–	5,000 sq ft	40	80	0	0	15	30	60
Night Clubs	–	5,000 sq ft	40	80	0	0	15	30	60
Health Clubs	–	5,000 sq ft	40	80	0	0	15	30	60
Public Transit Stations/Off-Street Bus Stops	–	1 acre	100	200	25	25	25	30	25
Agricultural Produce Stands[7]	–	–	–	–	–	–	–	30	–
Automobile Repair Shops (in-bldg)[7]	–	10,000 sq ft	75	75	0	0	15	30	60
Automobile Service Stations[7]	–	10,000 sq ft	75	75	0	0	15	30	60
Car Wash Facilities[7]	–	10,000 sq ft.	75	75	0	0	15	30	60
Farmers Markets (regularly or seasonally)[7]	–	–	–	–	–	–	–	30	–
Mixed-Use Developments[7]	–	1 acre	100	200	0	0	15	30	90
Parking Structures[7]	–	10,000 sq ft	75	75	0	0	15	30	90
Seasonal Parking Facilities[7]	–	2,500 sq ft	50	50	0	0	15	30	90

Urban Center (UC) Zone
Table of Dimension and Density Requirements

[7]Conditional use.

[8]Buildable Area Calculation – Transfer of Floor Area. An owner of a site or property containing critical areas (streams and wetlands) may be permitted to transfer the available floor area attributed to the size of the critical area to the unconstrained portion of the same site or property, and reduce the parking requirements for the development by an area equal to the floor area transferred, subject to the following requirements:

(1) The critical area and or stream corridor and required buffers be dedicated to the city as an easement.

(2) The minimum parking requirements for the proposed single-story land use, based on maximum lot coverage and net usable lot area is provided.

(Ord. 1142-12 § 1; Ord. 787-02 §§ 1, 2; Ord. 780-02 § 10; Ord. 765-01 §§ 3, 4; Ord. 743-00; Ord. 630 § 2[16.07.040], 1995)

* Units/Acre density will increase as an ADU is added on the lot of a principal single-family dwelling unit.

Highway-Oriented Commercial (HOC) Zone
Table of Dimension and Density Requirements

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft)			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Retail/Wholesale Trade Establishments	–	10,000 sq ft	70	80	25	10	25	30	25[6]
Personal Service Establishments	–	10,000 sq ft	70	80	25	10	25	30	25[6]
Business/Professional Services Establishments	–	10,000 sq ft	70	80	25	10	25	30	25[6]
Hotels and Motels	–	0.5 acre	100	100	25	10	25	30	35[6]
Hardware/Home Building Supply Stores	–	1 acre	100	200	50	25	50	30	35[6]
Lumberyards	–	1 acre	100	200	50	25	50	30	35[6]
Hospitals//Medical Clinics/Health Care Facilities	–	0.5 acres	100	100	25	25	25	30	25[6]
Shopping Centers	–	2 acres	200	300	25	25	50	30	25[6]
Automobile and Truck Sales and Service Establishments	–	1 acre	100	200	25	25	25	30	25
Automobile Rental Establishments	–	10,000 sq ft	70	80	25	10	25	30	25
Automobile and Truck Repair Shops	–	0.5 acre	100	100	25	25	25	30	25

Automobile Service Stations/Car Washes	–	0.5 acre	100	100	25	25	25	30	25
Automotive Parks Parts Store	--	10,000 sq ft	100	100	25	25	25	30	25
Recreational Vehicle/Boat Storage (in-bldg)	--	0.5 acre	100	100	25	25	25	30	25
Recreational Vehicle/Travel Trail Parks	--	2 acres	200	300	25	25	25	30	25
Mobile Home Parks	--	2 acres	200	300	25	25	25	30	25
Veterinarian Hospitals/Animal Kennels	–	0.5 acre	100	100	25	25	50	30	40
Government Offices	–	10,000 sq ft	70	80	10	10	25	30	35[6]
Courthouses	--	10,000 sq ft	70	80	10	10	25	30	35[6]
Libraries	–	1 acre	100	100	25	20	25	30	40[6]
Post Offices	–	1 acre	100	200	25	25	60	30	25[6]
Public Safety (Police/Fire) Stations	–	1 acre	100	100	25	25	40	30	35[6]
Public Transit Stations/Terminals	–	2 acres	200	200	50	25	50	30	20
Community Centers	--	1 acre	100	200	25	25	35	30	35
Houses of Worship	–	1 acre	100	200	25	25	25	30	30[1]
Game/Video Arcades	–	10,000 sq ft	70	80	25	25	25	30	25
Night Clubs	–	1 acre	100	200	25	30	50	30	25
Casinos/Gambling Establishments	--	0.5 acre	100	200	25	30	50	30	25

Theaters/Museums/Art Galleries	=	0.5 acre	100	200	25	30	50	30	25
Ball Parks	–	2 acres	200	300	25	25	50	45	25
Urban Parks	--	--	--	--	--	--	--	30	10
Agricultural Produce Stands[1,3]	--	--.	--	--	--	--	--	30	25
Flea Markets[1,3]	–		--	--	--	--	--	30	25
Farmers Markets[3]	--	--	--	--	--	--	--	30	25
Limited Food/Beverage Processing Plants with Retail Sales of Food/Beverage Projducts[3]	–	1 acre	100	200	25	25	50	30	30[6]
Limited Manufacturing Plants of Finished Products and Wholesale Delivery[3]	--	1 acre	100	200	25	25	50	30	30[6]
Private Schools[3]	--	0.5 acre	100	100	25	20	25	30	40
Parking Structures[3]	–	0.5 acre	100	100	10	10	10	30	60
Seasonal Parking Facilities[3]	–	0.5 acre	--	--	--	--	--	N/A	N/A

[1]Conditional use subject to inclusion in a retail trade shopping center, farmers market, or community center.

[3]Conditional use.

[5]Accessory use.

[6]Transfer of floor area from critical areas may be applicable:

Buildable Area Calculation – Transfer of Floor Area. An owner of a site or property containing critical areas (streams and wetlands) may be permitted to transfer the available floor area attributed to the size of the critical area to the unconstrained portion of the same site or property, and reduce the parking requirements for the development by an area equal to the floor area transferred, subject to the following requirements:

1) The critical area and or stream corridor and required buffers be dedicated to the city as an easement.

2) The minimum parking requirements for the proposed single-story land use, based on maximum lot coverage and net usable lot area is provided.

(Ord. 1142-12 §§ 2 – 4; Ord. 1075-10 § 1 (Exh. A); Ord. 796-02 § 1; Ord. 780-02 § 12; Ord. 765-01 §§ 5, 6; Ord. 630 § 2[16.07.050], 1995)

Manufacturing (M) Zone
Table of Dimension and Density Requirements

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft)			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)[5]
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Manufacturing Plants/Facilities	–	0.5 acre	100	200	25	25	35	75	65
Wholesale Storage/Distribution Facilities[2]	–	1 acre	100	200	25	25	35	50	40
Warehousing Facilities[2]	–	1 acre	100	200	25	25	35	50	40
Freight Distribution Centers[2]	–	2 acres	200	200	25	25	35	50	30
Mini-Warehouse/Storage Facilities[2]	–	1 acre	100	200	25	25	25	30	65
Public Transit Storage and Maintenance Facilities	–	2 acres	200	200	25	25	25	50	25
Moving Van and Storage Facilities[2]	–	1 acre	100	200	25	25	35	50	40
Airports, Landing Fields and Heliports[3]	–	25 acres	500	500	100	100	100	50	20
Automobile Body and Paint Shops	–	20,000 sq ft	100	100	25	25	35	30	25
Automobile Rental Facilities	–	0.5 acre	100	100	26	25	35	30	25
Automobile and Truck Repair Shops	–	20,000 sq ft	100	100	25	25	35	30	25
Lumberyards and Mills	–	2 acres	200	200	25	25	35	50	30
Package Delivery Facilities	–	1 acre	100	100	25	25	35	30	40
Towing and Wrecking Services	–	0.5 acre	100	100	25	25	35	30	25
Janitorial Services	–	20,000 sq ft	100	100	25	25	25	30	25
Laundry Plants[2]	–	20,000 sq ft	100	200	25	25	35	50	25

Electrical Generating Plants	–	25 acres	500	500	100	100	100	100	25
Sewage Treatment Plants	–	2 acres	200	200	50	50	50	30	35
Solid Waste Disposal/Transfer Stations	–	2 acres	100	200	25	50	50	30	25
Recycling Facilities	–	0.5 acre	100	100	25	25	25	30	25
Petroleum Products Storage and Distribution	–	5 acres	200	300	50	50	50	50	50
Business or Professional Service Establishments	–	10,000 sq ft	70	80	10	10	25	30	25
Medical Waste Handling Facilities	–	10,000 sq ft	70	80	10	10	25	30	25
Employment Offices	–	10,000 sq ft	70	80	10	10	25	30	25
Personal Services Establishments	–	10,000 sq. ft	70	80	10	10	25	30	35
Funeral Homes/Mortuaries	–	10,000 sq ft	70	80	10	10	25	30	35
Animal Kennels/Shelters	–	10,000 sq ft	70	80	10	10	25	30	35
Recreational Vehicle/Boat Storage Yard	–	0.5 acre	100	100	25	25	35	30	25
Private Clubs	–	20,000 sq ft	70	80	10	10	25	30	35
Night Clubs	–	1 acre	100	200	25	30	50	30	25
Government Offices	–	10,000 sq ft	70	80	10	10	25	30	35
Regional Postal Facilities	–	1 acre	100	200	25	20	60	30	25
Public Safety (Police/Fire) Stations	–	0.5 acres	100	100	25	25	40	30	35
Caretaker Residences[4]	–	4,500 sq ft	50	90	25	10	25	30	25
Parking Structure[4]	–	0.5 acre	100	100	10	10	10	30	60
Auto Service Station[1]	–	0.5 acres	100	100	25	25	25	30	25
Auto Rental[1]	–	10,000 sq ft	70	80	25	10	25	30	20
Bars/Taverns/Cocktail Lounges[1]	–	10,000 sq ft	70	80	10	10	25	30	35
Adult Entertainment Establishments[1]	–	10,000 sq ft	70	80	10	10	25	30	35

Adult Bookstores[1]	--	10,000 sq ft	70	80	10	10	25	30	25
Seasonal Parking Facility[3]	--	0.5 acre	--	-	--	--	--	N/A	N/A
Secure Community Transitional Facilities[3]	3 rooms	12,000 sq ft	100	100	25	25	25	30	25

[1]Adult entertainment establishments and adult bookstores shall not be located any closer than 400 feet from the nearest right-of-way line of State Route 2, nor shall any such establishment or bookstore be located within 1,000 feet of any school or house of worship.

[2]Lots existing prior to the adoption of this chapter need not meet minimum area requirements. All other dimension and density requirements shall apply.

[3]Conditional use.

[4]Accessory use.

[5]Transfer of floor area from critical areas may be applicable:

Buildable Area Calculation – Transfer of Floor Area. An owner of a site or property containing critical areas (streams and wetlands) may be permitted to transfer the available floor area attributed to the size of the critical area to the unconstrained portion of the same site or property, and reduce the parking requirements for the development by an area equal to the floor area transferred, subject to the following requirements:

(1) The critical area and or stream corridor and required buffers be dedicated to the city as an easement.

(2) The minimum parking requirements for the proposed single-story land use, based on maximum lot coverage and net usable lot area is provided.

[6]Minimum dimension requirements for recreational facilities shall be established by the building and zoning official, based on the recreation performance standards.

(Ord. 1142-12 §§ 5, 6; Ord. 1075-10 § 1 (Exh. A); Ord. 796-02 § 2; Ord. 780-02 §§ 11, 13; Ord. 765-01 §§ 7, 8; Ord. 667-97 § 1; Ord. 664-97 §§ 2, 3; Ord. 630 § 2[16.07.060], 1995)

Public Buildings-Park-Open Space (PB-P-OS) Zone
Table of Dimension and Density Requirements

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft)			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)[8]
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Elementary Schools[6, 7]	–	10 acres[6]	300	300	25	25	50	50	25
Middle Schools[6, 7]	–	15 acres[6]	300	300	25	25	50	50	25
High Schools[6, 7]	–	15 acres[6]	500	500	50	50	50	50	25
Post Offices	–	0.5 acre	100	200	0	0	35	30	40
Courthouses	–	0.5 acre	100	100	0	0	35	50	40
Municipal Buildings/Facilities	--	0.5 acre	100	100	0	0	35	50	40
Public Agency/Government Buildings	–	0.5 acre	100	100	0	0	35	50	40
Public Safety (Police/Fire) Stations	–	0.5 acres	100	200	0	0	35	50	40
Libraries	–	10,000 sq ft	75	75	0	0	35	50	60
Community Centers	--	0.5 acre	100	100	10	25	35	50	35
Public Parks	--	0.5 acre	--	--	--	--	--	--	--
Public Recreation Facilities	--	n/a	--	--	--	--	--	--	--
Public Transit Stations/Off-Street Bus Stops	–	1 acre	100	200	25	25	25	30	25
Public School Bus Base/Facilities	--	1 acre	100	200	25	25	25	30	25
Public Parking Structures	–	10,000 sq ft	75	75	0	0	15	30	90
Public Parking Surface Lots	--	1 acre	--	--	--	--	--	--	--
Public Hospitals/Medical Clinics	--	1 acre	100	100	0	0	35	50	40
Public Utility Facilities	--	1 acre	100	100	0	0	35	50	40
Public Agency Training Facilities	--	1 acre	100	100	0	0	35	50	40
Jails/Prisons[7]	--	0.5 acre	100	100	0	0	35	50	40

Airports/Heliports[7]	--	10 acres	--	--	--	--	--	100	--
Public Utility Yards/Outdoor Storage Facilities[7]	--	5 acres	--	--	--	--	--	--	--
Public Recreation Facilities (large scale w/ lighting)[7]	--	0.5 acre	--	--	--	--	--	--	--
Stadiums/Arenas[7]	--	5 acres	200	300	25	25	50	75	25
Public Fairgrounds[7]	--	10 acres	--	--	--	--	--	50	--
Cemeteries[7]		0.5 acres	--	--	--	--	--	--	--

[7]Conditional use.

[8]Plus one acre per 100 students.

[8]Buildable Area Calculation – Transfer of Floor Area. An owner of a site or property containing critical areas (streams and wetlands) may be permitted to transfer the available floor area attributed to the size of the critical area to the unconstrained portion of the same site or property, and reduce the parking requirements for the development by an area equal to the floor area transferred, subject to the following requirements:

(1) The critical area and or stream corridor and required buffers be dedicated to the city as an easement.

(2) The minimum parking requirements for the proposed single-story land use, based on maximum lot coverage and net usable lot area is provided.

Table of Land Uses

x -permitted use
x * - conditional use

Land Uses	LDR	MDR	HDR	NC	UC	HOC	M	PB/P/OS	Notes
S-F Detached Dwelling	x	x	x	x	x				
S-F Attached Dwelling		x	x	x	x				
Group Home	x	x	x	x	x				
Guest House	x 1-4 rms	x 1-6 rms	x 1-8 rms	x	x				
Duplex/Two-Family Dwelling		x	x	x	x				
Townhouse/S-F Attached		x	x	x	x				
Zero Lot Line S-F Attached		x	x	x	x				
Multi-Family Dwelling Unit			x	x	x				
Boarding House			x	x	x				
Residential Care Facility			x	x					
Second Story + Residential				x	x				
Accessory Dwelling Unit	x	x	x	x	x				
Accessory Building/Structure	x	x	x	x	x				
Home Occupation	x	x	x	x	x				
Day-Care Center		x *	x*	x	x				
Pre-school		x *	x *						
Community Center		x *	x *		x				
Houses of Worship		x *	x *		x				

Land Uses	LDR	MDR	HDR	NC	UC	HOC	M	PB/P/OS	Notes
Agricultural Stand w/ Retail Ctr					x *	x *			
Convenience Store (Var Types)				x <5K sf	x <10K sf	x			
Coffee Shop/Espresso Stand				x <5K sf	x	x			
Barber Shop/Beauty Salon				x	x	x			
Bookstore				x <5K sf					
Gift Shop				x <5K sf	x	x			
Craft/Art (Various Types)				x <5K sf					
Self-Service Laundromat				x	x	x			
Restaurant (Various Types)				x carry-out	x	x			
Grocery Store (Various Types)				x <5K sf	x <10K sf	x			
Accounting Services Office				x	x	x			
Legal Services Office				x	x	x			

Finance/Insurance Office				x	x	x			
Real Estate Office				x	x	x			

Land Uses	LD	MD	HD	NC	UC	HOC	M	PB/P/OS	Notes
Advertising Agency Office					x	x			
Antique Store					x	x			
Apparel/Accessories Shop					x	x			
Artist Gallery/Studio					x	x			
Automobile Rental Facility						x	x		
Automobile Repair Shop					x * in-bldg	x			
Automobile Service Station					x *	x			
Automotive Parts Store					x	x			
Bakery Shop					x	x			
Bank					x	x			
Bar/Tavern/Cocktail Lounge					x	x			
Bicycle Repair Shop					x	x			
Book/Stationery Store					x	x			
Candy Store					x	x			
Car Wash Establishment					x *	x			
Casino/Gambling Establishment						x			
Computer/Telephone Store					x	x			
Craft/Art Supply Store					x	x			
Dairy Products Store					x	x			
Doctor/Dentist Office					x	x			
Electrical/Electronics Store					x	x			
Employment Office					x	x			
Farmers Market					x *	x *			
Fitness Center/Gymnasium					x	x			
Flea Market w/ Retail/Comm Ctr						x *			
Florist Shop					x	x			
Food Processing Plant w/ Retail						x *			
Funeral Home/Mortuary					x	x			
Furniture Store					x	x			

Game/Video Arcade	x	x	
Hardware Store		x	
Health Care Facility	x	x	
Health Spa	x	x	
Home Building Supply Store		x	
Hotel	x	x	
Household Items Store	x	x	
Jewelry Store	x	x	
Laundry/Dry Cleaning Estab	x	x	
Light Mftg of Finished Products		x *	
Lodging House	x		
Lumber Yard		x	
Mixed-use Development	x *	x	
Motel	x	x	
Motor Vehicle Sales/Services Est		x	
Night Club w/Bar & Restaurant	x	x	
Office Furnishing/Equip Store	x	x	
Office Supply Store		x	
Off-Set Printing/Publishing Shop	x	x	
Other Retail Establishments		x	
Pawnshop	x	x	
Pharmacy/Drug Store	x	x	
Photocopying/Photography Shop	x	x	
Photographic Equipment Store	x	x	
Picture/Framing Shop	x	x	
Plant Nursery		x	
Professional Consultant Office	x	x	
Private Club	x	x	x
Private School		x	
Recreational Vehicle Sales Estab		x	
Recreational Vehicle Storage		x in-bldg	
Retail Food Estab (Var Types)	x	x	
Seasonal Parking Facility	x *	x *	x *
Shoe Repair Shop	x	x	

Shopping Center						x			
Sporting Goods Store					x	x			
Supermarket						x			
Tailor Shop					x	x			
Tattoo Parlor					x	x			
Theater/Museum/Art Gallery					x	x			
Travel Agency Office					x	x			
Travel Trailer/Mobile Home Park						x			
Truck Stop						x			
Veterinary Clinic (Var Kennels)						x wo/kenn	x w/kennel		
Land Uses	**LDR**	**MDR**	**HDR**	**NC**	**UC**	**HOC**	**M**	**PB/P/OS**	**Notes**
Adult Bookstore							x		
Adult Entertainment Establishmt							x		
Animal Kennel/Shelter							x		
Automobile Body/Paint Shop							x		
Building Construction Yard/Office							x		
Computer Equip Mftg Plant							x		
Electrical/Electronics Mftg Plant							x		
Electrical Generating Plant							x		
Equipment/Machinery Facility							x		
Finished Product Mftg Plant							x		
Food Processing Plant w/ Retail							x		
Freezer Plant and Storage							x		
Freight Distribution Center							x		
Furniture/Fixtures Mftg Plant							x		
Handicraft/Artisan Mftg Plant							x		
Home Building Supply Mftg Plant							x		
Janitorial Services Facility							x		
Laundry Plant							x		
Leather Products Mftg Plant							x		
Lumber/Wood Products Mftg Plt							x		
Medical/Optic/Clock Mftg Plant							x		

Metal Products Mftg Plant	x
Mini-Warehouse/Storage Facility	x
Moving Van/Storage Facility	x
Package Delivery Facility	x
Printing/Publishing Plant	x
Public Transit Storage/Maint Fac	x
Recreational Vehicle Storage	x
Recycling Facility	x
Rubber/Plastic Products Mftg Plt	x
Secure Com Transitional Facility	x *
Stone/Clay/Glass/Concrete Plant	x
Towing/Wrecking Yard	x
Transportation Equip Mftg Plant	x
Warehousing Operations Facility	x
Wholesale Operations Facility	x

Land Uses	LDR	MDR	HDR	NC	UC	HOC	M	PB/P/OS	Notes
Airport/Landing Field/Heliport							x *	x *	
Ball Park/Stadium						x *		x *	
Cemetery								x	
Courthouse					x	x		x	
Elementary School	x *	x *	x *					x	
Government Office					x	x		x	
Jail/Prison							x *	x *	
Library					x	x		x	
Medical Waste Handling Facility							x	x	
Middle/High School		x *	x *					x	
Municipal Building/Facility					x	x		x	
Parking Structure/Parking Lot					x *	x *		x	
Petroleum Stor/Distrib Facility							x	x	
Playground					x			x	
Police/Fire Station					x	x		x	
Post Office					x	x		x	

Public Agency Training Facility								x	
Public Agency Utility Yard								x *	
Public Archive Building								x	
Public Fairgrounds								x *	
Public Hospital/Medical Clinic						x		x	
Public Transit Station/Bus Stop					x	x		x	
Regional Postal Facility							x	x	
Sewage Treatment Plant							x	x	
Solid Waste Transfer Station							x	x	
Urban Park					x	x		x	
Water Treatment Facility								x	
Wastewater Treatment Facility								x	

Land Uses	LDR	MDR	HDR	NC	UC	HOC	M	PB/P/OS	Notes
Communication Tower/Antenna	x	x	x	x	x	x	x	x	
Electric Charging Stations	x	x	x	x	x	x	x	x	
Natural Hazard Area	x	x	x	x	x	x	x	x	
Nature Preserve/Greenbelt	x	x	x	x	x	x	x	x	
Public Information Kiosk/Facility	x	x	x	x	x	x	x	x	
Public/Quasi-Public Utility/Line	x	x	x	x	x	x	x	x	
Public Trail	x	x	x	x	x	x	x	x	
Public Transit/School Bus Stops	x	x	x	x	x	x	x	x	
R-O-W Pole/Franchise Facility	x	x	x	x	x	x	x	x	
Stormwater Facility	x	x	x	x	x	x	x	x	

Chapter 16.12.050
LOW DENSITY RESIDENTIAL ZONE

Sections:

16.12.050.A Purpose.
16.12.050.B Permitted Uses.
16.12.050.C Conditional Uses.

16.12.050 Low Density Residential (LDR) Zone

A. Purpose.

The purpose of the Low Density Residential Zone is to provide for low density (4.5+ units per acre) residential development of single-family and accessory dwelling units and other uses associated and accessory to large lot, low density residential development, with development patterns that provide for private yards and larger detached houses.

B. Permitted Uses.

1. Single-family detached dwellings;
2. Accessory buildings and structures to single-family detached dwellings;
3. Group homes.
4. Accessory dwelling units;
5. Home occupations;
6. Guest houses, containing four guest bedrooms or less.

C. Conditional Uses.

1. Elementary schools.

Chapter 16.12.060
MODERATE DENSITY RESIDENTIAL ZONE

Sections:

16.12.060.A Purpose.
16.12060.B. Permitted Uses.
16.12.060.C Conditional Uses.

16.12.060 Moderate Density Residential (MDR) Zone.

A. Purpose.
The purpose of the Moderate Density Residential Zone is to provide for moderate density (6-9 units per acre) residential development of duplex, zero lot line townhouse, single-family and accessory dwelling units and other uses associated and accessory to small yard, moderate density residential development, with development patterns that provide for more affordable detached and duplex housing.

B. Permitted Uses.
1. Duplexes/ two-family dwellings;
2. Townhouse, single-family attached dwellings;
3. Zero lot line, single-family attached dwellings;
4. Single-family detached dwellings;
5. Accessory buildings and structures to single-family and two-family dwellings;
6. Group homes;
7. Accessory dwelling units;
8. Home occupations;
9. Guest houses, containing six guest bedrooms or less.

C. Conditional Uses.
1. Elementary, middle, and high schools;
2. Pre-schools;
3. Day-care centers;
4. Houses of worship;
5. Community centers.

Chapter 16.12.070
HIGH DENSITY RESIDENTIAL ZONE

Sections:

16.12.070.A Purpose.
16.12.070.B Permitted Uses.
16.12.070.C Conditional Uses.

16.12.070 High Density Residential (HDR) Zone.

A. Purpose.

The purpose of the High Density Residential Zone is to provide for high density (9-24 units per acre) residential development of multi-family, two-family and single-family dwelling units and other uses associated and accessory to common yard, high density residential development, with development patterns that provide for the greatest range of affordable housing options.

B. Permitted Uses.

1. Multi-family dwellings;
2. Duplexes/two-family dwellings;
3. Single-family dwellings, including attached and detached dwellings;
4. Accessory buildings and structures to all types of housing;
5. Boarding houses;
6. Residential care facilities;
7. Group homes;
8. Accessory dwelling units;
9. Home occupations;
10. Guest houses, containing eight guest bedrooms or less.

C. Conditional Uses.

1. Elementary, middle, and high schools;
2. Pre-schools;
3. Day-care centers;
4. Houses of worship;
5. Community centers.

Chapter 16.12.080
NEIGHBORHOOD COMMERCIAL ZONE

Sections:
16.12.080.A Purpose.
16.12.080.B Permitted Uses.

16.12.080 Neighborhood Commercial (NC) Zone

A. Purpose.

The purpose of the Neighborhood Commercial Zone is to provide for convenient location of small-scale commercial uses similar to home occupations and primarily serving local residents, thereby reducing longer vehicular trips and traffic congestion on city streets and encouraging pedestrian and nonmortorized modes of transportation. Neighborhood commercial zones intrinsically are small nodes (less than 5 acres in size) interspersed (not closer than 1 mile from each other) within larger residential zones.

B. Permitted Uses.

1. Retail sales stores (under 5,000 square feet) providing household staples:
   a. Convenience stores and grocery stores;
   b. Bookstores;
   c. Gift shops;
   d. Craft and art supply stores/picture and framing shops/artist galleries and studios;
   e. Restaurant establishments (carry-out);
   f. Coffee shops and espresso stands.

2. Personal service establishments, providing services to individuals:
   a. Barber shop, hair salon, and beauty salon establishments;
   b. Day-care centers;
   c. Self-service laundromats.

3. Residential Uses:
   a. Multi-family dwellings;
   b. Duplexes/two-family dwellings;
   c. Single-family detached and attached dwellings;
   d. Groups homes;
   e. Guest houses;
   f. Boarding houses;
   g. Residential care facilities;
   h. Second story residential dwellings over commercial/office development;
   i. Accessory dwelling units;
   j. Home occupations;
   k. Accessory buildings and structures to residential uses.

4. Business service establishments:
   a. Accounting services offices;
   b. Financial services and insurance offices;
   c. Legal services offices;
   d. Real estate sales offices.

Chapter 16.12
PERMITTED USES AND TABLES OF DIMENSIONAL AND DENSITY REQUIREMENTS

16.12.090 Urban Center (UC) Zone.

A. Purpose.

The purpose of the Urban Center Zone is to provide a mixed use downtown for high-density residential, commercial, office, and other central business district functions supported by a full range of pedestrian-oriented activities and urban services to establish a close-knit urban center.

Note definition of Mixed Use Zoning: "Mixed use zoning" means zoning that permits a combination of typically separated uses within a single development or in close proximity. Mixed use in an urban context refers to usually a single building or complex of buildings with more than one type of activity such as residential and commercial uses taking place within its confines. An example of such a type of development could have retail stores on the ground floor, offices above the ground floor, and residential units above the offices. Other combinations of uses may also occur in a mixed-use setting.

B. Permitted Uses.

1. Residential. Buildings occupied or intended to be occupied exclusively for residential purposes and supporting activities.
   a. Attached dwellings;
   b. Multiple-family dwellings;
   c. Boarding houses;
   d. Second story and above residential dwellings over commercial and/or office development.

2. Hotels and Guest Houses. Any building used or intended to be used, rented, or hired out to be occupied for sleeping purposes by guests.
   a. Guest houses;
   b. Hotels;
   c. Lodging Houses;
   d. Motels.

3. Retail Trade Establishments. Establishments primarily engaged in providing finished products to individuals. However, no automobile-related retail trade facility, drive-in establishments (e.g., drive-in restaurants), or establishment that requires a large truck traffic volume because of the nature of its operation (e.g., building supplies, lumber yards, etc.) shall be allowed in this zone.
   a. Apparel and accessories shops;
   b. Book and stationery stores;
   c. Candy stores;
   d. Craft and artisan shops and studios;
   e. Dairy products stores;
   f. Electrical and electronic products stores;
   g. Florist shops;
   h. Furniture stores;
   i. Grocery stores (under 10,000 square feet);
   j. Boutique and gift shops;
   k. Household items stores;
   l. Office furnishings and equipment stores;
   m. Computer, telephone, and photographic equipment stores;
   n. Sporting goods stores;
      a. Retail food establishments (all types except drive-in restaurants);
   o. Coffee shops;
   p. Jewelry shops;
   q. Pharmacy/drug stores;
   r. Pawnshops;
   s. Antique stores;
   t. Theaters, art galleries, and museums;

u. Bars, taverns, and cocktail lounges;
v. Bakery shops;
w. Convenience stores;
x. Parking structures.
y.

4. Personal Service Establishments. Establishments primarily engaged in providing services to individuals.
   a. Barber shops;
   b. Beauty salons;
   c. Private clubs;
   d. Health spas (including massage therapy with practitioners certified and licensed by the State of Washington);
   e. Fitness centers and gymnasiums'. Bicycle repair shops;
   f. Shoe repair shops;
   g. Tailor shops;
   h. Laundromats/laundry and dry cleaning establishments;
   i. Day care centers;
   j. Funeral homes/mortuaries;
   k. Banks;
   l. Tattoo parlors (with practitioners certified and licensed by the State of Washington).

5. Business or Professional Service Establishments. Establishments primarily engaged in rendering services to businesses or private individuals on a contract or fee basis.
   a. Advertising agency offices;
   b. Legal offices;
   c. Accounting offices;
   d. Finance, insurance, and real estate offices;
   e. Employment offices;
   f. Health care facilities/doctors' and dentists' offices;
   g. Veterinary clinics (not to include animal kennels);
   h. Travel agency offices;
   i. Professional consultant offices;
   j. Off-set printing and publishing/photocopying/photo processing shops.

6. Government and Community Services Facilities. Government agencies and entities that provide executive, legislative, judicial, regulatory, and administrative functions to the community. Community service facilities that provide places of public assembly such as community centers and houses of worship.
   a. Post offices;
   b. Courthouses;
   c. Government offices;
   d. Public safety (police/fire) stations;
   e. Libraries;
   f. Community Centers;
   g. Houses of worship;
   h. Public transit stations and bus stops.

7. Recreational Facilities. Active or passive recreational areas or establishments engaged in providing amusement or entertainment services.
   a. Urban parks;
   b. Playgrounds;
   c. Tot lots;
   d. Night clubs;
   e. Game/video arcades.

C. All of the above uses shall be permitted in the UC zone; provided, that all of the standards for each use, as specified in the following table of dimensional and density requirements, and those performance standards that apply to the proposed development have been observed. The performance standards that could apply include those found in the following list.

1. Residential performance standards (including subdivision regulations);
2. Nonresidential performance standards;
3. Off-street parking and loading standards;
4. Sign standards;
5. Recreational and open space standards;
6. Streams and wetlands standards;
7. Landscape standards;
8. Stormwater management standards;
9. Shoreline management standards;
10. Vegetation protection standards;
11. Floodplain protection standards;
12. Fish and wildlife areas protection standards.

D. Conditional Uses.

1. Personal Service Establishments;
   a. Drive-in banks;
2. Seasonal parking facility;
3. Espresso stands;
3. Car washes;
4. Automobile service stations;
5. Automobile repair shops (conducted inside a building);
6. Farmers markets (regularly or seasonally scheduled on a weekly basis);
7. Mixed-use developments.

Chapter 16.12
PERMITTED USES AND TABLES OF DIMENSIONAL AND DENSITY REQUIREMENTS

16.12.100 Highway-Oriented Commercial (HOC) Zone.

A. Purpose.
The purpose of the Highway-Oriented Commercial Zone is to provide a more intensive commercial zone that can accommodate large scale, automobile-oriented activities along Route 2.

B. Permitted Uses.
1. Hotels and Motels. Any building used or intended to be used, rented, or hired out to be occupied for sleeping purposes by guests.
   a. Hotels;
   b. Motels;

2. Retail Trade Establishments/Wholesale Trade Establishments. Large scale, automobile-oriented establishments primarily engaged in providing finished products to individuals and retailers.
   a. Pawnshops;
   b. Bakery shops;
   c. Apparel and accessories shops;
   d. Florist shops and plant nurseries;
   e. Book, stationery, and office supply stores;
   f. Electrical and electronic products shops;
   g. Furniture stores;
   h. h Handicraft and art supply stores;
   i. Hardware and home building supply stores;
   j. Grocery stores and supermarkets;
   k. Household items stores;
   l. Office furnishings and equipment stores;
   m. Computer, telephone, and photographic equipment stores;
   n. j. Sporting goods stores;
   o. k. Automobile service stations;
   p. Car washes;
   q. Truck stops;
   r. Automobile and truck sales and services;
      a. Automobile rental agencies;
   s. Automotive parts store;
   t. Shopping centers;
   u. Mixed-use developments;
   v. Retail food establishments;
   w. Coffee shops and espresso stands;
   x. Convenience stores;
   y. Pharmacy/drug stores;
   z. Bars/taverns/cocktail lounges;
   aa. Theaters/museums/art galleries;
   bb. Public transit terminals;
   cc. Recreational vehicle and boat sales and services;
   dd. Recreational vehicle and boat storage inside a building;
   ee. Other retail sales establishments (not including marijuana sales and distribution);

3. Personal Service Establishments. Establishments primarily engaged in providing services to individuals.
   a. Barber shops;
   b. Beauty salons;
   c. Health spas (including massage therapy with practitioners certified and licensed by the State of Washington);
   d. Fitness centers/gymnasiums;

e. Private clubs;
f. Funeral homes/mortuaries;
g. Shoe repair shops;
h. Laundromats/laundry and dry cleaning establishments;
i. Day care centers;
j. Banks;
k. Tattoo parlors (with practitioners certified and licensed by the State of Washington).

4. Business and Professional Offices. Establishments primarily engaged in rendering services to businesses or private individuals on a contract or fee basis.

a. Advertising agency offices;
b. Accounting offices;
c. Legal offices;
d. Finance, insurance, and real estate offices;
e. Health care facilities/doctors' and dentists' offices;
f. Employment offices;
g. Travel agency offices;
h. Professional consultant offices;
i. Off-set printing and publishing/photocopying/photo processing shops;
j. Hospitals and medical clinics.
k. Veterinary clinics/animal kennels and shelters;
l.

5. Government and Community Services Facilities. Government agencies and entities that provide administrative and related services to the community. Community service facilities that provide places of public assembly such as community centers and houses of worship.

a. Libraries;
b. Government offices;
c. Post offices;
d. Public safety (police/fire) stations;
e. Community Centers;
f. Houses of Worship;
g. Public transit stations and bus stops.
h.

6. Recreational and Entertainment Facilities. Active or passive recreational areas or establishments engaged in providing amusement or entertainment services.

a. Ballfields;
b. Urban parks;
c. Night clubs combined with a bar or restaurant, etc.;
d. Game/video arcades.
e.

7. Miscellaneous Associated Facilities.

a. Recreational vehicle parks;
b. Recreational vehicle and boat storage (within a building).

C. Conditional Uses.

1. Manufacturing.
2. Food processing in conjunction with retail sales of food/beverage products;
3. Light manufacturing of finished products for retail and wholesale delivery.
4. Seasonal parking facility;
5. Parking structures as part of retail trade shopping center or mixed-use development;
6. Private schools;
7. Farmers market;
8. Agricultural produce stands as part of a retail trade shopping center, farmers market, or community center;
9. Flea markets as part of a retail trade shopping center, farmers market, or community center.

D. **All of the above uses shall be permitted in the HOC zone; provided, that all of the standards for each use, as specified in the following table of dimensional and density requirements, and those performance standards that apply to the proposed development have been observed. The performance standards that could apply include those found in the following list:**

1. Nonresidential performance standards;
2. Off-street parking and loading standards;
3. Sign standards;
4. Hillside and geologically hazardous development standards;
5. Recreational and open space standards;
6. Streams and wetlands standards;
7. Landscape standards;
8. Stormwater management standards;
9. Shoreline management standards;
10. Vegetation protection standards;
11. Floodplain protection standards;
12. Wellfield/groundwater protection standards;
13. Fish and wildlife areas protection standards;
14. Industrial park master plan.

Chapter 16.12
PERMITTED USES AND TABLES OF DIMENSIONAL AND DENSITY REQUIREMENTS

16.12.110 Manufacturing (M) Zone.

A. Purpose.

The purpose of the Manufacturing Zone is provide for manufacturing and other industrial activities that may have associated adverse environmental impacts such as noise, lighting, odor, vibration, and hazardous waste.

B. Permitted Uses.

1. Personal Services.
   a. Funeral homes/mortuaries;
   b. Veterinarians/kennels and shelters.

2. Business and Professional Establishments.
   a. Employment offices;
   b. Medical waste handling facilities.

3. Government Facilities.
   a. Government offices;
   b. Regional postal facilities;
   c. Police and fire stations.

4. Manufacturing. The processing or assembling of materials or substances into a finished product.
   a. Food processing;
   b. Freezer plants/cold storage/food mills/fertilizer production and storage;
   c. Apparel and other finished products manufacturing and assembly;
   d. Building construction yards and offices;
   e. Electrical and electronic goods manufacturing and assembly;
   f. Metal products manufacture, fabrication and assembly;
   g. Furniture and fixtures manufacturing and assembly;
   h. Computer equipment manufacture and assembly;
   i. Leather products manufacturing;
   j. Lumber and wood products processing;
   k. Medical and optic goods/watches and clocks manufacture and assembly;
   l. Printing, publishing, and allied industries;
   m. Rubber/plastic products manufacturing;
   n. Stone, clay, glass, and concrete products manufacturing;
   o. Transportation equipment manufacturing and assembly;
   p. Handicraft, craft, and artisan shops;
   q. Home building supply.

5. Wholesale/Storage/Distribution. Establishments engaged in the storage, trucking, or transfer of household or commercial goods of any nature, or establishments engaged in the sale of large quantities of goods.
   a. Wholesale commercial operations;
   b. Equipment and machinery sales and storage;
   c. Warehousing operations;

d. Freight distribution centers;
e. Mini-warehouse/storage facilities;
f. Public transit storage and maintenance facilities;
g. Moving van and storage facilities;
h. Package delivery facilities.

6. Industrial Services. Establishments engaged in mechanical, personal, business, and repair services.
a. Janitorial services offices;
b. Laundry plants.

7. Public Utilities. Activities that provide electricity, sanitary sewer, water, and other related services for public consumption.
a. Electrical generating plants;
b. Sewage treatment plants;
c. Solid waste disposal transfer stations;
d. Petroleum products storage and distribution centers;
e. Electrical transmission lines.

8. Miscellaneous Associated Uses.
a. Adult entertainment establishments;
b. Adult bookstores;
c. Automobile body and paint shops;
d. Auto rental establishments;
e. Auto rental storage and maintenance facilities;
f. Auto service stations and truck stop facilities;
g. Automobile and truck repair shops;
h. Bars/taverns/cocktail lounges;
i. Night clubs;
j. Private clubs;
k. Recreational vehicle and boat storage yards;
l. Recycling facilities;
m. Towing and wrecking yards.

C. Permitted Accessory Uses.
1. Caretaker residence;
2. Parking structures.

D. Conditional Uses.
1. Airports, landing fields, and heliports;
2. Seasonal parking facility;
3. Secure community transitional facility (SCTF);

E. All of the above uses shall be permitted in the (M) zone; provided, that all of the standards of each use, as specified in the following table of dimensional and density requirements, and those performance standards that apply to the proposed development have been observed. The performance standards that could apply include those found in the following list.

1. Nonresidential performance standards;
2. Off-street parking and loading standards;
3. Sign standards;
4. Hillside and geologically hazardous development standards;
5. Streams and wetlands standards;
6. Landscape standards;
7. Stormwater management standards;
8. Shoreline management standards;
9. Vegetation protection standards;
10. Floodplain protection standards;
11. Wellfield/groundwater protection standards;
12. Fish and wildlife areas protection standards;
13. Industrial park master plan (Ordinance 781-02).

Chapter 16.12
PERMITTED USES AND TABLES OF DIMENSIONAL AND DENSITY REQUIREMENTS

16.12.120 Public Building, Park, and Open Space (PB/P/OS) Overlay Zone.

A. Purpose.

The purpose of the public building, park, and open space (PB/P/OS) overlay zone is to recognize public places and provide zoning safeguards for properties devoted to public uses that take place in a wide distribution and variety of zones throughout the Sultan community. The zone is applicable to property owned or managed by governmental agencies, special purpose districts, and privately owned open space preservation. This purpose is accomplished by:

1. Providing a zone in which uses serving public needs and critical area preservation may be located with attention to the specific needs of such uses throughout the community.
2. Identifying publicly owned and privately owned land uses with special zoning limitations.
3. Protecting adjacent properties from potential impacts of public uses, natural hazards, and critical area/open space preservation.
4. Placement of this zone on properties owned, managed, used, or intended to be used by public agencies such as schools, government facilities, social services, hospitals, libraries, special purpose districts, etc.

B. Permitted Uses.

1. Public agency offices.
   a. Public schools;
   b. Post offices;
   c. Courthouses;
   d. Municipal buildings/facilities;
   e. Fire stations;
   f. Police stations;
   g. e. Public utility facilities.

2. Public agency support facilities.
   a. Archive buildings;
   b. Inside storage buildings;
   c. Public parking lots/parking structures;
   d. Small-scale communication towers and antennas;
   e. Public information kiosks and similar facilities for public posting of official communications.

3. Public parks, playgrounds, ball fields (without large-scale area lighting).
4. Nature preserves and greenbelt open space areas.
5. Natural hazard areas, including floodways, landslide hazard areas, etc.
6. Public access trails and interpretive facilities.
7. Public parks and recreation facilities.
8. Public stormwater management facilities.
9. Public agency animal control facilities.
10. Water and wastewater treatment facilities.
11. Public agency training facilities.
12. Public transit stations/off-street bus stops.
13. Public school bus base or transfer facilities.
14. Public hospitals and medical clinics.
15. Public libraries.
16. Cemeteries.

C. Conditional Uses.

1. Large-scale communication towers and antennas for public or private use.
2. Public parks, playgrounds, ball fields (with large-scale area lighting).
3. Public agency utility yards and similar large-scale outside storage facilities.

4. High power electrical transmission facilities and substations.
5. Airports and heliports.
6. Jails and prisons.
7. Stadiums and arenas.
8. Public fairgrounds.
9. Public zoos.

D. Development and Design Standards.
Many of the uses in the public building/park/open space overlay zone are unique in the way that they use land and in the way that they affect neighboring properties. Many public building/park/open space uses are also subject to federal, state, and regional development and design standards that are beyond the influence of local zoning codes.

E. Definitions (for purposes of this zoning district).
1. "Agency (governmental agency)" means federal, state, county, or city government or unit or department thereof, constituted as such under the Constitution of the United States, or the State of Washington.
2. "District" means port, school, fire, electric utility, gas utility, or similar special purpose public taxing district or service provider constituted as such under the Constitution of the State of Washington. (Ord. 1072-10 § 1 (Exh. A))

Division III. Site Development Regulations

Chapter 16.16
GENERAL REGULATIONS

Sections:

16.16.010 Conflict with other laws and other legal documents.
16.16.020 Permitted and prohibited uses.
16.16.030 Minimum requirements.
16.16.035 Compliance with FEMA bi-op provisions required for certain development applications.
16.16.040 Permits in conflict with these regulations.
16.16.045 New septic system reasonable use exception – Future sewer connection required.
16.16.047 New water well reasonable use exception – Future water connection required.
16.16.050 Construction begun prior to the adoption of the zoning code.
16.16.060 Substandard lots.
16.16.070 Erection of more than one principal structure on a lot.
16.16.080 Permitted building area.
16.16.090 Exceptions to height regulations.
16.16.100 Accessory uses and structures.
16.16.110 Building grades.
16.16.120 Buildings to be moved to new lots.
16.16.130 Building permits required.
16.16.140 Building conversions.
16.16.150 Design standards and specifications.

16.16.010 Conflict with other laws and other legal documents.
Where other laws, codes (not including the previously adopted zoning code), or private restrictive covenants in recorded deeds, or any other legally binding agreements impose greater requirements, regulations, or restrictions than those contained herein, those other laws, codes, or covenants shall control, regardless of whether such laws or documents have been passed or created prior to or subsequently to the effective date of this unified development code. (Ord. 715-00; Ord. 630 § 2[16.06.010], 1995)

16.16.020 Permitted and prohibited uses.
No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or structure or land be used, designed, or arranged for any purpose other than is permitted in the district in which the building or structure or land is located; provided, that such regulations shall not prohibit the continuance of an existing use. Further, to promote consistency with the Growth Management Act, no agricultural activity (as defined in this code) shall be permitted as a new use in the city. Those agricultural activities that were in existence prior to the adoption of this code shall be allowed to continue their operations. Similarly, gun clubs, skeet shoots, target ranges, quarrying or mining operations, or the removal and processing of sand, gravel, rock, peat, black soil and other natural deposits shall be prohibited new uses in the city. (Ord. 715-00; Ord. 630 § 2 [16.06.020], 1995)

16.16.030 Minimum requirements.
The regulations set forth in this unified development code shall be considered to be minimum requirements for the purpose of promoting the general public health, safety and welfare of the people of the city of Sultan. (Ord. 715-00; Ord. 630 § 2[16.06.030], 1995)

16.16.035 Compliance with FEMA bi-op provisions required for certain development applications.
In response to federal requirements expressed through the Federal Emergency Management Agency (FEMA) biological opinion (bi-op) as a federal condition of maintaining eligibility for community participation in the National Flood Insurance Program (NFIP), certain developments as described in this section must undertake appropriate environmental analysis and document compliance with the federal Endangered Species Act (ESA) as follows:

A. Development subject to FEMA bi-op provisions is as the term "development" is defined in the 2010 FEMA Region X "Floodplain Management and the Endangered Species Act, A Model Ordinance April, 2011," Section 2, Definitions.
B. Properties in the following areas are required to address the standards of the FEMA bi-op. Terms are as defined in the FEMA Region X "Floodplain Management and the Endangered Species Act, A Model Ordinance April, 2011," Section 2, Definitions.

1. Floodway;
2. Channel migration zone plus 50 feet;
3. Riparian habitat zone (riparian buffer zone);
4. Other portions of the 100-year floodplain determined to be in the protected area.

C. Development applications for development within the protected area shall be accompanied by studies, reports, findings, and conclusions by qualified professional specialists as appropriate and necessary to document that the proposed development in the FEMA designated floodway, the channel migration zone plus 50 feet (as identified according to Ecology 2003), and the riparian buffer zone (as described by the Department of Natural Resources 2007 stream typing system and the Washington Department of Fish and Wildlife's 1997 stream buffer guidelines) does not adversely affect water quality, water quantity, flood volumes, flood velocities, spawning substrate, and/or floodplain refugia for listed salmonids. (As required by the Biological Opinion Reasonable and Prudent Alternative (RPA) Element 3 – Floodplain Management Criteria, Item A. 2.)
D. Development applications for development within the FEMA designated 100-year floodplain but outside of the riparian buffer zone shall avoid, rectify, or compensate for any loss of floodplain storage. (As required by the Biological Opinion Reasonable and Prudent Alternative (RPA) Element 3 – Floodplain Management Criteria, Item A. 3.b.)
E. Indirect adverse effects of development in the floodplain to stormwater, riparian vegetation, bank stability, channel migration, hyporheic zones, wetlands, etc., must be mitigated such that equivalent or better salmon habitat protection is provided. (As required by the Biological Opinion Reasonable and Prudent Alternative (RPA) Element 3 – Floodplain Management Criteria, Item A. 3.b.)
F. Development applications for development within the FEMA designated 100-year floodplain as provided in subsection (D) of this section shall use low impact development methods (generally requiring infiltration of all on-site stormwater), such as those methods described in the Low Impact Development Technical Guidance Manual for Puget Sound (Puget Sound Action Team and WSU/Pierce County Extension 2002) to minimize or avoid stormwater effects. (As required by the Biological Opinion Reasonable and Prudent Alternative (RPA) Element 3 – Floodplain Management Criteria, Item A. 3.b.)
G. Any improvements or repairs to existing structures that result in a greater than 10 percent increase of the structure footprint must mitigate for any adverse effects to endangered species or their habitat as described in subsections (D) and (E) of this section. (As required by the Biological Opinion Reasonable and Prudent Alternative (RPA) Element 3 – Floodplain Management Criteria, Item A.) (Ord. 1109-11 § 1)

16.16.040 Permits in conflict with these regulations.
Permits for the construction of buildings, or for the use of land or buildings that have been issued permits within three years from the adoption of this unified development code, and that are in violation with the regulations of this code shall be declared void, unless evidence is shown to establish that substantial expenditures have been made (see definition of substantial expenditures). Investment in real property shall not be construed as an expenditure toward construction. Unless actual construction work, including grading and excavation, is underway within three years after the adoption of this code, and construction is completed within six years from the adoption of this code, such permit(s) shall become void. (Ord. 715-00; Ord. 630 § 2[16.06.040], 1995)

16.16.045 New septic system reasonable use exception – Future sewer connection required.
A. The purpose of this section is to allow reasonable use of the property where sewer infrastructure is not yet in place, while ensuring connection to sewer as soon as practicable.
B. Where a property owner proposes to build one new single-family home on an existing lot zoned for single-family residences and existing city sewer main is more than 300 feet from the downstream boundary of the subject property, the property owner may apply for approval to construct and use an on-site sewage system, subject to approval by Snohomish County Health District. Such request must be submitted to and approved by the community development director. If the downstream boundary of the property is within 300

feet of the existing city sewer main, extension of the city sewer main will be required as a condition of the development permit and the extension shall be completed, connected and approved prior to occupancy of the structure.

C. If denial of the request to build an on-site sewage system would deny all reasonable use of the property, development may be allowed which is consistent with the general intent of this title and the public interest; provided, that the director finds that:

1. This title would otherwise deny all reasonable use of the property;
2. The proposed on-site sewage system does not pose an unreasonable threat to the public health, safety or welfare on or off the property;
3. The property owner agrees to payment of:
   a) The estimated cost for the collector sewer across the entire front of the property, as recommended by the city engineer;
   b) The current sewer facilities charge; and
   c) The estimated project cost for 100 feet of the sewer main or interceptor needed to reach the property, as recommended by the city engineer;
4. The property owner must also construct the necessary connection stub from the residence to allow future connection to the sewer line when sewer becomes available;
5. The residence must be connected to the sewer line within 90 days of notice that the connection can be made.

D. Any decision of the director regarding this reasonable use exception shall be final unless appealed. (Ord. 1105-11 § 1; Ord. 993-08 § 1)

16.16.047 New water well reasonable use exception – Future water connection required.

A. The purpose of this section is to allow reasonable use of the property where water infrastructure is not yet in place, while ensuring connection to the city water system as soon as practicable.

B. Where a property owner proposes to build one new single-family home on an existing lot zoned for single-family residences and existing city water main is more than 300 feet from the downstream boundary of the subject property, the property owner may apply for approval to an on-site well to serve the single residence, subject to approval by Snohomish County Health District. Such request must be submitted to and approved by the community development director. If the downstream boundary of the property is within 300 feet of the existing city water main, extension of the city water main will be required as a condition of the development permit and the extension shall be completed, connected and approved prior to occupancy of the structure.

C. If denial of the request to build an on-site water system would deny all reasonable use of the property, development may be allowed which is consistent with the general intent of this title and the public interest; provided, that the director finds that:

1. This title would otherwise deny all reasonable use of the property;
2. The proposed on-site well does not pose an unreasonable threat to the public health, safety or welfare on or off the property;
3. The property owner agrees to payment of:
   a. The estimated cost for the city water main system across the entire front of the property, as recommended by the city engineer;
   b. The current water system facilities charge; and
   c. The estimated project cost for 100 feet of the water main or interceptor needed to reach the property, as recommended by the city engineer;
4. The property owner must also construct the necessary connection stub from the residence to allow future connection to the water line when water becomes available;
5. The residence must be connected to the water main within 90 days of notice that the connection can be made.

D. Any decision of the director regarding this reasonable use exception shall be final unless appealed. (Ord. 1105-11 § 2)

16.16.050 Construction begun prior to the adoption of the zoning code.

Nothing in this unified development code shall be deemed to require any change in plans, construction, or designated use of any building or structure upon which actual construction was lawfully begun prior to the adoption of this code and upon which actual construction has been diligently carried on; and provided

further, that such building or structure shall be completed within three years from the date of passage of this code. (Ord. 715-00; Ord. 630 § 2 [16.06.050], 1995)

16.16.060 Substandard lots.
Any lot in a single ownership, whose ownership was of record at the time of the adoption of this unified development code, does not meet the requirements for yards or other open space, may be utilized for single residence purposes; provided, the requirements for such yard, width, depth, or open space is within 75 percent of that required by the terms of this code. The purpose of this provision is to permit utilization of recorded lots that lack adequate width or depth, as long as reasonable living standards can be provided. (Ord. 715-00; Ord. 630 § 2 [16.06.060], 1995)

16.16.070 Erection of more than one principal structure on a lot.
More than one structure containing a permitted or permissible principal use may be erected on a single lot; provided, that yard, area, and other requirements of the Zoning Code shall be met for each structure as though it were on an individual lot or as may be otherwise specified in this code. (Ord. 715-00; Ord. 630 § 2 [16.06.070], 1995)

16.16.080 Permitted building area.
The principal buildings on any lot or parcel of land shall be erected within the area bounded by the building lines established by setback or yard requirements. Accessory buildings may be erected within any building area established for the principal building and in required yard areas as may be provided for in the Zoning C-ode. (Ord. 715-00; Ord. 630 § 2[16.06.080], 1995)

16.16.090 Exceptions to height regulations.
The height limitations contained in the tables of dimensional and density requirements shall not apply to spires, belfries, cupolas, chimneys, elevator machine rooms, elevator shafts, antennas, water tanks, ventilators, roof mechanical penthouses solely for air handling equipment, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy; however, the heights of these structures or appurtenances thereto shall not exceed any height limits prescribed by airspace height zones. Additionally, the height requirements shall not apply to an elevator shaft as stated above; provided, that said elevator shaft does not occupy more than 20 percent of the roof of the building on which it is located. (Ord. 715-00; Ord. 630 § 2[16.06.090], 1995)

16.16.100 Accessory uses and structures.
No accessory uses or structures shall be located in any required yard except as provided for below:
A. In zoning districts, accessory uses and structures shall not be located in required front yards, but may be located in required side or rear yards, not less than five feet from the side or rear lot line; provided however, that accessory structures for the housing of persons, such as a garage apartment, shall not be located in any required front yard. Additionally, notwithstanding the minimum front yard setback requirement for single-family detached dwellings (including affordable) of 10 feet, any garage, whether attached or detached, shall have a minimum front yard setback requirement of 20 feet. It shall also be required that any off-street parking space or driveway be at least 20 feet in length.
B. On lots fronting on two or more streets or corner lots, accessory uses and structures shall not be located in any required yard abutting the street, but may be located not less than five feet from the lot lines of one, but not both required yards that abut upon an adjacent lot.
C. In all zoning districts, rooftop air conditioning and ventilating units shall be so screened as to not be visible from the immediate public right-of-way. This requirement shall not apply to single-family detached dwelling units. (Ord. 715-00; Ord. 630 § 2 [16.06.110], 1995)

16.16.110 Building grades.
Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building into an improved drainage system meeting city standards. (Ord. 715-00; Ord. 630 § 2[16.06.130], 1995)

16.16.120 Buildings to be moved to new lots.

Any building that has been wholly or partially erected shall not be moved and/or placed upon any premises until a permit for such removal shall have been obtained from the building and zoning official. When moved onto new premises, such building shall conform to all the provisions of the Zoning C-ode. (Ord. 715-00; Ord. 630 § 2 [16.06.140], 1995)

16.16.130 Building permits required.
No building or other structure shall be erected, moved, added to or structurally altered without a permit therefor issued by the building and zoning official's office. No building permit shall be issued except in conformity with the provisions of the Zoning C-ode, unless a written order in the form of a variance as provided by this code has been issued. (Ord. 715-00; Ord. 630 § 2 [16.06.150], 1995)

16.16.140 Building conversions.
No development permit shall be required if an existing building is converted from one use to another, so long as the proposed use is permitted in the zoning district in which the building is located. Additionally, no development permit shall be required if an existing building containing rental apartments is converted to condominiums (or vice-versa), so long as either the total number of dwelling units within the building does not increase, or if they do increase, they do not exceed the density limits permitted in the zoning district in which the building is located, and all off-street parking requirements can be met. (Ord. 715-00; Ord. 630 § 2[16.06.170], 1995)

16.16.150 Design standards and specifications.*
A. The document entitled "City of Sultan Design Standards and Specifications" is adopted by reference.
B. The design standards and specifications may be amended in accordance with sound engineering practices. A copy of such amendment shall be filed with the city council. Copies of the design standards and specifications and updates thereof may be secured from the city at fees fixed by the council.
C. All work performed under this unified development code shall conform to the design standards and specifications of the city and all other standard manuals used by the city in the administration of the code. The building official may recommend reasonable changes in the design standards for a seasonal parking facility. The hearing examiner in granting a conditional use permit for a seasonal parking facility may allow for a reasonable deviation in the design standards for a seasonal parking facility consistent with the criteria for allowing the conditional use.
D. Where not covered by the design standards and specifications, work and materials shall conform with current editions of the standard specifications for road and bridge construction, Washington State Department of Transportation and standard specifications for municipal construction, Washington State Chapter, APWA, where applicable.
E. Except where the design standards and specifications provide otherwise, signing and traffic control shall be in accordance with the current edition of the U.S. Department of Transportation Manual on Uniform Traffic Control Devices, as amended and approved by the Washington State Department of Transportation. (Ord. 765-01 § 9; Ord. 739-01; Ord. 715-00; Ord. 630 § 2[16.06.180], 1995)

Chapter 16.17
CONDITIONAL USE PERMITS

Sections:

16.17.010 Purpose.
16.17.020 Uses requiring a conditional use permit.
16.17.030 Application – Requirements and fees.
16.17.050 Criteria.
16.17.060 Expiration and renewal.
16.17.070 Revocation of permit.
16.17.080 Performance bond and other security.
16.17.090 Resubmittal of application.

16.17.010 Purpose.

It is the purpose of this chapter to establish review and permit approval procedures for unusual or unique types of land uses, which, due to their nature, require special consideration of their impact on the neighborhood, and land uses in the vicinity. The uses approved under the provisions of this chapter may be located in zone districts listing the use as a "conditional use" under such conditions as the hearing examiner may approve. (Ord. 1052-09 § 1; Ord. 983-08 § 2; Ord. 690-98)

16.17.020 Uses requiring a conditional use permit.

The following are the uses that require a conditional use permit (CUP):

A. All uses listed in the zoning districts as "conditional uses" require a conditional use permit in order to locate and operate or expand in an appropriate zoning district within the city.

(Ord. 1052-09 § 1; Ord. 983-08 § 2; Ord. 955-07 § 3; Ord. 690-98)

16.17.030 Application – Requirements and fees.

A. Application for conditional use permits shall be filed with the city on forms prescribed by the planning director.

B. A filing fee in the amount set by the fee schedule adopted by the city council shall accompany all applications.

C. The hearing examiner will conduct public hearings on conditional uses and may deny, approve, or approve with conditions.

D. Conditional use applicants must adhere to all applicable public notification requirements.

E. Denial of conditional use permit applications is appealable to the Snohomish County Superior Court as provided in SMC 2.26.140. (Ord. 1052-09 § 1; Ord. 983-08 § 2; Ord. 690-98)

Hearing examiner's decisions may be appealed to Snohomish County Superior Court by a party with standing in accordance with the procedures of Chapter 36.70C RCW, or other court of competent jurisdiction as provided by law. (Ord. 1050-09 § 1; Ord. 979-08 § 6 (9/11/08); Ord. 979-08 § 1 (2/14/08); Ord. 550, 1990)

16.17.050 Criteria.

The following criteria shall apply in granting a conditional use permit:

A. The proposed conditional use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed conditional use or in the zoning district in which the subject property is situated;

B. The proposed conditional use shall meet or exceed the performance standards that are required in the zoning district that it will occupy;

C. The proposed conditional use shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design as approved by the planning director;

D. The proposed conditional use shall be consistent with the goals and policies of the comprehensive land use policy plan;

E. All measures have been taken to mitigate the possible adverse impacts which the proposed use may have in the zoning district in which the subject property is located. (Ord. 1052-09 § 1; Ord. 983-08 § 2; Ord. 690-98)

16.17.060 Expiration and renewal.

A. A conditional use permit shall automatically expire one year after a notice of decision approving the permit is issued unless a development authorization or building permit conforming to plans for which the CUP was granted is obtained within that period of time.

B. A conditional use permit shall automatically expire unless substantial construction of the proposed development is completed within two years from the date a notice of decision approving the permit is issued.

C. The hearing examiner may authorize longer periods for a conditional use permit if appropriate for the project.

D. The hearing examiner may grant a single renewal of the conditional use permit if the party seeking the renewal can demonstrate extraordinary circumstances or conditions not known or foreseeable at the time the original application for a conditional use permit was granted. No public hearing is required for a renewal or minor modification of a conditional use permit. (Ord. 1052-09 § 1; Ord. 983-08 § 2; Ord. 690-98)

16.17.070 Revocation of permit.

A. The hearing examiner may revoke or modify a conditional use permit. Such revocation or modification shall be made on any one or more of the following grounds:

1. That the approval was obtained by deception, fraud, or other intentional and misleading representations;

2. That the use for which such approval was granted has been abandoned;

3. That the use for which such approval was granted has at any time ceased for a period of one year or more;

4. That the permit granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, resolution, code, law or regulation; or

5. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety.

B. Any aggrieved party may petition the hearing examiner in writing to initiate revocation or modification proceedings.

C. Before a conditional use permit may be revoked or significantly modified, a public hearing shall be held. Procedures concerning notice and reporting for petition to revoke or significantly modify a conditional use permit shall be the same as required by this chapter for the initial consideration of a conditional use permit application. (Ord. 1052-09 § 1; Ord. 983-08 § 2; Ord. 690-98)

16.17.080 Performance bond and other security.

A performance bond or other adequate and appropriate security may be required for any elements of the proposed project which the hearing examiner determines are crucial to the protection of the public welfare. Such bond shall be in an amount equal to 125 percent of the cost of the installation or construction of the applicable improvements. (Ord. 1052-09 § 1; Ord. 983-08 § 2; Ord. 690-98)

16.17.090 Resubmittal of application.

An application for a conditional use permit, which has been denied, may not be resubmitted within six months from the date of denial. (Ord. 1052-09 § 1; Ord. 983-08 § 2; Ord. 690-98)

Chapter 16.18
NONCONFORMANCES

Sections:

16.18.010 Nonconformances – Continuance.
16.18.020 Nonconformances – Lots smaller than required minimums.
16.18.030 Nonconforming lots – Setbacks.
16.18.040 Nonconforming lots – Applicability.
16.18.050 Nonconformances – Adjoining lots.
16.18.051 Nonconforming accessory dwelling units.
16.18.060 Extension or enlargement of nonconforming situations.
16.18.070 Nonconformances – Repair, maintenance, and construction.
16.18.080 Change in use of property where a nonconforming situation exists.
16.18.090 Abandonment and discontinuance of nonconforming uses.
16.18.100 Destruction of nonconforming uses and/or buildings.

16.18.010 Nonconformances – Continuance.

Unless otherwise specifically provided in the Zoning Code, nonconforming situations that were otherwise lawful on the effective date of this code may be continued. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 715-00; Ord. 630 § 2 [16.06.160(A)], 1995)

16.18.020 Nonconformances – Lots smaller than required minimums.

When a nonconforming lot can be used in conformity with all of the requirements applicable to the intended use, except that the lot is smaller than the required minimums set forth in the dimensional and density requirements for each zoning district, then the lot may be used as proposed just as if it were conforming. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 715-00; Ord. 630 § 2[16.06.160(B)], 1995)

16.18.030 Nonconforming lots – Setbacks.

When the use proposed for a nonconforming lot is one that is conforming in all other respects, but the applicable setback requirements cannot reasonably be complied with, then the zoning official may allow variances from the applicable setback requirements if he/she finds that:

A. The property cannot reasonably be developed for the use proposed without such deviations;

B. These deviations are necessitated by the size or shape of the nonconforming lot;

C. The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety; and

D. Compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, financial hardship does not constitute grounds for finding that compliance is not reasonably possible. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 715-00; Ord. 630 § 2[16.06.160(C)], 1995)

16.18.040 Nonconforming lots – Applicability.

This chapter applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 715-00; Ord. 630 § 2 [16.06.160(D)], 1995)

16.18.050 Nonconformances – Adjoining lots.

If, on the date the Zoning Code becomes effective, an undeveloped nonconforming lot adjoins and has continuous frontage with one or more other undeveloped lots under the same ownership, then neither the owner of the nonconforming lot nor his successors in interest may take advantage of the provisions of this chapter. This requirement shall not apply to a nonconforming lot if a majority of the developed lots located on either side of the street where such lot is located and within 500 feet of such lot are also nonconforming. The intent of this chapter is to require nonconforming lots to be combined with other undeveloped lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has previously been developed. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 715-00; Ord. 630 § 2[16.06.160(E)], 1995)

16.18.051 Nonconforming accessory dwelling units.

A. Commencing on October 1, 2003, a registration period of six months, ending April 1, 2004, at 5:00 p.m. is hereby established for the registration of legal nonconforming and illegal detached and attached accessory dwelling units (ADU). No fees shall be charged for such registration. Accessory dwelling unit (ADU) is defined in SMC 16.150.010(6)(a). Upon receipt of the registration, the city shall develop a schedule for the inspection of such accessory dwelling units to determine compliance with the State Building and Fire Codes. An inspection of such structures by the state Electrical Inspector shall also be requested if no records of a prior electrical inspection are provided by the registrant.

B. Nonconforming Structures. An attached or detached ADU, which qualifies as a legal nonconforming structure as defined in SMC 16.150.140(9), shall be inspected to determine whether it was in compliance with the State Building and Fire Codes in existence at the date it was constructed. An applicant shall submit a final occupancy permit issued by the city of Sultan or Snohomish County, as appropriate, with respect to said ADU prior to the date said use was regulated by the agency with jurisdiction, as proof of its legal nonconformity or such other proof as may be reasonably available. Upon an adequate showing of nonconformity as determined at the discretion of the city, the ADU shall be required to meet the provisions of the State Building and Fire Codes which are applicable to any building or structure and are considered life safety codes. The city shall issue a certificate of noncompliance noting the size and characteristics of the ADU and the structure in which it is located in order to permit its use and continuation and to determine its compliance with the other provisions of SMC 16.25.010. Such registration of legal nonconforming structures may include both attached and detached units which were in conformance with the applicable provisions of law and ordinance at the date constructed.

C. Registration of Illegal Accessory Dwelling Units. ADUs which were not legal uses at the date constructed may be registered during the registration period set forth in subsection (A) of this section. Registration shall be accompanied by the fee established for the issuance of a permit for each ADU with such fees to be used to defray the cost of building, fire and other inspections. The city shall establish an inspection schedule for ADUs. Certificates of registration and permit shall be issued to the former illegal structure granting the privileges of a legal nonconforming structure subject to the provisions of SMC 16.25.010 upon certification that the structure is or has been brought into compliance with all current provisions of the State Building Code and city ordinance.

1. Once registered, a formerly illegal ADU shall enjoy all the protections and privileges afforded to a nonconforming structure under the provisions of this section; provided, however, that such ADU shall be subject to the permit review requirement of SMC 16.25.010 to the end that the city council reserves the right to impose additional conditions on the continued use and occupancy of the formerly illegal ADU if it is found to constitute a nuisance or present a hazardous condition, or to revoke such registration and permit if a nuisance or hazardous condition relating to the ADU is not abated.

2. The provisions of this subsection (C) shall apply to both attached and detached accessory dwelling units; provided, however, that such ADUs shall be registered and permitted to continue subject to the provisions of this section only if they were constructed in good faith by construction completed prior to December 31, 1999.

D. Legal nonconforming units shall receive a permit certificate confirming such status and listing the physical dimensions and other characteristics of the structure; provided, however, that the registration and permit of a formerly illegal ADU may be revoked and/or conditioned in accordance with the provisions of SMC 16.25.010.

E. Failure to register a structure within the time period established by the provisions of this section shall be considered to be presumptive proof that such a unit is an illegal unit and subject to abatement. The owner of such structure may overcome such a presumption only by presentation of substantial and competent evidence which establishes the legal nonconforming nature of such building by clear and convincing evidence that the structure was permitted by Snohomish County or the City of Sultan and was in complete compliance with the applicable provisions of state law and county or city ordinance, at the date such construction was initiated and was completed. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 823-03 § 2)

16.18.060 Extension or enlargement of nonconforming situations.

A. Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

1. An increase in the total amount of space devoted to a nonconforming use; or

2. Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, density requirements, or other regulations such as parking requirements.

B. Subject to subsection (D) of this section, a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by the Zoning Code, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may not be extended to additional buildings or to land outside the original building.

C. A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming. The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased, and the equipment or processes used at a location where a nonconforming situation exists may be changed, if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other requirements of this section occur.

D. Notwithstanding subsection (A) of this section, any structure used for single-family detached residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new

nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements.

E. Notwithstanding subsection (A) of this section, whenever: (1) there exists a lot with one or more structures on it; and (2) a change in use that does not involve any enlargement of a structure is proposed for such lot; and (3) the off-street parking or loading requirements of this code that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for off-street parking or loading, then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation. However, the applicant shall be required to comply with all applicable off-street parking and loading requirements that can be satisfied without acquiring additional land, and shall also be required to obtain satellite off-street parking if: (1) parking requirements cannot be satisfied on the lot with respect to which the permit is required; and (2) such off-street satellite parking is available within 500 feet of the site said satellite parking area is intended to serve, measured from property line to property line. If such off-street satellite parking is not reasonably available at the time the permit is granted, then the permit recipient shall be required to obtain it if and when it does become reasonably available. This requirement shall be a continuing condition of the permit. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 955-07 § 1; Ord. 1051-09 § 1; Ord. 715-00; Ord. 630 § 2 [16.06.160(F)], 1995)

16.18.070 Nonconformances – Repair, maintenance, and construction.

A. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation, i.e., work estimated to cost more than 25 percent of the appraised valuation of the structure to be renovated, may be done only in accordance with a permit issued pursuant to the Zoning Code.

B. If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed 25 percent of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a permit issued pursuant to the Zoning Code. This section does not apply to structures used for single-family detached residential purposes, which structures may be reconstructed pursuant to a permit just as they may be enlarged or replaced.

C. For purposes of subsections (A) and (B) of this section:

1. The "cost" of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement.

2. The "cost" of renovation or repair or replacement shall mean the total cost of all such intended work, and no person may seek to avoid the intent of subsection (A) or (B) of this section by doing such work incrementally. An itemized appraisal of the work shall be prepared by an independent professional and provided to the city by the applicant.

3. The "appraised valuation" shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation determined by a professionally recognized property appraiser.

D. The planning director shall issue a permit authorized by this section if it finds that, in completing the renovation, repair or replacement work:

1. No violation of subsection (B) of this section will occur;

2. The permittee will comply to the extent reasonably possible with all provisions of this code applicable to the existing use (except that the permittee shall not lose his or her right to continue a nonconforming use); and

3. Compliance with a requirement of this code is not reasonably possible if it cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 955-07 § 2; Ord. 715-00; Ord. 630 § 2[16.06.160(G)], 1995)

16.18.080 Change in use of property where a nonconforming situation exists.

A. A change in use of property (where a nonconforming situation exists) that is sufficiently substantial to require an amendment in accordance with Chapter 16.128 SMC may not be made, except in accordance with subsections (B) and (C) of this section.

B. If the intended change in use is to a principal use that is permissible in the zoning district where the property is located, and all of the other requirements of this code applicable to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this code is achieved, the property may not revert to its nonconforming status.

C. If the intended change in use is to a principal use that is permissible in the zoning district where the property is located, but all of the requirements of this code applicable to that use cannot reasonably be complied with, then the change is permissible if the city council approves an application authorizing the change. A permit may be issued if the planning director finds, in addition to any other findings that may be required by this code, that:

1. The intended change will not result in a violation of SMC 16.16.020; and

2. All of the applicable requirements of this code will be reasonably complied with. Compliance with a requirement of this code is not reasonably possible if it cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. And, in no case may an applicant be given permission pursuant to this section to construct a building or add to an existing building if additional nonconformities would thereby be created. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 715-00; Ord. 630 § 2 [16.06.160(H)], 1995)

16.18.090 Abandonment and discontinuance of nonconforming uses.

A. If a legal nonconforming use is discontinued for a consecutive period of 180 calendar days, then that property may thereafter be used only in conformity with the current Zoning Code regulations.

B. For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building for 180 calendar days shall not result in a loss of the right to rent that apartment or space thereafter, so long as the apartment building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 715-00; Ord. 630 § 2[16.06.160(I)], 1995)

16.18.100 Destruction of nonconforming uses and/or buildings.

A. A nonconforming use and/or building cannot be maintained if more than 50% of the assessed value of improvements on the subject property is lost by any form of destruction whether through man-made or natural causes . Then, the subject property may thereafter be used only in conformity with the current Zoning Code regulations.

(Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 715-00; Ord. 630 § 2 [16.06.160(J)], 1995)

Chapter 16.19
VARIANCES

Sections:
16.19.10 Purpose.
16.19.020 Variance Process.
16.19.030 Variance Criteria.
16.19.040 Variance Appeal.

16.19.010 Purpose.

It is the purpose of this chapter to establish review and approval procedures for unusual or unique physical hardships that may be encountered when improving a site specific piece of property. The criteria for granting a variance for the dimension requirements of the Zoning Code are intentionally stringent, and approval of a variance does not set precedent for any other variance. No variance for an exception to the uses allowed in a particular zoning district can be approved.

16.19.020 Variance Process.

An application of a variance can be made to the City of Sultan on a form provided by the planning staff. Information that may be required for variance review process and decision by hearing examiner can also be provided by the planning staff.

16.19.030 Variance Criteria.

No application for a variance shall be granted unless the hearing examiner finds:

A. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which their application was filed is located; and

B. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and

C. That such variance is necessary:

1. Because of special circumstances set forth in the findings relating to size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

2. Because for reasons set forth in the findings, the variance as approved would contribute significantly to the improvement of environmental conditions, either existing or potentially arising from the proposed improvement. (Ord. 1050-09 § 1; Ord. 979-08 § 9 (9/11/08)

16.19.040 Variance Appeal.

The decision of the hearing examiner on a variance application is final. Hearing examiner's decisions may be appealed to the Snohomish County Superior Court by a party with standing in accordance with the procedures of Chapter 36.70C RCW, or other court of competent jurisdiction as provided by law. (Ord. 1050-09 § 1; Ord. 979-08 § 6 (9/11/08); Ord. 979-08 § 1 (2/14/08); Ord. 550, 1990)

Division IV. Performance Standards

Chapter 16.20
PERFORMANCE STANDARDS – GENERAL

Sections:
16.20.010 Administration.
16.20.020 Purpose.

16.20.010 Administration.

The performance standards in SMC 16.24 through 16.48 are adopted to set reasonable criteria for development to achieve the goals and objectives of the comprehensive plan for the City of Sultan. These standards shall be administered by the responsible governmental agency or department of the city. (Ord. 630 § 2[16.10], 1995)

16.20.020 Purpose.

The purpose of the performance standards in SMC 16.24 through 16.48 is to describe those supplemental regulations which apply to specified land uses over and above those dimension and density requirements imposed elsewhere by the Zoning Code. These performance standards regulate those land uses having characteristics that may have adverse impacts on other permitted uses in a zoning district without the additional regulations.

(Ord. 630 § 2[16.10.010], 1995)

Chapter 16.24
HOME OCCUPATIONS STANDARDS

Sections:
16.24.010 Purpose.
16.24.020 Standards.

16.24.010 Purpose.

It is the intent in this chapter to allow for and to regulate the establishment of a home occupation located in a residential zone. It is also the intent in this section to regulate the operation of a home occupation so that adverse impacts resulting from the home occupation activities will be made less obtrusive on neighboring residential permitted uses. (Ord. 630 § 2 [16.10.010(4)(a)], 1995)

16.24.020 Standards.

A home occupation is allowable as an accessory use in a principal dwelling unit or accessory building in any residential zone. All provisions of the Zoning Code pertaining to residential uses shall be met. In addition, all of the following standards shall apply.

A. Outdoor display or storage of materials, goods, supplies, or equipment related to home occupation shall be prohibited.

B. There shall be no changes to the exterior of the principal building or accessory building nor any visible evidence that the principal building or accessory building also contains a home occupation.

C. A home occupation shall not generate nuisances such as on-street parking, noise, electrical interference, or hazards.

D. There shall be no persons outside of the immediate household residing in the subject dwelling unit employed in the home occupation.

E. No more than one client of the home occupation business may visit the dwelling unit at any given time, and an off-street parking space must be provided for that client.

E. The maximum area devoted to a home occupation shall be no greater than 25 percent of the gross floor area of the principal dwelling unit. (Ord. 630 § 2[16.10.010(4)(b)], 1995)

Chapter 16.28
MANUFACTURED HOUSING

Sections:

16. 28.010 Purpose.
16. 28.020 Classifications of manufactured housing.
16. 28.030 Standards for manufactured housing.

16.52.010 Purpose.

It is the purpose of this chapter to allow for and to regulate the use of manufactured housing in the City of Sultan. Manufactured housing is important in the provision of low-cost and moderate-cost housing. Therefore, standards in this chapter are provided both to recognize the valid place of manufactured housing and to set forth necessary criteria on location and use of such housing. (Ord. 630 § 2[16.10.010(5)(a)], 1995)

16.52.020 Classifications of manufactured housing.

Manufactured homes are classified as follows for purposes of these standards.

A. A manufactured housing unit is a single-family dwelling, transportable in one or more sections, which is designed to be used with or without a permanent foundation when connected to the required utilities. After June 15, 1976, manufactured homes must be constructed in accordance with U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing, and bear the appropriate insignia indicating such compliance.

B. New manufactured housing certified as meeting U.S. Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards, or used manufactured housing certified as meeting the HUD standards specified above and found on inspection to be in excellent condition and safe and fit for residential occupancy are single-family dwelling permitted uses.

(Ord. 630 § 2[16.10.010(5)(b)], 1995)

16. 28.030 Standards for manufactured housing.

Manufactured housing, as classified in SMC 16.28.020, is a single-family dwelling unit type and a permitted use in those zoning districts in which single-family dwellings are permitted. Such housing is subject to the building code and all standards in the Zoning Code that apply to residential land uses, including the subdivision regulations contained in SMC Title 19. (Ord. 630 § 2[16.10.010(5) (d)], 1995)

Chapter 16. 32
NONRESIDENTIAL PERFORMANCE STANDARDS

Sections:

16.32.010 Application.
16.32.020 Categories of use.
16.32.030 Performance standards.
16.32.040 Supplemental standards for drive-through facilities.
16.32.050 Supplemental standards for mixed-use or split-use development.
16.32.060 Supplemental standards for recreational vehicle parks.
16.32.070 Supplemental standards for mobile home parks.
16.32.080 Medical marijuana (cannabis) collective gardens and dispensaries prohibited.

16.32.010 Application.

This chapter contains performance standards that apply to nonresidential uses. Nonresidential land uses regulated in this section include commercial, tourism, office, light and heavy industry, and certain public/semi-public uses. These standards regulate building development and are applied over and above those standards imposed by other sections of the Zoning Code. These supplemental standards are necessary for those land uses having characteristics that may have negative impacts without the additional regulations. (Ord. 630 § 2[16.10.020], 1995)

16.32.020 Categories of uses.

The following categories of land use shall be subject to the standards contained in this section.

A. Public/semi-public: institutional and public services facilities.

B. Offices.

C. Commercial establishments: general commercial enterprises, commercial recreational facilities, automobile-oriented commercial enterprises (gas stations, auto repair shops, tire shops, etc.), home building supply stores, plant and landscape nurseries, and shopping centers.

D. Industrial facilities: manufacturing, wholesaling, warehousing, distribution, and other industrial facilities.

E. Tourist facilities: hotels, motels, lodging houses, recreation facilities, and entertainment facilities. (Ord. 630 § 2 [16.10.020(1)], 1995)

16.32.030 Performance standards.

The development of a nonresidential use shall be allowed only in full compliance with the standards of this and other relevant sections of the Zoning Code.

A. Subdivision of Land. Any land proposed to be subdivided for the purposes of nonresidential activity shall adhere to all of the requirements for the subdividing of land in the city contained in SMC Title 19.

B. Building Placement.

1. There is no minimum required distance between adjacent buildings on the same lot; provided, that when a building exceeds two stories in height, the minimum distance from an adjacent building or property line shall be increased by two feet for each story above two.

2. Certain nonresidential development in the UC zoning district may build up to the right-of-way line of the abutting roadway. These are enumerated in the table of dimensional and density requirements for the UC zoning district contained within the Zoning Code. However, buildings, signs, or other structures shall not be placed in the clear vision triangle specified in the landscape performance standards in SMC 16.48.

3. Access driveways to any commercial development on an individual parcel in the HOC zoning district shall be at least 75 feet apart from each other, measured from centerline to centerline. However, where driveways are each one-way and each being no more than 12 feet wide, the two driveways shall be counted as a single unit of access for the purposes of the Zoning Code.

(Ord. 1145-12 § 8; Ord. 630 § 2[16.10.020(2)], 1995)

16.32.040 Supplemental standards for drive-through facilities.

A. Purpose. Supplemental standards are provided for uses with drive-through facilities to ensure protection from potential traffic hazards. These standards are to be applied in addition to all other applicable standards of the Zoning Code.

B. Standards.

1. Driveways proposed to service commercial development shall be separated 75 feet or more between properties. Where driveways are each one-way and each no more than 12 feet wide, the two driveways shall be counted as a single unit. When, because of existing development, it is mathematically impossible to achieve this requirement for a proposed commercial project, the applicant shall attempt to secure an access easement from an adjoining commercial development. If this is impossible to secure (as evidenced by a written denial by both adjoining property owners of the request), the building and zoning official may permit a waiver of this requirement. However, in doing so, any new access driveway shall be located as far as possible from all existing access drives.

2. Approach lanes for the drive-through facilities shall have the following minimum widths: one lane – 12 feet; two or more lanes – 10 feet per lane.

3. Minimum linear distance for stacking of automobiles in the drive-through window lanes (measured from the commercial window at the building location):

a. One drive-through window = 10 feet;

b. Two drive-through windows = 10 feet;

c. Three drive-through windows = 95 feet;

d. Four drive-through windows = 80 feet;

e. Five drive-through windows = 65 feet.

4. The minimum distance from the proposed drive-through facility to the right-of-way shall be 65 feet, where no turns are required. This distance shall be measured from the drive-through station farthest from the main building. Where turns are required in the exit lane, the minimum distance from any drive-through window to the beginning point of the turn shall be 34 feet. The minimum turning radius shall be 17 feet.

5. The minimum distance from a drive-through facility to any residential building shall be 25 feet. This distance shall be measured at the narrowest point between the main building, an off-street parking area, or vehicle lanes, whichever is closer.

6. Alleys or driveways in residential areas adjacent to drive-through facilities shall not be used for circulation of customer traffic. (Ord. 630 § 2[16.10.020(3)], 1995)

16.32.050 Supplemental standards for mixed-use development.

A. When a parcel of land is proposed to accommodate a building that contains two or more uses in the UC or HOC zoning districts it shall not be necessary for the minimum land area requirements for each use to be met.

B. However, where a building containing two or more uses is proposed to be built, the following conditions must be met:

1. Every use or activity proposed to be included must be a permitted use in the zoning district where the building is proposed to be built;

2. The minimum lot area, dimensional and density requirements (setbacks, lot coverage, etc.) for the most restrictive use proposed in the building must be met;

3. To compute the number of off-street parking spaces required for such a development, it will be necessary to calculate the requirements for each use and total them (unless it is demonstrated that certain proposed future uses shall not utilize the parking area at the same times, i.e., schools and churches); and

4. If off-street loading and unloading space(s) is required for any use, it must be provided. (Ord. 630 § 2[16.10.020(4)], 1995)

16.32.060 Supplemental standards for recreational vehicle parks.

A. The maximum permitted gross density for any recreational vehicle park shall be 20 units per acre.

B. Space allocations for recreational vehicles shall be on a basis of 1,000 square feet per vehicle, the minimum dimensions of which shall be 32 feet wide by 30 feet long.

C. The space shall abut on a driveway not less than 20 feet in width, which shall have unobstructed access to a public street or highway.

D. Recreation vehicles shall be parked on each space so that there will be at least 12 feet of clearance between RVs, six feet between RVs and any adjoining property lines, and 12 feet between RVs and any building or structure.

E. Each recreation vehicle strip shall include a strip of ground 10 feet wide along one side for automobile parking purposes.

F. All recreation vehicle park roads must be surfaced, at least with rock and gravel.

G. No less than 15 percent of the total site shall be defined recreational space. Said space shall be readily accessible to all patrons and shall be maintained in such a manner as to present a neat and clean appearance.

H. No rental of any recreational vehicle space shall be for a period to exceed two weeks.

I. Every recreational vehicle space shall meet health department minimum requirements with regard to provisions for potable water and sanitary sewage facilities.

J. Any recreational vehicle park may provide an office, convenience commercial store, and on-site residence for the manager of the operation. However, in no case shall the land area for these facilities exceed a total of 10,000 square feet. (Ord. 630 § 2[16.10.020(5)], 1995)

16.32.070 Supplemental standards for mobile home parks.

A mobile home park is a permitted use in the Highway-Oriented Commercial (HOC) Zone and shall be allowed where all applicable standards below and other requirements of the Zoning Code are met. Mobile homes are allowed only in a mobile home park when all applicable standards below are met. For a mobile home to be located in a mobile home park the following steps must be taken:

A. An application for approval to locate or relocate a mobile home shall be obtained from the City of Sultan.

B. Upon inspection by the City's building inspector, the mobile home must be found to be in excellent or good condition prior to the move. Criteria for determining condition shall be the same as those applied to housing inspections for health and safety. After moving or relocation of the mobile home, a second inspection shall be required to verify that the mobile home remains in no less than good condition. An occupancy permit shall not be issued until such conditions are met. (Ord. 630 § 2[16.10.010(5)(f)], 1995)

C. In addition, the following site design standards for mobile parks shall apply:

1. The minimum land area shall be five acres.

2. Every mobile home shall be located at least eight feet from any internal abutting street.

3. The minimum distance between a mobile home (including allowable accessory buildings) and an adjacent mobile home (including accessory buildings) shall be 15 feet. This distance shall be measured at the narrowest space between structures, whether they be the living units or accessory buildings (e.g., carport, storage building).

4. Provisions for utilities, public streets and access, private roads/driveways, and sidewalks/walkways shall be required in the design and development of a mobile home park.

D. Applications for mobile home parks are reviewed and approved or denied following the procedures for binding site plans in SMC 19.18 and 19.20.

(Ord. 1145-12 § 7; Ord. 630 § 2[16.10.010(5)(g)], 1995)

16.32.080 Medical marijuana (cannabis) collective gardens, dispensary establishments, and other retail business stores prohibited.

A. Definitions. As used in this section, the following terms shall have the meanings set forth below:

1. "Medical marijuana collective garden" or "collective garden" means a group of qualifying patients that share responsibility for acquiring and supplying the resources required to produce and process marijuana for medical use. Examples of collective garden resources include, without limitation, the following: property used for a collective garden; or equipment, supplies, and labor necessary to plant, grow and harvest marijuana; marijuana plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of marijuana plants. A medical marijuana collective garden shall satisfy the above definition regardless of its formation, ownership, management, or operation as a business, agency, organization, cooperative, network, consultation operation, group, or person. One individual person who is the designated provider for only one qualified patient, as those terms are defined in RCW 69.51A.010, during any 15-day period and who complies with Chapter 69.51A RCW, or an individual person who is a qualified patient and who complies with Chapter 69.51A RCW, shall not be deemed a medical marijuana collective garden for the purposes of this section.

2. "Medical marijuana dispensary" means any business, agency, organization, cooperative, network, consultation operation, or other group, or person, no matter how described or defined, including its associated premises and equipment, which has for its purpose or which is used to grow, select, measure, package, label, deliver, sell, or otherwise transfer (for consideration or otherwise) marijuana for medical use. One individual person who is the designated provider for only one qualified patient, as those terms are defined in RCW 69.51A.010, during any 15-day period and who complies with Chapter 69.51A RCW shall not be deemed a medical marijuana dispensary for the purposes of this section.

3. "Marijuana retail business store" means any business or retail establishment which has for its purpose or which is used to grow, select, measure, package, label, deliver, sell, or otherwise transfer (for consideration or otherwise) marijuana for personal use.

A. Medical Marijuana Collective Gardens Prohibited. Collective gardens are prohibited within the City of Sultan and shall not be located in any zone or on any property in the City of Sultan.

B. Medical Marijuana Dispensary Establishments Prohibited. Medical marijuana dispensary establishments are prohibited within the City of Sultan and shall not be located in any zone or on any property in the city of Sultan.

C. Marijuana Retail Business Stores Prohibited. Marijuana retail business stores are prohibited within the City of Sultan and shall not be located in any zone or on any property in the City of Sultan.

D. Enforcement. Enforcement of prohibitions, restrictions, and limitations on retail business stores, collective gardens, and other dispensary establishments will be pursued as provided by all applicable state and local laws. (Ord. 1182-13 § 1)

DOES THIS GO HERE?

16.132.020 Declaration of nuisance.

All violations of the Zoning Code are determined to be detrimental to the public health, safety and welfare, and are nuisances. All conditions which are determined by the building and zoning official or his duly authorized representative to be in violation of this code shall be subject to the provisions of this title and shall be corrected by any reasonable and lawful means, as provided in this title. (Ord. 630 § 2[16.14.020], 1995)

Chapter 16.36
MARIJUANA BUSINESSES STANDARDS

Sections:

16.36.010 Purpose and intent.
16.36.020 Definitions.
16.36.030 Medical marijuana dispensaries prohibited.
16.36.035 Collective gardens prohibited.
16.36.040 Marijuana retail business prohibited.
16.36.050 Location Restrictions.
16.36.060 Specific regulations.
16.36.070 No city liability – Indemnification.
16.36.080 Enforcement of violations.

16.36.010 Purpose and intent.

The purpose of this chapter is to establish zoning regulations that provide for marijuana businesses allowed under a voter-approved statewide initiative (Initiative 502), now codified in RCW Title 69, and subject to requirements of Chapter 314-55 WAC. (Ord. 1190-14 § 1)

16.36.020 Definitions.

The following definitions apply to this chapter. Additional definitions related to marijuana businesses are contained in WAC 314-55-010 and RCW 69.50.101.

A. "Business name" or "trade name" means the name of a licensed business as used by the licensee on signs and advertising.

B. "Child care center" means an entity that regularly provides child day care and early learning services for a group of children for periods of less than 24 hours and is licensed by the Washington State Department of Early Learning under Chapter 170-295 WAC.

C. "Game arcade" means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under 21 years of age are not restricted.

D. "Library" means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

E. "Marijuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

F. "Marijuana business" means any business that handles marijuana and is subject to Chapter 314-55 WAC.

G. "Marijuana processing business" means any business that is licensed by the State Liquor Control Board to process, package, and label usable marijuana and marijuana-infused products for sale to wholesale marijuana retailers.

H. "Marijuana production business" means any business that is licensed by the State Liquor Control Board to produce marijuana for sale at wholesale to marijuana processor licensees and to other marijuana producer licensees.

I. "Marijuana retail business" means an establishment engaged in selling marijuana, marijuana-infused products, and marijuana paraphernalia to people for their personal or household use. It does not include businesses that produce or process marijuana and do not sell it directly for personal or household use.

J. "Medical marijuana collective garden" means a group of qualifying patients that share responsibility for acquiring and supplying the resources required to produce and process marijuana for medical use. Examples of collective garden resources would include, without limitation, the following: property used for a collective garden; or equipment, supplies, and labor necessary to plant, grow and harvest marijuana; marijuana plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of marijuana plants.

K. "Medical marijuana dispensary" means any business, agency, organization, cooperative, network, consultation operation, or other group, or person, no matter how described or defined, including its associated premises and equipment, which has for its purpose or which is used to grow, select, measure, package, label, deliver, sell, or otherwise transfer (for consideration or otherwise) marijuana for medical use.

L. "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, or other playground equipment, owned and/or managed by a city, county, state, or federal government.

M. "Public park" means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, or federal government, and does not include trails.

N. "Public transit center" means a facility located outside of the public right-of-way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge.

O. "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under 21 years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government.

P. "Residence" means a building, dwelling unit or property where one or more persons may live or maintain an abode.

Q. "School, elementary" means a school for early education that provides the first four to eight years of basic education and is recognized by the Washington State Superintendent of Public Instruction.

R. "School, secondary" means a high school and/or middle school, i.e., a school that is recognized by the Washington State Superintendent of Public Instruction for the education of students, typically children, in grades seven to 12. (Ord. 1190-14 § 1)

16.36.030 Medical marijuana dispensaries prohibited.

Medical marijuana dispensaries, as defined in SMC 16.36.020, are prohibited. Medical marijuana dispensaries shall not be located in any zone or on any property in the city of Sultan. (Ord. 1190-14 § 1)

16.36.035 Collective gardens prohibited.

Medical marijuana collective gardens, as defined in SMC 16.36.020, are prohibited. Medical marijuana collective gardens shall not be located in any zone or on any property in the city of Sultan. (Ord. 1190-14 § 1)

16.36.040 Marijuana retail business prohibited.

Marijuana retail businesses, as defined in SMC 16.36.020, are prohibited. Marijuana retail businesses shall not be located in any zone or on any property in the city of Sultan. (Ord. 1190-14 § 1)

16.36.050 Location Restrictions.

A. A marijuana business shall not be located within 1,000 feet of the perimeter of the grounds of any of the following entities as defined in SMC 16.36.020 and WAC 314-55-010:

1. Elementary or secondary school;

2. Playground;

3. Recreation center or facility;

4. Child care center;

5. Park;

6. Transit center;

7. Library; or

8. Game arcade where admission is not restricted to persons age 21 and older.

B. For purposes of subsection (A) of this section, the distance shall be measured as the shortest straight line distance from the property line of each entity identified in subsection (A) of this section to the property line of the marijuana business.

C. Marijuana production businesses and marijuana processing businesses are allowed only in the following areas:

1. The Manufacturing zone (SMC 16.12.110) subject to the location limitations of subsections (A) and (B) of this section.

D. Marijuana businesses are not permitted as a home occupation under SMC 16.24 and shall not operate at a residence as defined in this chapter.

E. The owner and/or operator of a marijuana business is responsible for documentation that the proposed location meets the requirements of WAC 314-55-050, and this section.

F. Any site, building, or location upon which a marijuana business has been located without completing all of the requirements of this code is not authorized or legal. No claim of validity as a nonconforming use or other claim of vested property right for such use will be honored. (Ord. 1190-14 § 1)

16.36.060 Specific regulations.

A. To operate within the city, each marijuana business is required to have a current business license issued by Washington State under the provisions of Chapter 314-55 WAC and a current business license issued by the City of Sultan under the provisions of SMC 5.04.

B. Marijuana businesses are subject to the signage requirements of WAC 314-55-155 and SMC 22.06, whichever is more restrictive. No off-premises signage is allowed.

C. A marijuana business must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors.

D. Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the marijuana business is.

E. Marijuana growing and processing businesses shall not allow odors to migrate beyond the interior of the structure where said growing and/or processing is conducted.

F. Marijuana businesses are subject to all applicable requirements of the Sultan Municipal Code including but not limited to the building codes (SMC 15.01 and 15.06), the fire code (SMC 15.01), and environmental regulations (SMC Title 17) as now exist or may be amended.

G. Marijuana businesses are subject to all applicable requirements of RCW Title 69 and Chapter 314-55 WAC and other state statutes, as they now exist or may be amended.

H. Nothing in this code is intended or should be considered as a limitation on the City of Sultan from protesting the granting of a permit or the renewal of a permit. (Ord. 1190-14 § 1)

16.36.070 No city liability – Indemnification.

A. By accepting a permit issued pursuant to this chapter, the licensee waives and releases the City of Sultan, its officers, elected officials, employees, volunteers and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of federal, state or local laws and regulations.

B. By accepting a permit issued pursuant to this chapter, all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the City of Sultan, its officers, elected officials, employees, volunteers and agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the recreational marijuana business that is the subject of the license. (Ord. 1190-14 § 1)

16.36.080 Enforcement of violations.

Violations of this chapter shall be subject to enforcement action as provided in SMC 8.04 and SMC 16.132, or, as applicable, the Uniform Controlled Substances Act, RCW Title 69. In addition, violations of this chapter are deemed to be a public nuisance and may be abated under the procedures set forth in state law for the abatement of public nuisances. (Ord. 1190-14 § 1)

Chapter 16.40

OFF-STREET PARKING AND LOADING STANDARDS

Sections:

16. 40.010 Purpose and intent.
16.40.020 General requirements.
16.40.030 Timing of the provision of required off-street parking and off-street loading spaces.
16.40.040 Requirement to retain off-street parking and loading space.
16.40.050 Permitted reductions in off-street parking requirements.
16.40.060 Location of off-street parking and loading areas.
16.40.070 Limitations on vehicular storage.
16.40.080 Determination of seating capacity at places of assembly.
16.40.090 Collective off-street parking provisions.
16.40.100 Joint-use parking requirements.
16.40.110 Requirements for retail trade, personal service, and business service establishments and offices, hotels, night clubs, and health clubs in the UC zoning district.
16.40.120 Development and maintenance of off-street parking areas.
16.40.130 Plan requirement.
16.40.140 Minimum required off-street parking spaces.
16.40.150 Off-street loading space requirements.

16.40.010 Purpose and intent.

Off-street parking areas are required for all new uses of land so that all uses will have adequate parking for the occupants, employees, visitors, customers, and/or patrons and they will not have to rely on the public rights-of-way for this function.

Off-street loading areas are required for all uses (except residential) to provide adequate space off of city rights-of-way for the temporary parking of motor vehicles (primarily trucks) while loading or unloading. (Ord. 630 § 2[16.10.030(1)], 1995)

16.40.020 General requirements.

No building or structure in any district shall be erected or enlarged, nor shall any building, structure or land be used, designed or arranged for any purpose without provisions for such off-street parking and/or loading facilities as required by this code, nor shall any off-street parking or loading area, whether required by this code or voluntarily provided, be developed other than in the manner set forth herein. Seasonal parking facilities are exempt from the requirements of this chapter and need not be developed in the manner set forth herein.

For the purpose of these standards, 153 square feet of area shall be deemed a parking space for one vehicle. The minimum dimensions for each parking space shall be eight and one-half feet wide by 18 feet long. The maximum permitted dimensions for each parking space (except for designated handicapped spaces) shall be 10 feet wide by 20 feet long. On corner or through lots, (A) parking space may not be included within the area of any of required yards lying adjacent to either street, and (B) in no case shall any required off-street parking space be allowed to back out directly onto any arterial right-of-way (a residential garage or carport space shall be considered an off-street parking space).

The access aisles within any off-street parking area shall be a maximum of 24 feet wide. The primary internal circulation system of an off-street parking lot, where no parking spaces are provided directly off this internal roadway, shall have a maximum width of 30 feet.

All parking spaces and access driveways shall be paved or otherwise surfaced with an all-weather surface, and shall be graded and drained so as to dispose of surface water that might accumulate within or upon such area. No surface water from any parking area shall be permitted to drain onto adjoining property.

Required loading spaces shall not be construed as supplying off-street parking space. In case of a use not specifically mentioned, the requirements for off-street parking facilities for a use that is mentioned, and to which said unmentioned use is similar, shall apply (this determination shall be made by the building and zoning official). (Ord. 765-01 § 10; Ord. 630 § 2 [16.10.030(2)], 1995)

16.40.030 Timing of the provision of required off-street parking and off-street loading spaces.

Off-street parking and loading spaces shall be provided at the time any use of land is established; or at the time that an occupancy permit is requested at the completion of construction of any building or structure; or at the time any building, structure, or land is altered or enlarged in any manner to increase the amount off-street parking or loading spaces as required by this code. However, when the use of any building or land existing at the time of adoption of this code is changed to a use in which the parking requirements are calculated differently from the method of calculation for the former use, only such additional parking as may result by reason of the different calculation need be provided for the changed use. (Ord. 630 § 2[16.10.030(3)], 1995)

16.40.040 Requirement to retain off-street parking and loading space.

The requirements for off-street parking and loading shall be a continuing obligation of the owner or his assignee of the real estate on which any use is located as long as the use continues, and is a use that requires off-street parking or loading. It shall be unlawful for an owner of any building or land use activity affected by the off-street parking and loading requirements to discontinue, change, reduce or dispense with, or cause the discontinuance, change, or reduction of the required off-street parking or loading space. It shall be unlawful for any individual, firm, or corporation to use such building or land without acquiring such area as is required and permitted to fulfill the off-street parking and loading requirements. Whenever off-street parking is required and cannot be provided on the same lot as the principal building, and is located on another parcel or property provided for and utilized for off-street parking, said parcel of property shall be owned by the owner of the principal building or, in the alternative, shall be restricted by a recorded agreement to off-street parking purposes during, or as long as off-street parking is required for such principal building, in accordance with the terms of this code. (Ord. 630 § 2[16.10.030(4)], 1995)

16.40.050 Permitted reductions in off-street parking requirements.

Off-street parking space required under these standards may be reduced at the time the capacity or use of a building is changed in such a manner that the new use or capacity would require less space than before the change. Such reduction may not be below the requirements set forth in these standards. (Ord. 630 § 2[16.10.030(5)], 1995)

16.40.060 Location of off-street parking and loading areas.

The required off-street parking and loading areas shall be located on the same lot or parcel of land they are intended to serve. However, if the required off-street parking spaces cannot be provided, in whole

or in part, on the same lot on which the principal building is located, such required off-street parking may be located on another lot or parcel of land within 1,000 feet of the premises to be served, provided:

A. The owner of such parking area enters into a written agreement with the City of Sultan providing that the land comprising the parking area shall never be disposed of, nor the use changed, except in conjunction with the sale of the building that the parking area serves, so long as the facility is required; and

B. The owner agrees to bear the expense of recording the agreement and agrees that said agreement shall bind his heirs, successors, and assigns. (Ord. 630 § 2[16.10.030(6)], 1995)

16.40.070 Limitations on vehicular storage.

Except as otherwise provided in this chapter, off-street parking spaces required herein may be occupied by the occupants, employees, or patrons of the property or by visitors, or by delivery vehicles incidental to the principal use, but not by vehicles being repaired, stored or displayed for sale or hire. (Ord. 630 § 2[16.10.030(7)], 1995)

16.40.080 Determination of seating capacity at places of assembly.

In stadiums, sport arenas, houses of worship and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 20 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities. (Ord. 630 § 2[16.10.030(8)], 1995)

16.40.090 Collective off-street parking provisions.

Nothing in these standards shall be construed to prevent the collective provision of off-street parking facilities for two or more structures or uses; provided, that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately; provided also, that the requirements set forth hereinbefore as to maximum distances between parking facilities and principal structures or uses served shall apply to each structure or use participating in the collective provisions for parking. (Ord. 630 § 2[16.10.030(9)], 1995)

16.40.100 Joint-use parking requirements.

A. Places of Public Assembly. Parking spaces already provided to meet off-street parking requirements of stores, office buildings, schools, and industrial establishments, situated on the same site as places of public assembly, and that are not normally in use between the hours of 6:00 p.m. and midnight and are made available for other parking, may be used to meet not more than 50 percent of the total requirements of parking spaces. Written agreement is required for such joint-use parking arrangements between the officials of the place of public assembly and the owner or manager of the other development and parking area on the site.

B. Mixed-Use Developments. In the case of mixed uses (such as shopping centers), the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as specified above for joint use. (Ord. 630 § 2 [16.10.030(10)], 1995)

C. Shared Parking Agreement. Parking facilities may be cooperatively used by different land uses, when the times of the use of such parking spaces by each use are not simultaneous. A shared parking agreement signed by all parties who share the parking facilities and approved by the planning director (director) shall be required that binds the parking facilities and the parties until the agreement is

dissolved by all parties and approved by the director. The total number of required parking spaces may be reduced from the requirements of Sultan Municipal Code Chapter 16.40, if it is demonstrated through a parking study that complementary uses, internal trip capture or uses with different peak parking needs justify the reduction in required parking spaces at all times. A covenant running with the land shall be made between the property owner (owner) and the City of Sultan (City) stating the responsibilities of the owner and shall be recorded with Snohomish County. A copy with the recording number and parking layouts and scheduled times of use by the specific uses sharing the on-site parking spaces shall be submitted as part of any permit application for development. When any shared parking agreement subject to the covenant is to be modified or terminated, the owner shall be responsible for notifying the Director and providing a revised site plan and schedule for meeting the parking requirements of all the development on the property subject to the covenant.

16.40.110 Requirements for retail trade establishments, personal service establishments, business establishments, offices, hotels, motels, lodging houses, guest houses, night clubs, and health spas in the UC zoning district.

To promote more compact urban settlements, the City of Sultan is encouraging the development of activity nodes that require less of a reliance on the private automobile. To that end, as can be seen in the tables of dimensional and density requirements for the UC zoning district, front and side yard setbacks are not required for retail trade establishments, personal service establishments, business establishments, offices, night clubs, and health spas. In furtherance of this goal, the off-street parking requirements for these categories of uses, as well as hotels, motels, lodging houses, and guest houses, as contained in the off-street parking table contained in this chapter, are reduced by 50 percent when they are proposed to be located in the UC zoning district. (Ord. 630 § 2[16.10.030(11)], 1995)

16.40.120 Development and maintenance of off-street parking areas.

For every parcel of land hereafter used, off-street parking shall be developed and maintained by the owner in accordance with the following requirements:

A. Minimum Distances and Setbacks. No part of any off-street parking area containing five or more vehicle spaces, shall be closer than 10 feet to any dwelling, school, hospital, or other institution for human care. If on the same lot with a principal structure, the parking area shall not be located within the front yard or side street yard setback area required for such structure.

B. Bumper Guard and/or Bollard Requirements. There shall be provided a bumper guard and/or bollard of either wood, metal or concrete not more than two feet in height and securely anchored into the ground on all sides of the parking area where there is required a protective fence or wall. Any required bumper guard and/or bollard shall be located at such distance so that automobiles will not strike the protective fence or wall. As an alternative, a concrete beam serving the same purpose may be provided.

C. Off-Street Parking Area Surfacing Requirements. Any off-street parking area containing more than five vehicle spaces shall be surfaced with an asphaltic, bituminous, cement, or other properly bound pavement so as to provide a durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulation within the off-street parking area.

D. Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises used for residential purposes in any district.

E. Entrance, Exit, and Maneuvering Space. Vehicular drives providing entrance and exit to the street system from the off-street parking area shall have a minimum pavement width of 22 feet. This requirement shall not apply to single-family detached residences. The right turn radius on the side of the driveway exposed to entry or exit by right-turning vehicles shall be a minimum of 17 feet. Maneuvering

areas shall be sufficient to permit vehicles to enter and leave the parking lot in a forward motion except for single-family detached dwelling units.

F. Other Design Requirements.

1. Off-street parking areas for all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing up unreasonable distances, or making other dangerous or hazardous turning movements.

2. Circulation areas for off-street parking lots shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles, and without adversely interfering with the normal functioning of the parking lot.

3. The parking spaces shall be appropriately demarcated with painted lines or other markings.

4. Off-street parking areas shall be properly maintained in all respects. They shall be kept in good condition (free from pot holes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

5. Handicapped parking spaces shall be provided in all required off-street parking areas, at a rate of two percent of the total required parking spaces, but in no case less than one space, and adequately posted to be in conformance with all appropriate federal and state laws.

6. No speed-bumps shall be installed within 100 feet of the point of access from the off-street parking lot to the street. (Ord. 630 § 2 [16.10.030(12)], 1995)

16.40.130 Plan requirement.

A plan shall be submitted to the building and zoning official with every development permit application for any building or use that is required to provide off-street parking and loading. The plan shall accurately depict the required number and location of parking space, other spaces in excess of the requirements, access aisles, driveways, vehicle turn-around or backup areas, areas designated for trash collection, off-street loading spaces (if required), the distance of the off-street parking facilities to the structure or uses they are intended to serve, as well as the relationship of the parking lot to the street system into which the motor vehicles utilizing the parking areas will discharge. (Ord. 630 § 2[16.10.030(13)], 1995)

16.40.140 Minimum required off-street parking spaces.

The minimum number of required off-street parking spaces shall be determined from the following table, except for the provisions enumerated in SMC 16.40.110. Requirements for any use not specifically mentioned shall be the same as the use most similar to the one sought. When units of measurement determining the required off-street parking spaces result in a fractional space, then such fraction equal to or greater than one-half shall be interpreted as one off-street parking space.

TABLE OF OFF-STREET PARKING REQUIREMENTS	
Use	**Parking Requirement**
RESIDENTIAL DEVELOPMENT	
Single-Family Detached and Attached Dwellings	2 spaces per dwelling
Two-Family Dwellings	2 spaces per dwelling unit, except that a one-bedroom unit shall require 1 space per unit
Attached Housing	2 spaces per dwelling unit, except that one-bedroom units shall require 1 space per unit
Multiple-Family Dwelling Units	1 space per one-bedroom unit and 2 spaces for each two- to four-bedroom unit 3 spaces for each five-bedroom or larger unit
Residential Treatment Facilities	3 spaces for each 5 beds, except for uses exclusively serving children under 16 years of age, in which case 1 space for every 3 beds shall be required
Boarding Houses	1 space per bedroom
Barracks	1 space for each 5 beds
Dormitories	1 space for each 4 beds
RETAIL COMMERCIAL ESTABLISHMENTS	
Hotels and Similar Uses Providing Overnight Accommodation	1 space for each room available for rent, plus 1 space for each 2 employees working at any one time
Convenience Stores	1 space per 150 square feet of gross floor area
Grocery Stores/Super Market/Drug Store/General Merchandise	1 space per 150 square feet of gross floor area
Other Retail Sales Establishments	1 space per 400 square feet of gross floor area
Eating and Drinking Establishments (no Drive-In or Fast Food)	1 space per 200 square feet of gross floor area

Drive-In or Fast Food Restaurant	1 space per 400 square feet of gross floor area
Auto Service Station	1 space per 200 square feet of gross floor area, plus sufficient space to accommodate vehicles at pumps without interfering with other parking spaces
Auto Repair/Maintenance/Tire Replacement Shops	1 space per 200 square feet of gross floor area
Auto Sales and Service Establishments (Display/Showroom Area Only)	1 space per 1,000 square feet of gross floor area plus 1 space for each employee
BUSINESS/PROFESSIONAL OFFICES/BANKS	1 space per 250 square feet of gross floor area, plus 1 space for every 4 employees
EDUCATIONAL FACILITIES	
Preschools/Day Care	1 space per classroom, plus 1 space for each 10 students (based on the rated capacity of the facility)
Elementary and Middle Schools	1.75 spaces per classroom, plus 1 space for each 8 students (based on the rated capacity of the facility)
Secondary Schools	5 spaces per classroom, plus 1 space for each 5 students (based on the rated capacity of the facility)
Business/Trade/Vocational Schools	1 space per 200 square feet of gross floor area
PUBLIC AND INSTITUTIONAL FACILITIES	
Hospitals/Health Care Facilities	1 space per bed, or 1 space per 250 square feet of gross floor area, whichever is greater
Nursing, Rest, Convalescent Homes	1 space per bed
Post Offices	1 space per 50 square feet of gross floor area
Government Offices/Courthouses	1 space per 250 square feet of gross floor area
Public Safety Facilities	1 space per 200 square feet of gross floor area
Community Centers (public or private)	1 space for every 4 seats (fixed seating) or 1 space per 50 square feet of gross floor area (no fixed seating)

Houses of Worship/Places of Public Assembly	1 space for every 4 seats (fixed seating) or 1 space per 50 square feet of gross floor area (no fixed seating)
Libraries	1 space per 500 square feet of gross floor area
RECREATIONAL FACILITIES	
Parks and Recreational Areas	1 space per 5,000 square feet of land area
OTHER FACILITIES/ DEVELOPMENT	
Restricted Limited Manufacturing (new facility on vacant or cleared land)	1 space for every 2 employees on maximum shift, or 1 space per 400 square feet of gross floor area, whichever is greater.
Restricted Limited Manufacturing (conversion of existing improvements)	As practicable on the available lot, up to the greater of 1 space for any 2 employees on maximum shift or 1 space per 400 square feet of gross floor area. The acquisition of new or additional land shall not be required.[1]
Veterinarians/Kennels/Animal Hospitals	1 space per 300 square feet of gross floor area
Health Care Facilities	1 space for each 200 square feet of gross floor area
Museums/Art Galleries	1 space for each 300 square feet of floor area open to the general public
Dry Cleaners/Laundromat Enterprises	1 space per 200 square feet of gross floor area
Manufacturing/Assembling/ Fabrication Operation Plants	1 space for every 2 employees on maximum shift, or 1 space per 400 square feet of gross floor area, whichever is greater
Greenhouse/Nursery Facilities	1 space per 1,000 square feet of lot area used for storage, display, or sales, plus 1 space per 400 square feet of gross floor area
Warehousing/Storage/Wholesale Enterprises	1 space for every 2 employees on maximum shift, but not less than 1 space per 2,000 square feet of gross floor area

[1] However, if the hearing examiner finds the proposed conditional use request may substantially reduce the existing parking for adjacent land uses in the neighborhood, additional off-street parking may be required to mitigate this impact.

(Ord. 792-02 § 1; Ord. 630 § 2[16.10.030(14)], 1995)

16.40.150 Off-street loading space requirements.

A. On the same premises with every building, structure or part thereof erected and occupied for manufacturing, storage, warehousing, goods display, department store, wholesale store, retail sales outlet, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt and distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading and unloading services to avoid interference with the public use of the streets and alleys.

Each such loading and unloading space shall be an area at least 12 by 50 feet with a 15-foot height clearance, and shall be provided as specified below for gross nonresidential (hotel rooms shall be defined as residential floor area for the purposes of this requirement) floor area, except that:

1. No spaces are required for structures with less than 10,000 square feet of gross floor area.

2. One space is required for structures with more than 10,000 but less than 20,000 square feet of gross floor area.

3. Additional off-street loading spaces shall be provided at a rate of one space for each additional 20,000 square feet or increment thereof.

4. No more than seven loading spaces shall be required, except for warehouse and industrial buildings.

B. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from the roadway serving the property, and the loading/unloading operations can be completed without obstructing or interfering with any roadway traffic or any off-street parking space or parking lot aisle.

C. No area allocated to loading/unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for off-street loading/unloading facilities.

D. For restricted limited manufacturing (conversion of existing improvements) off-street loading space shall only be required as specified in subsection A of this section to the extent practicable on the available lot. The acquisition of new or additional land shall not be required. (Ord. 792-02 § 2; Ord. 630 § 2[16.10.030(15)], 1995)

Chapter 16.44

RECREATION AND OPEN SPACE STANDARDS

Sections:

16.44.010 Applicability.
16.44.020 Exemption.
16.44.030 Recreation standards – Purpose.
16.44.040 Recreation design requirements.
16.44.050 Types of recreation facilities to be provided.
16.44.060 Open space standards.

16.44.010 Applicability.

Residential subdivisions of more than 10 lots and multiple-family residential developments of more than 10 dwelling units shall be required to provide active recreation facilities in accordance with the standards in this chapter. In addition to the recreation requirements, these larger residential developments shall meet the open space requirements of this chapter. The requirements of this chapter are in addition to park impact fee requirements of SMC 16.112. (Ord. 993-08 § 3; Ord. 716-00; Ord. 630 § 2[16.10.060(A)], 1995)

16.44.020 Exemption.

Small residential developments of less than 11 dwelling units and subdivisions of less than 11 lots are exempt from the requirements of these standards. (Ord. 716-00; Ord. 630 § 2[16.10.060 (B)], 1995)

16.44.030 Recreation standards – Purpose.

The City of Sultan has determined that it is important that each large residential development provide recreational facilities to serve the residents of such developments. This includes all residential developments over 10 dwelling units and subdivisions over 10 lots. If recreation areas are to be dedicated to the public and transferred to the City of Sultan, the City shall have the right to impose further specifications relating to such dedication, approvals, and/or inspections to the park or open space. (Ord. 716-00; Ord. 630 § 2[16.10.060(C)], 1995)

16.44.040 Recreation design requirements.

A. Recreation areas shall be calculated in an amount equal to 75 square feet per person expected to reside in that development.

B. For purposes of these standards, one-bedroom dwelling units shall be deemed to house an average of 2.5 persons, two-bedroom units 3.0 persons, three-bedroom units 4.0 persons, and units with four and more bedrooms 5.0 persons. In residential subdivisions that are not approved as architecturally integrated developments (i.e., attached housing or multifamily apartment developments), each lot that is large enough for only a single-family or two-family dwelling unit shall be deemed to house an average of 4.0 persons.

C. Recreation facilities shall be a minimum of 2,000 square feet.

D. Recreation areas shall be landscaped and shall be provided with sufficient natural or manmade screening or buffer areas to minimize any negative impacts upon adjacent residences. At a minimum, all recreation areas except those designated by the city council not to be necessary, shall have continuous landscaped buffers around their perimeters at least 10 feet wide and shall also provide protective fencing if deemed necessary by the city. The plant material selected to be planted within these buffer

areas shall be such that they will provide a continuous vegetative screen mix of deciduous and evergreen shrubs and trees that shall reach a minimum height of six feet at maturity. All new vegetative material shall be guaranteed for a period of at least two years after installation and approved by the department of public works.

E. Each recreation area shall be centrally located and easily accessible by walkways so that it can be conveniently and safely reached and used by those persons residing in the subject residential development. Therefore, no recreation area shall be located more than 2,000 feet from any dwelling unit it is intended to serve. This distance shall be measured along the walkways and streets within the development, using the shortest route possible.

F. Each recreation area shall be constructed on land that is reasonably flat, dry, and capable of serving the purpose intended by these standards; provided, that recreation facilities shall not be placed within environmentally sensitive areas or their buffers.

G. Each development shall satisfy its recreation area requirements by installing the types of active recreational facilities that are most likely suited to an used by the age bracket and mobility of persons likely to reside in that development. Residential developments designed for families with children shall provide recreational facilities equipped with imaginative play apparatus oriented to younger children as well as seating accommodations for adult supervision).

H. Table 1 indicates the number of required recreational facilities relative to the size of the residential project.

I. Where recreation facilities are provided, 25 percent of the facilities will be ADA accessible, pursuant to UBC Chapter 11, 1103.1.9.1, as adopted and amended by the City of Sultan.

J. All recreational areas and facilities and equipment provided and constructed shall meet the minimum requirements of the Consumer Product Safety Guidelines for Public Playgrounds and the American Society for Testing and Materials F1487. (Ord. 786-02 § 1; Ord. 716-00; Ord. 630 § 2[16.10.060(C)(1)], 1995)

16.44.050 Types of recreation facilities to be provided.

A. Each new development shall provide, at a minimum, facilities from the required list in Table 1 and a selection from the following list as stated from Table 1. The number of facilities that must be provided from this list shall be based on the number of dwelling units that are to be built in the development. Table 1 specifies the minimum number of facilities which must be provided.

Table 1 – Types of Facilities/Minimum Recreational Provision Requirements in Residential Developments	
Types of Facilities:	
A.	Multipurpose court or playfield per City of Sultan requirements.
B.	Playground area, consisting of four pieces of playground equipment including swings, slide, and climber designed for children under 8 years old.

C.	Picnic area, consisting of three or more of each picnic tables with benches, barbecue facilities, and secure in-place trash containers. This picnic area shall have shade trees, one per table (in addition to required landscaping).
D.	Hiking, jogging, and/or biking trails per City of Sultan requirements within the residential development and connected to public trails, where possible.
E.	A swimming pool for the private use of residents of the development with a minimum of an 800-square-foot pool, a 3,200-square-foot deck, and as a minimum a perimeter fence as required by other codes.
F.	A one-quarter mile running track (all weather surface).
G.	Two lighted volleyball courts (all weather surface).
H.	Ballfields.
I.	Two lighted handball courts.
J.	A minimum of two lighted tennis courts.
K.	Exercise course per City of Sultan requirements.

Number of Dwelling Units	**Minimum # of Required Facilities**
11 – 20	1
21 – 50	2
51 – 100	3
101 – 150	4
151 – 200	5
201 – 250	6
251 – 300	7
301 – 350	8
351 – 400	9

401 – 450+	10

B. For larger residential subdivisions of more than 100 lots and multiple-family residential developments of more than 100 dwelling units, at least one of the recreational facilities shall be from Type E-K. For residential subdivisions of more than 200 lots and multiple-family residential developments of more than 200 dwelling units, one Type E-K recreational facility shall be equal to three Type A-D recreational facilities, although a minimum of three Type A-D recreational facilities must be provided for residential subdivisions of more than 200 lots and multiple-family residential developments of more than 200 dwelling units.

C. Any dedication off-site, improvements off-site, or financial contribution previously made shall be held, used, administered and/or returned in accordance with the terms of the developer agreement or terms of approval for the development under which the dedication, improvement or payment occurred. (Ord. 886-05 §§ 1, 2; Ord. 854-04 §§ 1, 2, 3; Ord. 716-00; Ord. 630 § 2[16.10.060(C)(2)], 1995)

16.44.060 Open space standards.

In addition to the recreation facilities requirement, at least 15 percent of the total land area of a residential subdivision of more than 10 lots shall be dedicated as open space tracts (or parcels of land). Open space tracts shall be conveyed to homeowners' association by written instrument, or dedicated to the city under conditions subject to city approval, and the homeowners' association will be responsible for any maintenance associated with the open space tracts. If the homeowners' association fails to responsibly maintain an open space tract and the City of Sultan must take responsibility for maintenance to ensure public safety and/or environmental protection, the City can lien the properties of the individual homeowners to recover costs for such maintenance responsibilities.

A. Open Space Permitted Uses. Floodways and environmentally sensitive areas, lands with slopes of 25 percent or more, utility easements, and lands not included within lots to be developed and sold or dedicated for required public improvements may be recorded as open space tracts. Environmentally sensitive areas shall be marked with native growth protection signs. At least 75 percent of the required gross open space area shall be free of structures or other improvements from the ground to the sky.(Ord. 738-00; Ord. 716-00; Ord. 630 § 2[16.10.060(C)(3)], 1995)

Chapter 16.108

WIRELESS COMMUNICATIONS FACILITIES STANDARDS

Sections:

16.108.010 Purpose.
16.108.020 Definitions.
16.108.030 Exemptions.
16.108.040 Development standards for micro-facilities.
16.108.050 Development standards for mini-facilities.
16.108.060 Development standards for macro-facilities.
16.108.070 Development standards for monopole I and monopole II.
16.108.080 Development standards for lattice towers.
16.108.090 Design criteria.
16.108.100 Submittal requirements.
16.108.110 Permits required.
16.108.120 Inspection requirements.
16.108.130 Landscaping/screening.
16.108.140 Non-use/abandonment/obsolescence.
16.108.150 Violation – Penalty.

16.108.010 Purpose.

In addition to furthering the general purposes of the comprehensive plan and the Zoning Code, this section is to provide for a wide range of locations and options for wireless communication providers while minimizing the unsightly characteristics associated with wireless communication facilities and to encourage creative approaches in locating wireless communication facilities which will blend in with the surroundings of such facilities. (Ord. 720-00)

16.108.020 Definitions.

For this chapter the following terms shall have the meaning ascribed to them below:

A. "Abandonment" means:

1. To cease operation for a period of 60 or more consecutive days;

2. To reduce the effective radiated power of an antenna by 75 percent for 60 or more consecutive days;

3. To relocate an antenna at a point less than 80 percent of the height of an antenna support structure; or

4. To reduce the number of transmissions from an antenna by 75 percent for 60 or more consecutive days.

B. "Antenna" means any exterior apparatus designed for telephonic, radio, data, internet, or television communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing personal wireless services, including unlicensed wireless telecommunications services, wireless telecommunications services utilizing frequencies authorized by the Federal Communications Commission for cellular, enhanced specialized mobile radio, personal communications services, telecommunication services, and attendant base stations.

C. "Antenna height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

D. "Antenna support structure" means any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting, receiving or radio frequency signals.

E. "Applicant" means any provider or any person, partnership, or company who files an application for any permit necessary to install, maintain, or remove a personal wireless service facility within the city.

F. "Cell site (site)" means a tract or parcel of land that contains personal wireless service facilities including any antenna, support structure, accessory buildings, parking, and may include other uses associated with and ancillary to personal wireless services.

G. "Co-location" means the use of a personal wireless service facility or cell site by more than one personal wireless service provider.

H. "COW" means cell on wheels.

I. "Design" means the appearance of personal wireless service facilities, including such features as their materials, colors, and shape.

J. "EIA" means Electronics Industry Association.

K. "Equipment enclosure" means a structure, shelter, cabinet or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies, and emergency generators.

L. "FAA" means the Federal Aviation Administration.

M. "FCC" means the Federal Communications Commission.

N. "Governing authority" means the city council of the city of Sultan.

O. "Macro-facilities" means larger than a micro-facility and are the largest wireless communication facilities allowed on monopoles I and II. Height can exceed 15 feet.

P. "Micro-facilities" means smaller than a macro-facility and can exceed a height of 10 feet.

Q. "Mini-facilities" means attached wireless communication facilities which consist of antennas equal to or less than 10 feet in height or a parabolic antenna up to one meter (39.37 inches) in diameter and with an area not more than 50 square feet in the aggregate as viewed from any one point.

R. "Modification" means the changing of any portion of a personal wireless service facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design.

S. Monopole I and II.

1. "Monopole I" means a wireless communication facility which consists of a support structure, the height of which shall not exceed 60 feet.

2. "Monopole II" means a wireless communication facility which consists of a wireless communications support structure, greater than 60 feet (maximum of 150 feet per SMC 16.108.070) in height erected to support wireless communication antennas and connecting appurtenances.

T. "Mount" means the structure or surface upon which personal wireless service facilities are mounted. There are three types of mounts:

1. "Building-mounted" means a personal wireless service facility mount fixed to the roof or side of a building;

2. "Ground-mounted" means a personal wireless service facility mount fixed to the ground, such as a tower;

3. "Structure-mounted" means a personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.

U. "Personal wireless service facilities (facilities)" means facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

V. "Provider" means every corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity and individual which provides personal wireless service over personal wireless service facilities.

W. "Screening" means a personal wireless telecommunication facility such as a tower or mount placed amongst and adjacent to (within 20 feet) three or more trees at least 75 percent of the height of the facility.

X. "Secondary use" means a use subordinate to the principle use of the property, such as commercial, residential, utilities, etc.

Y. "Security barrier" means a wall, fence, or beret that has the purpose of seating a personal wireless service facility from unauthorized entry or trespass.

Z. "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities including radio and television-transmission towers, microwave towers, common-carrier towers; cellular telephone towers or personal communications services towers, alternative tower structures, and the like.

AA. "Unlicensed wireless services" means commercial mobile services that operate on public frequencies and do not need an FCC license. (Ord. 720-00)

16.108.030 Exemptions.

The following are exempt from the provisions of this chapter and shall be permitted in all zones:

A. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.

B. Antennas and related equipment no more than three feet in height that are being stored, shipped, or displayed for sale.

C. Radar systems for military and civilian communication and navigation.

D. Wireless radio utilized for temporary emergency communications and navigation.

E. Licensed amateur (ham) radio stations.

F. Satellite dish antennas less than two meters in diameter, including direct to home satellite services, when used as a secondary use of the property.

G. Routine maintenance or repair of a personal wireless service facility and related equipment (excluding structural work or changes in height or dimensions of antennas, towers, or buildings); provided, that compliance with the standards of this chapter are maintained.

H. Subject to compliance with all applicable standards of this chapter, a building permit application need not be filed for emergency repair or maintenance of a personal wireless service facility unless the repair activity exceeds 30 days.

I. A COW or other temporary personal wireless telecommunications facility shall be permitted for a maximum of 90 days or during an emergency declared by the city, or in some circumstances, a federal disaster. (Ord. 720-00)

16.108.040 Development standards for micro-facilities.

A. Micro-facilities are permitted in all zones.

B. A micro-facility shall be located on existing buildings, poles or other existing support structures. A micro-facility may locate on buildings and structures; provided that, the interior wall or ceiling immediately adjacent to the facility is not designated residential space.

C. Antennas equal to or less than four feet in height (except omni-directional antennas which can be up to six feet in height) are exempt from height limitation of the zone in which they are located. Structures which are nonconforming with respect to height may be used for the placement of omni-directional antennas providing they do not extend more than six feet above the existing structure. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.

D. The micro-facility shall be exempt from review by the design review committee if the antenna and related components are the same color as the existing building, pole or support structure on which it is proposed to be located.

E. The shelter or cabinet used to house radio electronic equipment shall be contained wholly within a building or structure, or otherwise appropriately concealed, camouflaged or located underground.

F. In single-family residential zones, micro-facilities for a specific wireless provider shall be separated by a distance equal to or greater than 1,320 linear feet from other micro-facilities of the same wireless provider. (Ord. 720-00)

16.108.050 Development standards for mini-facilities.

A. Mini-facilities are permitted in the highway oriented commercial (HOC), urban center (UC), and manufacturing (M) zones only.

B. The mini-facility may be located on buildings and structures; provided that, the immediate interior wall or ceiling adjacent to the facility is not a designated residential space.

C. The mini-facility shall be exempt from review by the design review committee if the antenna and related components are the same color as the existing building, pole or support structure on which it is proposed to be located.

D. The shelter or cabinet used to house radio electronic equipment shall be contained wholly within a building or structure, or otherwise appropriately concealed, camouflaged or located underground.

E. Mini-facilities shall comply with the height limitation specified for all zones except as follows: Omni-direction antennas may exceed the height limitation by 10 feet and, in the case of nonconforming structures, the antennas may extend 10 feet above the existing structure. Panel antennas may exceed the height limitation if affixed to the side of an existing nonconforming building and blend in architecturally with the building. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the non-conforming structure. (Ord. 720-00)

16.108.060 Development standards for macro-facilities.

A. Macro-facilities are permitted in highway oriented development (HOD), urban center (UC) and economic development (ED) zones only.

B. Macro-facilities may be located on buildings and structures; provided, that the immediate interior wall or ceiling adjacent to the facility is not a designated residential space.

C. The macro-facility shall be exempt from review by the design review committee if the antenna and related components are the same color as the existing building, pole or support structure on which it is proposed to be located.

D. The shelter or cabinet used to house radio electronic equipment shall be contained wholly within a building or structure, or otherwise appropriately concealed, camouflaged or located underground.

E. Macro-facilities shall comply with the height limitation specified for all zones, except as follows: omni-directional antennas may exceed the height limitation by 15 feet, or, in the case of non-conforming structures, the antennas may extend 15 feet above the existing structure. Panel antennas may exceed the height limitation if affixed to the side of an existing building and architecturally blends in with the building. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure. (Ord. 720-00)

16.108.070 Development standards for monopole I and monopole II.

A. Monopole I or II shall be permitted in the highway oriented development (HOD) and economic development (ED) zones only.

B. Monopole facilities adjacent to residential zones, shall be set back a distance equal to the height of the wireless communication support structure from the nearest residential lot line (e.g., monopole I – 60 feet from nearest residential lot line and monopole II – 150 feet from nearest residential lot line).

C. Maximum Height Restrictions.

1. Monopole I – 60 feet maximum structure (75 feet total for 60-foot structure plus 15-foot antenna)

2. Monopole II – 150 feet maximum structure (165 feet total for 150-foot structure plus 15- foot antenna)

D. Co-location on an existing support structure shall be permitted.

E. Macro-facilities are the largest wireless communication facilities allowed on monopole I and II.

F. The shelter or cabinet used to house radio electronics equipment and the associated cabling connecting the equipment shelter or cabinet to the monopole facility support structure shall be concealed, screened, camouflaged or placed underground and shall be subject to review by the design review committee using the procedures and review criteria specified in the SMC.

G. Monopole facilities shall be landscaped. Landscaping shall be approved by the design review committee and shall include, but not be limited to, low maintenance shrubs, trees for screening, and/or removal of excess foliage and vines.

H. Monopole facilities shall be separated from each other by a distance equal and greater than 1,320 feet. (Ord. 720-00)

16.108.080 Development standards for lattice towers.

A. Lattice towers are permitted in the manufacturing (M) zone only.

B. Lattice towers are only permitted if the wireless communications structure is built to accommodate two or more wireless communications facilities at the time of erection.

C. Lattice towers adjacent to residential zones shall be set back a distance equal to the height of the wireless communication support structure from the nearest residential lot line (i.e., 150 feet from nearest residential lot line)

D. Maximum Height Restriction. One hundred fifty feet maximum lattice structure (from surrounding natural grade). May extend antenna a maximum of 15 feet for a maximum facility height of 165 feet.

E. Macro-facilities are the largest permitted wireless communication facilities allowed on a lattice tower.

F. Co-location on an existing support structure shall be permitted without applying for an additional permit; provided, that there is no substantial change to the existing support structure.

G. The shelter or cabinet used to house radio electronics equipment and the associated cabling connecting the equipment shelter or cabinet to the lattice tower support structure shall be concealed, screened, camouflaged or placed underground. Lattice towers shall be subject to review by the design review committee using the criteria specified in this chapter.

H. Lattice towers shall be landscaped. Landscaping shall be approved by the design review committee and shall include but not be limited to: low maintenance shrubs, trees for screening, and/or removal of excess foliage and vines.

I. Lattice towers shall be separated from each other by a distance equal to or greater than 1,320 feet. (Ord. 720-00)

16.108.090 Design criteria.

A. As provided above, new facilities shall be designed to accommodate co-location, unless the applicant demonstrates why such design is not feasible for economic, technical, or physical reasons and would cause undue hardship.

B. Facilities shall be architecturally compatible with the surrounding buildings and land uses in the zoning district and screened or otherwise integrated, through location and design, to blend in with the existing characteristics of the site.

1. Setbacks shall meet requirements of the applicable above SMC 16.108.070 or 16.108.080.

2. Right-of-Way Setback Exception. The setback requirement may be waived if the antenna and antenna support structure are located in the city right-of-way (ROW).

3. View Corridors. Due consideration will be given so that placement of towers, antennas, and personal wireless facilities do not obstruct or significantly diminish the view of the Cascade Mountains.

4. Color. Towers shall have a color generally matching the surroundings or background that minimizes their visibility, unless a different color is required by the FCC or FAA.

5. Lights, Signals, and Signs. No signals, lights, or signs shall be permitted on towers unless required by the FCC or the FAA. Should lighting be required, in cases where there are residents located within a distance which is 300 percent of the height of the tower, then dual mode lighting shall be requested from the FAA.

6. Equipment Structures. Ground level equipment, buildings, and the tower base shall be screened from public view. The standards for the equipment buildings are as follows:

a. The maximum floor area is 300 square feet and the maximum height is 12 feet. Except in unusual circumstances or for other public policy considerations the equipment building may be located no more than 250 feet from the tower or antenna. Depending upon the aesthetics and other issues, the city, in its sole discretion, may approve multiple equipment structures or one or more larger structures.

b. Ground level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means, as specified herein or in other city ordinances.

c. Equipment buildings mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted.

d. In instances where equipment buildings are located in residential zones, equipment buildings shall comply with setback requirements and shall be designed so as to conform in appearance with nearby residential structures. Equipment buildings, antenna, and related equipment shall occupy no more than 25 percent of the total roof area of the building the facility is mounted on, which may vary in the city's sole discretion if co-location and an adequate screening structure are used. The use must be approved on a site plan or final development plan, as applicable.

7. Federal Requirements. All towers must meet or exceed current standards and regulation of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If those standards and regulations are changed, then personal wireless service providers governed by this chapter shall bring their towers and antennas into compliance with the revised standards and regulations within three months of their effective date or the timelines provided by the revised standards and regulations, whichever time period is longer. The revised standards and regulations are not retroactively applicable to existing providers, unless otherwise provided or permitted by federal law. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute grounds for the city to remove a provider's facilities at the provider's expense.

8. Building Codes – Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that is maintained in compliance with standards contained in applicable city building codes and the applicable standards for towers that are published by the Electronic Industries Association (EIA), as amended from time-to-time, If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring the tower into compliance with such standards. If the owner fails to bring its tower into compliance within 30 days, the city may remove the tower at the owner's expense.

9. Structural Design. Towers shall be constructed to the EIA Standards, which may be amended from time to time, and to all applicable construction/building codes. Further, any improvements or additions to existing towers shall require submission of site plans stamped by a professional engineer which demonstrate compliance with the EIA Standards and all other good industry practices. The plans shall be submitted and reviewed at the time building permits are requested.

10. Fencing. A well-constructed wall or wooden fence not less than six feet in height from the finished grade shall be provided around each personal wireless service facility. Access to the tower shall be through a locked gate. The use of chain link, plastic, vinyl, or wire fencing is prohibited unless it is fully screened from public view by a minimum eight-foot-wide approved landscaping strip.

11. Tower and Antenna Height. The applicant shall demonstrate that the tower and antenna is the minimum height required to function satisfactorily. No tower or antenna that is taller than this minimum height shall be approved. A variance from the height limit may be granted if the applicant can show by clear and convincing evidence that the additional height is necessary to provide adequate service to the residents of the city and no other alternative is available. Variances may only be granted in cases of hardship pursuant to SMC 16.120.

12. Antenna Support Structure Safety. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

13. Required Parking. If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, arrangements for adequate off-street parking shall be made and documentation thereof provided to the city. Security fencing should be colored or should be of a design which blends into the character of the existing environment.

14. Tower separation. In no case shall towers be located closer than 1,320 feet from another tower whether it is owned or utilized by applicant or another provider.

15. Antenna Criteria. Antenna on or above a structure shall be subject to the following:

a. The antenna shall be architecturally compatible with the building and wall on which it is mounted, and shall be designed and located so as to minimize any adverse aesthetic impact.

b. The antenna shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless it must be for technical reasons. In no event shall an antenna project more than 16 feet above the roof line including parapets.

c. The antenna shall be constructed, painted, or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.

d. The antenna may be attached to an existing conforming mechanical equipment enclosure which projects above the roof of the building per SMC 16.108.040 and 16.108.060.

e. If an accessory equipment shelter is present, it must blend with the surrounding buildings in architectural character and color.

f. The structure must be architecturally and visually (color, size, bulk) compatible with surrounding existing buildings, structures, vegetation, and uses. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facility.

g. Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques must be evaluated by the city, in the city's sole discretion.

h. For installation or buildings greater than 30 feet in height, see other applicable provisions of this chapter. In addition to the other requirements of this chapter, on buildings 30 feet or less in height, the antenna may be mounted on the roof if the following additional criteria are satisfied:

i. The city finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.

ii. No portion of the antenna or base station causes the height of the building to exceed the limitations set forth herein.

iii. The antenna or antennas and related base stations cover no more than an aggregate total of 25 percent of the roof area of a building, which may vary in the city's sole discretion, if co-locating and an adequate screening structure are used.

iv. Roof mounted antenna and related base stations are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.

v. No portion of the antenna may exceed 15 feet above the height of the existing building.

i. If a proposed antenna is located on a building or a lot subject to a site review, approval is required prior to the issuance of a building permit.

j. No antenna shall be permitted on property designated as an individual landmark or as a part of a historic district, unless such antenna has been approved in accordance with city ordinances.

k. No personal wireless service provider or lessee or agent thereof shall fail to cooperate in good faith to accommodate co-location with competitors. If a dispute arises about the feasibility of co-locating, the city administrator may require a third party technical study, at the expense of either or both parties, to resolve the dispute.

l. No personal wireless service provider or lessee shall fail to assure that its antenna complies at all times with the current applicable FCC standards. After installation, but prior to putting the antenna in service, each provider shall submit a certification by an independent professional engineer to that effect. In the event that an antenna is co-located with another antenna, the certification must provide assurances that FCC approved levels of electromagnetic radiation will not be exceeded by the co-location.

m. No antenna shall cause localized interference with the reception of any other communications signals including, but not limited to, public safety, television, and radio broadcast signals.

n. No person shall locate an antenna or tower for wireless communications services upon any lot or parcel except as provided in this chapter. (Ord. 720-00)

16.108.100 Submittal requirements.

Application for conditional use permit, administrative use permit, building permit, and other related requests may include any combination of site plans, surveys, maps, technical reports, or written narratives necessary to convey the following information in addition to the requirements of the Zoning Code and other applicable ordinances:

A. Photo simulations of the proposed facility from affected residential properties and public rights-of-way at varying distances;

B. A site elevation and landscaping plan indicating the specific placement of the facility on the site, the location of existing structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, and the proposed colors) of the facility;

C. A signed statement indicating that:

1. The applicant and landowner agree that they will diligently negotiate in good faith to facilitate co-location of additional personal wireless service facilities by other providers on the applicant's structure or within the same site location; and

2. The applicant and/or landlord agree to remove the facility within 60 days after abandonment;

D. Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by FCC Para. 1.1307, or, in the event that an FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment;

E. A site plan clearly indicating the location, type and height of the proposed tower and antenna, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from properly lines, elevation drawings of the proposed tower, and any other proposed structures;

F. A current map and aerial showing the location of the proposed tower, a map showing the locations and service areas of other personal wireless service facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the city.

G. Legal description of the parcel, if applicable;

H. The approximate distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties;

I. A landscape plan showing specific landscape materials;

J. Method of fencing, finished color and, if applicable, the method of camouflage and illumination;

K. A letter signed by the applicant stating the tower will comply with all FAA regulations and EIA Standards and all other applicable federal, state, and local laws and regulations;

L. A statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users;

M. Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions;

N. The telecommunications company must demonstrate that it is licensed by the FCC if required to be licensed under FCC regulations;

O. The applicant, if not the telecommunications service provider, shall submit proof of lease agreements with an FCC licensed telecommunications provider if such telecommunications provider is required to be licensed by the FCC;

P. A full site plan shall be required for all sites, showing the tower, antenna, antenna support structure, building, fencing, buffering; access, and all other items required in this chapter. The site plan shall not be required if the antenna is to be mounted on an existing structure; and

Q. At the time of site selection, the applicant should demonstrate how the proposed site fits into its overall network within the city. (Ord. 720-00)

16.108.110 Permits required.

Where a tower or antenna support structure will be 60 feet or less in height, in addition to the other provisions of this chapter, an applicant will be required to obtain an administrative use permit. In the event that a proposed tower or antenna support structure will be located near a residential zone, or an unscreened tower in the urban center zone, or will be more than 60 feet in height, in addition to the other provisions of this chapter, an applicant will be required to obtain a conditional use permit per SMC 16.04. With respect to the placement of antenna on a tower or antenna support structure, the requirements for a conditional use permit or administrative use permit will be applicable based on the height of the tower and antenna or mount and antenna unless this chapter provides other requirements to the contrary. (Ord. 720-00)

16.108.120 Inspection requirements.

Each year after a facility becomes operational, the facility operator shall conduct a safety inspection in accordance with the EIA and FCC standards and within 60 days of the inspection file a report with the city administrator/manager. Submission of a copy of FCC required, and duly filed, safety inspection report, or the facility operator's maintenance reports for the prior 12 months in the event no FCC report is required for such year, shall satisfy the requirements of this section. (Ord. 720-00)

16.108.130 Landscaping/screening.

A. Landscaping. Landscaping, as described herein, shall be required to screen personal wireless service facilities as much as possible, to soften the appearance of the cell site. The city may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping shall not be required.

B. Screening. The visual impacts of a personal wireless service facility shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering shall be required around the perimeter of the tower and accessory structures, except that the city may waive the standards for those sides of the facility that are not in public view. Landscaping shall be installed on the outside of fences. Further, existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping requirements.

1. A row of evergreen trees a minimum of six feet tall at planting and a maximum of six feet apart shall be planted around the perimeter of the fence.

2. A continuous hedge at least 36 inches high at planting capable of growing to at least 48 inches in height within 18 months shall be planted in front of the tree line referenced above.

3. In the event that landscaping is not maintained at the required level, the city after giving 30 days advance written notice, may maintain or establish the landscaping and bill both the owner and lessee for such costs until such costs are paid in full. (Ord. 720-00)

16.108.140 Non-use/abandonment/obsolescence.

A. Abandonment. No less than 30 days prior to the date that a persona1 wireless service provider plans to abandon or discontinue operation of a facility, the provider must notify the city of Sultan by certified

U.S. mail of the proposed date of abandonment or discontinuation of operation. In the event that a licensed carrier fails to give notice, the facility shall be considered abandoned upon the city's discovery of discontinuation of operation. Upon such abandonment, the provider shall have 60 days or additional period of time determined in the reasonable discretion of the city within which to:

1. Reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility; or

2. In the event that abandonment as defined in this chapter occurs due to relocation of an antenna at a tower point on the antenna support structure, reduction in the effective radiated power of the antenna or reduction in the number of transmissions from the antennas, the operator of the tower shall have six months from the date of effective abandonment to co-locate another service on the tower. If another service provider is not added to the tower, then the operator shall promptly dismantle and remove that portion of the tower which exceeds the minimum height required to function satisfactorily. Notwithstanding the foregoing, changes which are made to personal wireless facilities which do not diminish their essential role in providing a total system shall not constitute abandonment. However, in the event that there is a physical reduction in height of substantially all of the provider's towers in the city or surrounding area then all of the towers within the city shall similarly be reduced in height.

3. Dismantle and remove facility. If the tower, antenna, foundation, and facility are not removed within the 60-day time period or additional period of time allowed by the city (in writing), the city may remove such tower, antenna, foundation, and related facility at the provider's expense. If there are two or more providers co-locating on a facility, except as provided for in the paragraph above, this provision shall not become effective until all providers cease using the facility. At the earlier of 60 days from the date of abandonment without reactivating or upon completion of dismantling and removal, city approval for the facility shall automatically expire. (Ord. 720-00)

16.108.150 Violation – Penalty.

A. Any person violating any of the provisions of this chapter upon conviction shall be punishable by a fine not to exceed $1,000 or by imprisonment for a period of up to 90 days, or by both such fine and imprisonment, for each day during which an offense occurs.

B. In addition to receiving any monetary remuneration, the city shall have the right to seek injunctive relief for any and all violations of this chapter and all other remedies provided at law or in equity. (Ord. 720-00)

Chapter 16.118
IMPACT FEE DEFERRAL

Sections:

16.118.010 Purpose.
16.118.020 Applicability.
16.118.030 Impact Fee Deferral .
16.118.040 Deferral Term.
16.118.050 Deferred Impact Fee Lien .
16.118.060 Limitation on Deferrals.

16.118.010 Purpose

The purpose of this chapter is to comply with the requirements of RCW 82.02.050, as amended by ESB 5923, Chapter 241, Laws of 2015, to provide an impact fee deferral process for single-family residential construction, in order to promote economic recovery in the construction industry.

16.118.020 Applicability

A. The provisions of this chapter shall apply to all impact fees established and adopted by the City pursuant to Chapter 82.02 RCW, including development impact fees and school impact fees as codified in Chapters 16.112 and 16.116 of the Sultan Municipal Code.

B. Subject to the limitations imposed in SMC 16.118.060, the provisions of this chapter shall apply to all building permit applications for single-family detached and single-family attached residential construction. For the purposes of this chapter, an "applicant" includes an entity that controls the named applicant, is controlled by the named applicant, or is under common control with the named applicant.

16.118.030 Impact Fee Deferral

A. Deferral Request Authorized. Applicants for single-family attached or single-family detached residential building permits may request to defer payment of required impact fees until the closing of the first sale of the property occurring after the issuance of the applicable building permit, which request shall be granted so long as the requirements of this chapter are satisfied. If a deferral request is granted under this section, payment of the impact fees shall be due to the City within seven (7) calendar days after the date of sale or transfer of ownership of the property. Unless an agreement to the contrary is reached between the buyer and seller, the payment of impact fees due at closing of a sale must be made from the seller's proceeds. In the absence of an agreement to the contrary, the seller bears strict liability for the payment of the impact fees.

B. Method of Request. A request for impact fee deferral shall be made in writing on a form provided by the City, and submitted contemporaneously with the associated building permit application. Any request for impact fee deferral must be accompanied by an administrative fee in an amount determined by resolution of the City Council.

C. Calculation of Impact Fees. The amount of impact fees to be deferred under this chapter shall be determined as of the date the request for deferral is submitted.

16.118.040 Deferral Term

The term of an impact fee deferral granted under this chapter may not exceed twelve (12) months from the date the building permit is issued ("Deferral Term"). If the condition triggering payment of the deferred impact fees does not occur prior to the expiration of the Deferral Term, then full payment of the impact fees

shall be due on the last date of the Deferral Term. Payment of impact fees deferred under this chapter shall be made by cash, escrow company check, cashier's check, or certified check.

16.118.050 Deferred Impact Fee Lien

A. Applicant's Duty to Record Lien. An applicant requesting a deferral under this chapter must, at his or her own expense, grant and record a deferred impact fee lien, in an amount equal to the deferred impact fees as determined under SMC 16.118.030(C), against the property in favor of the City in accordance with the requirements of RCW 82.02.050(3)(c). The applicant or seller shall provide written disclosure of the deferred impact fee lien to a purchaser or prospective purchaser of the property, including the amount of impact fees payable and the requirement that the impact fees be paid at the time of sale.

B. Satisfaction of Lien. Upon receipt of final payment of all deferred impact fees for the property, the City shall execute a release of deferred impact fee lien for the property. The property owner at the time of the release is responsible, at his or her own expense, for recording the lien release.

16.118.060 Limitation on Deferrals

The deferral entitlements allowed under this chapter shall be limited to the first twenty (20) single-family residential construction building permits per applicant, as identified by contractor registration number or other unique identification number, per year.

Division VI. Administration

Chapter 16.120
ADMINISTRATION

Sections:

16.120.010 Purpose.
16.120.020 Development permits required.
16.120.030 Permits, terms, and conditions.
16.120.040 When permit is not required or may be waived.
16.120.050 Application for development permits.
16.120.060 Regulations.
16.120.070 Criteria for approval of an application and issuance of a permit.
16.120.080 Occupancy permit.
16.120. 90 Appeals of development permit decisions, enforcement and abatement proceedings, appeals of notices and orders to correct and/or abate.
16.120.100 Calculation of time – Delivery – Notice to parties – Filing with the Board of Adjustment.

16.120.010 Purpose.

It is the purpose of this chapter to establish administration procedures for land use decisions in the City of Sultan. The administration of the Zoning Code will be done by the planning staff under the direction of the planning director

16.120.020 Development permits required.

To implement the purpose and scope of the Zoning Code, as described in SMC Title 16, development as defined and regulated by this title is required to be in conformance with the City of Sultan Comprehensive Plan and Zoning Code. A development permit must be approved by the City of Sultan and its designated agents prior to any physical alterations to any site specific piece of property including, but are not limited to, the following development actions:

A. Grading/Filling. Modification of land and landscape where grading and/or filling of more than 50 cubic yards of material is moved, whether from one parcel/ownership to another or within the same parcel/ownership. (Ord. 1158-12 § 1)
B. Clearing of vegetation protected under SMC Title 17.
C. Constructing any building or other improvement that is not specifically exempt from requiring a building, fence, or other construction permit.

16.120.030 Permits, terms, and conditions.

A. Development Permit. Any development permit that is issued shall be subject to the terms and conditions imposed by the planning director to ensure that such development will be in accordance with the provisions of the City of Sultan Comprehensive Plan, Zoning Code, and Land Division Code.

B. Reapplication. If an application for a permit under the Zoning Code is denied, the applicant may not submit another such application for development of the same property sooner than 120 calendar days after the date of such denial.

C. Permit Commencement and Expiration. Any development approved pursuant to the Zoning Code shall be commenced, performed, and completed in compliance with the provisions and conditions of the permits for such development stipulated by the planning director, hearing examiner, or city council.

Any development approved by a permit under the Zoning Code shall be commenced within 36 months from the date such permit is issued. Failure to complete substantial development within such period shall cause the permit to lapse and render it null and void. No extensions shall be granted. For purposes of this section, a permit shall be considered issued on the date it is signed by the planning director or hearing examiner.

D. Evidence of Ownership or Legal Interest. Upon filing an application, the applicant shall be required to show evidence in writing of his or her legal interest in and the right to perform development upon all property on which work would be performed if the application is approved, including submission of all relevant legal documents. Where the applicant is not the owner of the property, the owner must co-sign the application before it will be accepted for filing. The applicant shall have the burden of demonstrating to the satisfaction of the planning director the current validity of the legal interest upon which he or she bases any part of the application before such application can be deemed to be complete. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 630 § 2 [16.08.020(2)], 1995)

16.120.040 When a permit is not required or may be waived.

A. Notwithstanding any provision in the Zoning Code to the contrary, no minor development permit shall be required pursuant to the Zoning Code for activities related to the repair or maintenance of an object or facility, where such activities shall not result in an addition to or enlargement or expansion of such object or facility. However, this does not preclude the requirement for a building permit or other development permit for such activity.

B. Where immediate action by a person is required to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster or serious accident, or in other cases of emergency, the requirement of obtaining a development permit prior to initiating such action under this section may be waived by the planning director or other authorized City official. The applicant shall notify the planning director in writing of the type and location of the work, the length of time necessary to complete the work, and the name of the person or public agency conducting the work. This shall be done within 30 days following the disaster, accident, or other emergency. However, this shall not preclude the requirement for building permits or other development permits for such activity. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 630 § 2[16.08.020(3)], 1995)

16.120.050 Application for development permits.

All applications for development permits under the Zoning Code shall contain at least the following information; provided, however, that the applicant may request a waiver of any of the following requirements. Unless the applicant can prove to the satisfaction of the planning staff that a waiver is appropriate, he or she shall supply the following information:

A. Four copies of a site plan, one of which shall be a mylar reproducible of the property to a scale of 100 feet to one inch, prepared by a registered engineer, architect or land surveyor illustrating the proposed development of the property and including, but not limited to, the following:

1. Topographical features showing present grades and any proposed grades if present grades are to be altered. Unless otherwise required by the planning director or public works director, contours at an interval not greater than five feet shall be shown;

2. Property boundary lines and dimensions including any platted lot lines within the subject property of the development permit;

3. Location and dimensions of all existing and proposed buildings, including height in stories and feet and including total square feet of ground area coverage;

4. Location and dimensions of all existing and proposed driveways and entrances, minimum yard dimensions, and where relevant, relation of yard dimensions to the height of any side of any building or structure;

5. Location and dimensions of parking stalls, access aisles, and total area of lot coverage of all parking areas and driveways;

6. Location and dimension, including height clearance, of all off-street loading areas;

7. Location, designation and total area of all usable open space, including use of any paved areas as distinguished from grass, sodded, or other landscaped areas;

8. Location and height of fences, walls (including retaining walls), or screen planting, and the type or kind of building materials or planting proposed to be used;

9. Proposed surface stormwater drainage treatment facilities;

10. Location of easements or other rights-of-way; and

11. Location and designation of any open storage space.

B. Four copies of a location map at a scale of 200 feet to one inch showing, at a minimum, the uses of all property within 200 feet of the subject property, including the following:

1. All streets, alleys or other public rights-of-way, public parks and places and all lots and lot lines, drainage ways, waterways, and easements;

2. All structures and the principal use of each structure, including the type of residential, commercial, or industrial use; and

3. All off-street parking and loading areas as may be significant to the application in question.

C. Any other information as may be required by the planning director to determine that the application is in compliance with the Zoning Code shall be furnished, including but not limited to wetlands, aquifer or groundwater recharge zones, floodplains, elevations, profiles, perspectives, sign placement, vegetation, landscaping, or any other material necessary for a complete understanding of the application.

D. A statement in writing signed by the applicant stating that the information as shown on the plans, maps, and application is true and correct. Any failure to comply with the provisions of this section shall be good cause to deny the application and/or to revoke any permit which may have been issued for any building or use of land. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 630 § 2[16.08.020(7)], 1995)

16.120.070 Regulations.

The planning director shall, in the manner required by law and after public hearings, adopt such rules and regulations pertaining to the issuance of permits as it deems necessary. The planning director may thereafter, in the manner required by law, and from time to time, after public hearings, modify or adopt additional rules and regulations as deemed necessary to carry out the provisions of the Zoning Code; provided, any such rules and regulations issued pursuant to this code may be amended or repealed by the city council in accordance with the appropriate provisions of the Sultan Municipal Code. Such regulations shall include but are not limited to the following:

A. Procedures for the submission, review and approval or denial of permit applications, and the form of application for permits. The planning director shall devise a temporary application form that shall be used upon enactment of the Zoning Code until such time as rules and regulations are adopted;

B. Information to be required in the application, including, without limitation, proof of legal interest in the property, authority to sign the application, drawings, maps, data, and charts concerning land and uses and areas in the vicinity of the proposed development, and appropriate supplementary data reasonably required to describe and evaluate the proposed development and to determine whether the proposed development complies with statutory criteria under which it might be approved;

C. The payment of reasonable application, processing, permit and other fees necessary for the proper administration of the permitting process;

D. Standards, in addition to those set out in this code, for determining whether a project requires a major project permit;

E. Requirements for the conduct and continuance of public hearings and the methods of providing public notice on major project permits. A public notice shall, at a minimum, state the nature and location of the proposed development, the time and place of the public hearing, the date of the public hearing (which shall be, in any event, at least 10 working days following the date that the hearing was first advertised), and shall be advertised in a newspaper of general circulation, and, in addition, be given to the applicant, any person who requests such notification in writing, any person who the planning director determines would be affected by or interested in such development, and the owner(s) of any/all lot(s) within 500 feet of the site of the proposed development. Additionally, a sign shall be posted on the property at least 10 working days prior to the date of the public hearing by the planning director at a location that can be easily seen by the general public indicating the date, time, and location of the public hearing and the purpose for which the hearing is being held;

F. Contents of permits;

G. Notifications of decisions on applications;

H. Notices of completion and certificates of acknowledgment of compliance;

I. Modification and revocation of permits; and

J. Transfer or assignment of permits. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 630 § 2[16.08.020(8)], 1995)

16.120.080 Criteria for approval of an application and issuance of a permit.

A. A development permit under the Zoning Code shall be granted by the planning director or the hearing examiner; provided, based upon substantial evidence in the record, it is found that the development complies with each of the following criteria:

1. The development is consistent with the goals, policies, requirements, and performance standards of this Zoning Code and other applicable laws and regulations;

2. The development project as proposed incorporates, to the maximum extent feasible, mitigation measures to substantially lessen or eliminate all adverse environmental impacts of the development; and

3. The applicant has presented certification that the applicant has filed and paid all taxes, penalties and interest, and that the applicant has satisfactorily made agreement to pay the taxes.

B. The issuance of a land use development permit shall also require that the applicant agree in writing to:

1. Comply and perform to all conditions of approval; and

2. Carry out minimum improvements in accordance with the provisions of this Zoning Code and all standards of this title.

C. Improvement Guarantees. Contemporaneous with the issuance of a permit, or upon approval of a plat, subdivision or other approval to divide land, to ensure the applicant's compliance with subsection (B) of this section and to guarantee future compliance and performance, the applicant shall:

1. Comply with all conditions of approval and carry out all minimum improvements as required by the city engineer;

2. If acceptable or required by the city engineer, furnish the city with a bond or other security sufficient to secure the estimated cost of construction and installation of all required road and other improvements to the satisfaction of the city engineer and/or council and compliance with the conditions of approval. The amount and time limitation of any bond or other device shall be determined by the council within 30 days of permit issuance or approval. The principal shall complete construction and installation of all improvements and comply with all conditions of approval by the date stated in the security, and in the event that such does not occur, the full amount of the security shall be forfeited to the city. The council may forfeit all or any portion of the security before its expiration date, if the applicant is not making reasonable efforts to complete the work within the term of the security;

3. Furnish a maintenance bond or other security satisfactory to the council securing to the city the successful operation of the improvements and any mitigation as required by the conditions of approval for an appropriate period of time up to two years after completion of improvements, or final plat approval, as the case may be. Upon expiration of the stated period and successful performance of the improvements and mitigation, this maintenance bond shall be released and exonerated.

D. Surety Requirement. Any bond as provided herein shall be assured by two or more sureties acceptable to the city engineer or with a surety company as surety. The city is empowered to enforce such bonds by all appropriate legal and equitable remedies. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 779-02; Ord. 630 § 2[16.08.030], 1995)

16.120.090 Occupancy permit.

A. No land area shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until an occupancy permit has been issued by the planning director or his/her designee, stating that the premises, building, or other development complies with all provisions of this code; except that in the case of an alteration that does not require vacating the premises or where parts of the premises are finished and ready for occupancy before the completion of the alteration, or in the case of a new structure, before its completion, a conditional occupancy permit may be issued.

B. No change or extension of use or no alteration shall be made in a nonconforming use of a building or land or water area without a building permit having first been issued by the planning director or his/her designee that such change, extension or alteration is in conformity with the provisions of this code.

C. As-Built Plan Submittals. After completion of all required improvements and prior to final acceptance of said improvements, the subdivider shall submit:

1. To the city as-built drawings reflecting any changes to previously approved construction drawings. No changes in improvements may be made without prior approval of the city council;

2. To the utility superintendent and fire department, two copies of the plat and drawings showing the actual location of all mains, hydrants, valves and other fire improvements;

3. A statement sworn to by the subdivider and his registered engineer that the drawings show the actual location of the improvements required to be shown therein. No occupancy permit shall be issued until any and all required as-built plans have been submitted and approved by the director of community development.

D. Within 10 days from the date that an applicant requests, in writing, that an occupancy permit be issued on his/her development project, the planning director shall render a decision as to whether or not said occupancy permit is to be issued. If the decision is not to issue the occupancy permit, the planning director shall so notify the applicant including the reasons for denial of the permit. If no occupancy permit has been issued within 10 working days of the written request thereof and the planning director has not informed the applicant of approval or denial in writing, it shall be deemed that the planning director approves the request and the applicant may legally occupy the premises. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 630 § 2[16.08.040], 1995)

16.120.100 Appeals of development permit decisions, enforcement and abatement proceedings, appeals of notices and orders to correct and/or abate.

Notwithstanding any provision of the Zoning Code to the contrary, any aggrieved person may file an appeal of a decision or action by the planning staff taken pursuant to the Zoning Code within 10 calendar days thereof with the Board of Adjustment and such appeal shall be governed solely by the provisions of this section.

A. Procedure on Appeal. The Board of Adjustment, after having been duly notified that an appeal has been filed, shall be scheduled for a public hearing, and the city to give public notice of a public hearing on the appeal in a newspaper of general circulation. Such public notice shall be in the same form and shall have the same filing date requirements as prescribed in Chapter 16.124 SMC. The city shall also serve persons notice of such hearing who own property within 300 feet of the subject property, the applicant for the development permit, the aggrieved person (if different than the applicant), any person who has requested in writing to be notified of such public hearing date, the planning director and the Board of Adjustment.

B. Effect of Filing on Appeal. The filing of a notice of appeal shall stay any proceedings in furtherance of the action appealed, unless the planning director certifies in writing to the Board of Adjustment and the applicant that a stay poses an imminent peril to life or property, in which case the stay shall not stay further proceedings. The Board of Adjustment may review such certification and grant or deny a stay of the proceedings.

C. Public Hearing. A public hearing on an appeal shall be held by the Board of Adjustment within 35 working days after the appeal is filed with city, and an action shall be taken by the Board of Adjustment within 15 working days after the conclusion of such public hearing. The Board of Adjustment may reverse, affirm or modify the decision, determination or interpretation appealed and, in so modifying, shall be deemed to have all of the powers of the planning director, from whichever the appeal is taken, including the power to impose reasonable conditions to be complied with by the applicant. The Board of Adjustment shall notify the planning director, the applicant for the permit, and the person or persons who filed the appeal of its decision by certified mail. Such notice shall be sent within five working days of the Board of Adjustment action.

D. Rights of Parties. Consistent with rules adopted by the city for the Board of Adjustment, appeal hearings before the Board of Adjustment shall allow the parties to:

1. Call and examine witnesses on any matter relevant to the issues of the hearing;

2. Introduce documentary and physical evidence;

3. Impeach any witness regardless of which party first called them to testify;

4. Rebut evidence against them;

5. Represent themselves or be represented by anyone of their choice who is lawfully permitted to serve in such capacity. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 769-01 §§ 1, 2, 3; Ord. 630 § 2[16.08.050], 1995)

16.120.110 Calculation of time – Delivery – Notice to parties – Filing with the Board of Adjustment and the city.

A. Whenever this title states that an action or notice must be given in a certain number of calendar days, if the last calendar day for the action or notice is a weekend day or a federally recognized holiday, then the last calendar day shall be construed to include the first working day after the weekend or holiday; and the deadline shall be 5:00 p.m. current local time of that first working day.

B. Whenever this title states that an action or notice must be given "within" a period of time from a decision, action or notice, the first calendar day for the counting of the calendar days shall be as follows:

1. If the number of days involved is less than 15 calendar days, the first day shall be:

a. If the notice or decision is personally served on the party, then the day after service; and

b. If the notice or decision is mailed, then the third day after the date the notice or decision is deposited into the United States mail properly addressed with required postage;

2. If the number of days involved is 15 calendar days or more, the first day shall be:

a. If the notice or decision is personally served on the party, the day after service; and

b. If the notice or decision is mailed, then the day after the notice or decision is deposited into the United States mail properly addressed with required postage.

C. Each decision or notice shall contain a statement concerning rights to contest or appeal the decision or notice and among other information the statement shall state the date of the notice or decision; the date the appeal, contest or appeal period is expected to begin; the last date and time to file an appeal or notice when the party to whom the notice must go is open for business; and the location to file an appeal or notice.

D. In the event the statement specified in subsection (C) of this section contains an error, the party relying on the statement shall be entitled to the longer time. Therefore, if the "last date" in the statement is earlier than the time as calculated under this section, the party shall be entitled to the time provided by this section. But if the "last date" in the statement is later than the date that would be calculated under this section, the party shall be entitled to, and the actual time shall be extended to, the date and time set out in the statement; provided, however, that if the error is in the statement of the year, the correct year shall apply.

E. Whenever this title states that something must be filed with the Board of Adjustment, filing shall be accomplished by filing with the clerk/treasurer of the city. The date of filing shall be the date of actual

delivery to, or receipt of mail by, the city clerk/treasurer. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 790-02)

Chapter 16.124
PUBLIC HEARINGS

Sections:

16.124.010 General regulations on public hearings.
16.124.020 Transcription of testimony.
16.124.030 Appearance of parties.

16.124.010 General regulations on public hearings.

A. The city shall, at applicant's expense as provided in the annual fee schedule, no less than 10 days before the public hearing (1) mail notice to each taxpayer of record within 300 feet of any portion of the boundary of the proposed project; provided further, that owners of real property located within 300 feet of any portion of the boundaries of such adjacently located parcels of real property that are owned by the owner of real property proposed to be subdivided shall also be notified; and (2) post on the subject property at least two signs, one sign on each frontage abutting a public right-of-way or at the point of access to the property. The property shall remain posted until all appeal periods have expired. Signs for posting shall be provided to the applicant by the city at a cost identified in the annual fee schedule. Such mailing and posting shall be evidenced by submittal of a verified statement regarding the date of mailing and date and location of posting.

B. The city clerk/treasurer or designee shall provide notice of hearing, no less than 10 days before the public hearing, in the following manner:

1. Publication of one notice in the official newspaper of the city;

2. In the case of a subdivision, the clerk/treasurer shall mail notice to any city or county whose municipal boundaries are within one mile of the proposed subdivision; to the Department of Transportation on every proposed subdivision located adjacent to the right-of-way of a state highway and to any other federal, state, or local agency as deemed appropriate by the city clerk/treasurer.

C. All hearing notices required by this section shall include the date, time, and place of the public hearing, and a description of the location of the proposal in the form of either a vicinity location sketch or a written description, other than a legal description. For those public hearings under Chapter 16.128 SMC, the city shall e-mail notice to known parties of interest or in the alternative mail notice in self-addressed stamped envelopes provided by known parties of interest. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 862-04 § 1; Ord. 821-03 § 2; Ord. 785-02 § 3; Ord. 630 § 2[16.09.010], 1995)

16.124.020 Transcription of testimony.

In the hearing before the planning board, hearing examiner or city council, all testimony, objections thereto and thereon shall be taken down by a reporter employed for that purpose or recorded by a recording machine set up for that purpose. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 630 § 2[16.09.020], 1995)

16.124.030 Appearance of parties.

Upon the hearing before the planning board, hearing examiner or city council, any party may appear in person or be represented by agent or attorney. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 630 § 2[16.09.030], 1995)

Chapter 16.126
AMENDMENTS

Sections:

16.126.010 Scope of amendments.
16.126.020 Initiation of amendments.
16.126.030 Authority of the city council to amend the Zoning Code.
16.126.040 Reconsideration of application denied by the city council.

16.126.010 Scope of amendments.

Any provision of the Zoning Code, as well as the boundaries of the various zoning districts established herein, may be amended by the city council, after due public notice and hearing, where parties in interest and citizens shall have an opportunity to be heard, subject to the provisions of this chapter. (Ord. 630 § 2[16.11.010], 1995)

16.126.020 Initiation of amendments.

Amendments to the Zoning Code, including zoning maps, may be initiated by petition of any property owner, the building and zoning official, planning board, or by the city council. (Ord. 630 § 2[16.11.020], 1995)

16.126.030 Authority of the city council to amend the Zoning Code.

A. Every proposed amendment to the Zoning Code, including changes in the zoning district maps or boundaries, shall be referred to the city council.

B. The city council shall schedule a public hearing no later than 60 calendar days from the date it is officially notified of a request for an amendment to the Zoning Code.

C. Upon submission of a petition for a Zoning Code amendment, the city council shall give due public notice and conduct a public hearing, wherein the parties in interest and citizens shall have the opportunity to be heard, under the requirements contained in the Zoning Code in SMC 16.124.

D. If the Zoning Code amendment request is one that would call for a revision to the zoning map(s), the city council shall first examine the adopted 20-year land use plan to determine if the request is consistent with the long-range land use plan for the city of Sultan.

E. Additionally, the city council shall contact, in writing, and receive, in writing, statements from the relevant city of Sultan departments and authorities to inform them as to the availability and capacity of the roadway, water, sewer, and electrical power systems to accommodate the level of development that could occur if the Zoning Code amendment were to be granted. If statements are not available at the time of the public hearing, those city departments shall have an opportunity to make oral statements at said hearing. If no statement, written or oral, is given by any city department, it shall be assumed that they concur with the requested amendment.

F. Having taken into account the conditions and requirements set forth in subsections (C) and (D) of this section, the city of Sultan shall render a decision on the zoning amendment request.

G. If a request to amend the Zoning Code is made to the city council that goes beyond what is shown on the adopted 20-year land use plan (e.g., the land is currently shown as being in the LDR zoning district, the land use plan shows the area ultimately being designated in the MDR zoning district, but the applicant is requesting that his property be rezoned to the HDR zoning district), the city council shall refer the matter to the planning board for review and recommendation to the City Council before the Council takes action on the zoning amendment. (Ord. 630 § 2[16.11.030], 1995)

16.126.040 Reconsideration of application denied by the city council.

Whenever the city council, after hearing all the evidence presented upon any application under the provisions of the Zoning Code, denies same, they shall not hold further hearings on a renewal application for the same matter by the same applicant or applicants, their successors or assigns, for a period of one year from and after denial thereof, except and unless they shall find and determine from the information supplied by a request for a rehearing, that changed conditions have occurred relating to the application and that a reconsideration is justified. If the rehearing is denied, the application shall not be reopened for at least one year from the date of the original action. (Ord. 630 § 2[16.11.040], 1995)

Chapter 16.128

PUBLIC PARTICIPATION AND NOTICE PROCEDURES FOR AMENDMENTS TO THE COMPREHENSIVE PLAN, COMPREHENSIVE PLAN ELEMENTS AND DEVELOPMENT REGULATIONS*

Sections:

16.128.010 Purpose.
16.128.020 Procedure Level I.
16.128.030 Procedure Level II.
16.128.040 Procedure Level III.
16.128.050 Procedure Level IV.
16.128.060 Unintentional procedural errors.
16.128.070 Definitions.
***Prior legislation: Ord. 780-02.**

16.128.010 Purpose.

A. This chapter provides the city of Sultan's public participation and notice procedures for legislative land use actions. It does not provide procedures for any site-specific quasi-judicial land use action.

B. The public participation procedures established in this chapter are reasonably calculated to provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, school districts, and organizations, of proposed amendments to comprehensive plans and development regulations as required and limited by RCW 36.70A.035 and 36.70A.140.

C. It is the intent and policy of the city of Sultan to provide its citizens with full opportunity to interact and participate in the process of guiding the future land use and development of the community. Further, it is the intent of the city to have processes and procedures that allow for effective and efficient management of actions at different levels of importance and interest to the public.

D. To provide appropriate opportunity for meaningful public involvement and to provide for effective operations, this chapter differentiates between various processes and provides for levels of public participation, notice, and review and adoption procedures that are commensurate with the action being undertaken as described and provided for in RCW 36.70A.035. (Ord. 1015-09 § 2)

16.128.020 Procedure Level I.

A. Applicability. Procedure Level I applies to circumstances under which no additional public review and comment period is provided. This procedure is as provided in RCW 36.70A.035 (2)(b)(i), (ii), (iii), (iv), and (v).

B. This procedure applies to amendments to a proposed change in the comprehensive plan or development regulations when the opportunity for public review and comment on the original proposed change has passed. The amendment to the proposed change will be acted on without further notice or public input if one or more of the following conditions pertain to the amendment:

1. Actions where an environmental impact statement has been prepared under Chapter 43.21 RCW for the pending resolution or ordinance and the proposed change in the pending ordinance or resolution is within the range of alternatives considered in the environmental impact statement;

2. The proposed change is within the scope of the alternatives available for public comment when the original notice and proposed ordinance or resolution was released for public comment;

3. The proposed change only corrects typographical errors, corrects cross references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect;

4. The proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120; or

5. The proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390.

C. Step 1. No additional opportunity for public review is provided for actions meeting one or more of the five descriptions in subsections (B)(1) through (B)(5) of this section.

D. Step 2. Make the proposed change in the ordinance or resolution under consideration and proceed with the procedure (Level II, III, or IV) that is applicable to the action under consideration. (Ord. 1015-09 § 2)

16.128.030 Procedure Level II.

A. Applicability. Procedure Level II applies to amendments to a proposed change in the comprehensive plan or development regulation when the proposed change has already been provided public notice and public input, and the opportunity for input on the original proposed change has passed, and provisions of RCW 36.70A.035(2)(a) apply to the amendment.

B. This procedure applies to amendments to a proposed change in the comprehensive plan or development regulations when the opportunity for public review and comment on the original proposed change has passed and the proposed amendment does not meet the conditions of RCW 36.70A.035(2)(b)(i), (ii), (iii), (iv), and (v) as described in SMC 16.128.020.

C. Step 1. Proposed amendment is initiated by:

1. City council.

2. Planning board.

3. City staff.

D. Step 2. Proposed amendment is mailed or e-mailed to state Department of Community Trade and Economic Development (CTED) for 60-day review period. City advises CTED of the proposed public hearing schedule for amendment.

E. Step 3. Public hearing is scheduled before planning board (this can occur during or after CTED review).

F. Step 4. Publish the planning board public hearing date.

1. As provided in RCW 36.70A.140 and WAC 365-195-600, errors in exact compliance with these established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

2. Publication and notice shall be provided as follows:

a. Everett Herald not less than 10 days prior to hearing (WAC 365-195-600);

b. Post at City Hall and Post Office;

c. Post on city website, and other available sites of known interest;

d. Post on public access channel when available;

e. Agenda e-mailed to parties of interest who have requested notification when e-mail address is available;

f. Post on city utility bills when available subject to billing schedule.

G. Step 5. Planning board conducts a public hearing.

H. Step 6. Planning board recommendation on amendment and public input received at the hearing are forwarded to city council.

I. Step 7. City council considers planning board recommendation and public input received at planning board public hearing.

J. Step 8. First reading of ordinance on city council agenda/meeting. (Public comments are taken on agenda items by city council.)

K. First and second reading may be combined at council option.

L. Step 9. Second reading of ordinance on city council agenda/meeting. (Public comments are taken on agenda items by city council.)

M. Step 10. If adopted, the ordinance amending the regulation(s) is published, and effective five days after publication date.

N. Step 11. Copies of revised regulation(s) are distributed to interested parties. (Ord. 1015-09 § 2)

16.128.040 Procedure Level III.

A. Applicability. Procedure Level III applies to amendments to the comprehensive plan or existing development regulations that address only procedures, or administrative provisions without substantively changing the effect of the comprehensive plan or the development regulation as regards its implementation of the comprehensive plan (as described in RCW 36.70A.035(2)(b)(iii)).

B. Level III actions are changes that do not materially affect the types of uses allowed on the ground and do not materially alter the criteria, standards, or conditions under which those uses are reviewed and determined to be allowed or not allowed.

C. Examples of Level III Actions.

1. Changes in required application information.

2. Changes in application procedures.

3. Adjustment of notice periods or application review periods.

4. Changes in application processing procedures.

5. Changes in bonding requirements.

6. Changes in public dedications and similar language or depictions required on plats and other developer documents.

7. Procedural changes mandated by state statute.

8. Changes in appeal procedures.

9. Changes in notice procedures or time lines.

10. Similar standards or procedures that do not make a substantive change in the effect of the comprehensive plan or the effect of the development regulation.

D. Step 1. Proposed amendment is initiated by:

1. City staff.

2. City council.

3. Planning board.

4. Member of the public.

E. Step 2. Proposed amendment is mailed or e-mailed to state Department of Community Trade and Economic Development (CTED) for their 60-day review period. City advises CTED of the proposed public hearing schedule for amendment.

F. Step 3. A public hearing is scheduled before planning board (this can occur during or after CTED review).

G. Step 4. Publish the planning board public hearing date.

1. As provided in RCW 36.70A.140 and WAC 365-195-600, errors in exact compliance with these established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

2. Publication and notice shall be provided as follows:

a. Everett Herald not less than 10 days prior to hearing (WAC 365-195-600);

b. Post at City Hall and Post Office;

c. Post on city website, and other available sites of known interest;

d. Post on public access channel when available;

e. Agenda e-mailed to parties of interest who have requested notification when e-mail address is available;

f. Post on city utility bills when available subject to billing schedule.

H. Step 5. Public hearing conducted before the planning board.

I. Step 6. Planning board recommendation on amendment and public input received at the hearing are forwarded to city council.

J. Step 7. City council considers planning board recommendation and public input received at planning board public hearing.

K. Step 8. First reading of ordinance on city council agenda/meeting. (Public comments are taken on agenda items by city council.)

L. First and second reading may be combined at council option.

M. Step 9. Second reading of ordinance on city council agenda/meeting. (Public comments are taken on agenda items by city council.)

N. Step 10. If adopted, the ordinance amending the regulation(s) is published, and effective five days after publication date.

O. Step 11. Copies of revised regulation(s) distributed to interested parties. (Ord. 1015-09 § 2)

16.128.050 Procedure Level IV.

A. Applicability. Procedure Level IV applies to:

1. Adoption of amendments to the comprehensive plan and its elements as provided in RCW 36.70A.035(1).

2. Adoption of substantive new development regulations or amendment of existing development regulations as provided in RCW 36.70A.035(1).

B. Step 1. Proposed amendment is initiated by:

1. City staff.

2. City council.

3. Planning board.

4. Member of the public.

C. Step 2. Prepare public information binders for public review at City Hall, reception area, and the Sultan Branch of the Sno-Isle Regional Library. Update binders as additional information becomes available throughout the review process.

D. Step 3. SEPA checklist on proposed amendment(s) is prepared by staff/applicant and mailed to the applicable reviewing agencies for 14-day comment period. Mailing includes:

1. Determination (by SEPA official).

2. Checklist.

3. Proposed amendment(s).

4. Examples of reviewing agencies are:

a. Department of Ecology;

b. Corps of Engineers;

c. Department of Fisheries;

d. Snohomish County;

e. Washington State Department of Transportation;

f. Tulalip Tribes;

g. Department of Community Trade and Economic Development (CTED).

E. Step 4. SEPA determination including comment period is:

1. Published in the Everett Herald not less than 10 days prior to hearing (WAC 365-195-600).

2. Posted at City Hall.

3. Posted at the Post Office.

4. Posted on city website, and other available sites of known interest when available.

5. E-mailed to parties of interest who have requested a notice when e-mail address is available.

6. Posted in the public information binder on public review and public document and notice table in City Hall reception area.

F. Step 5. Proposed amendment is mailed or e-mailed to state Department of Community Trade and Economic Development (CTED) for their 60-day review period. City advises CTED of the proposed public hearing schedule for amendment.

G. Step 6. Public hearing is scheduled before planning board (this can occur during or after CTED review).

H. Step 7. Publish the planning board public hearing date:

1. As provided in RCW 36.70A.140 and WAC 365-195-600, errors in exact compliance with these established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

2. Publication and notice shall be provided as follows:

a. Everett Herald not less than 10 days prior to hearing (WAC 365-195-600);

b. Post at City Hall and Post Office (required by SMC);

c. Post on city website, and other available sites of known interest when available;

d. Post on public access channel when available;

e. Agenda e-mailed to parties of interest who have requested notification when e-mail address is available;

f. Post on city utility bills when available subject to billing schedule.

I. Step 8. Public hearing conducted before the planning board.

J. Step 9. Planning board recommendation on amendment forwarded to city council. Document includes a statement as to whether or not the planning board recommends that the council hold a second public hearing.

K. Step 10. Upon receipt of the recommendation from the planning board the council, by motion, determines whether to hold a second public hearing on the proposal.

L. If council decides to hold a second public hearing, proceed to Step 11.

M. If council decides to proceed without a second public hearing, and take action based on review of the planning board's record, proceed to Step 13.

N. Step 11. Publish the city council public hearing date.

1. As provided in RCW 36.70A.140 and WAC 365-195-600, errors in exact compliance with these established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

2. Publication and notice shall be provided as follows:

a. Everett Herald (not less than 10 days prior to hearing, WAC 365-195-600);

b. Post at City Hall and Post Office (required by SMC);

c. Post on city website, and other available sites of known interest when available;

d. Post on public access channel when available;

e. Agenda e-mailed to parties of interest who have requested notification when e-mail address is available;

f. Post on city utility bills when available subject to billing schedule.

O. Step 12. City council conducts second public hearing and considers planning board recommendation. Proceed to Step 14.

P. Step 13. City council considers planning board record including staff report, all public input (written and verbal testimony), and planning board findings and recommendation and acts on the proposal. Proceed to Step 14.

Q. Step 14. First reading of ordinance on city council agenda/meeting. (Public comments are taken on agenda items by city council.)

R. First and second reading may be combined at council option.

S. Step 15. Second reading of ordinance on city council agenda/meeting. (Public comments are taken on agenda items by city council.)

T. Step 16. If adopted, the ordinance amending the regulation(s) is published and effective five days after publication date.

U. Step 17. Copies of revised regulation(s) distributed to interested parties. (Ord. 1015-09 § 2)

16.128.060 Unintentional procedural errors.

As provided in RCW 36.70A.140 and WAC 365-195-600, errors in exact compliance with these established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed. (Ord. 1015-09 § 2)

16.128.070 Definitions.

A. "Comprehensive plan" means the comprehensive plan of the city of Sultan as provided for in Chapter 36.70A RCW.

B. "Comprehensive plan element" means any amendment to a portion of the comprehensive plan including appendices and supporting documents that are adopted by reference.

C. "Development regulations" means ordinances and codes adopted by the city council that implement the comprehensive plan through land use regulations that establish uses or standards for development of land uses.

D. "Docket, comprehensive plan" means the schedule for consideration of amendments to the comprehensive plan or comprehensive plan elements. The docket operates on an annual basis under the following schedule:

1. Applications for the comprehensive plan docket must be submitted by April 1st of each year for consideration in that year.

2. The planning board will transmit initial recommendations to the council by July 30th of each year. The recommendations will consist of findings on the policy issues and the planning board recommendation on inclusion of the particular proposal on the council's adopted version of the docket for the year.

3. By October 1st, the council will commit to adding the proposal to the docket for further staff work and planning board action.

4. Note. The once-per-year annual docket process does not apply to amendments to development regulations that implement the comprehensive plan.

E. Legislative Land Use Actions. Actions taken by the city council that applies to the entire community such as: amendment of the text of the Zoning Code, or actions that apply to significant geographic portions of the community such as amendment of the official zoning map that affects neighborhoods or larger areas.

F. Quasi-Judicial Land Use Actions. Actions taken by the hearing examiner or other authorized hearing authority that apply to a single property or a small number of specific properties such as a conditional use or a change of zone on one or a few properties in a group. (Ord. 1015-09 § 2)

Chapter 16.150
DEFINITIONS

Division VIII. Definitions

Sections:

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16.150.001 Interpretation.

For purposes of the Zoning Code, the terms or words in this chapter shall be used in interpretation of purpose and intent. (Ord. 630 § 2 [16.05], 1995)

16.150.010 "A" definitions.

1. "Abandonment" means to cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

2. "Abutting" means having a common border with, or being separated from such common border by an alley or easement.

3. "Access" means a means of vehicular ingress and egress to a lot or parcel. For the purpose of this code, a lot shall abut by no less than 20 feet upon and have direct access to: (A) an opened, constructed and maintained public road; or (B) a private road in plat or short plat approved by the city of Sultan; or (C) an exclusive, unshared, unobstructed permanent access easement at least 20 feet wide.

4. "Access panhandle" means a strip of land designed to provide access to the lot, tract or parcel being less in width than the minimum lot width allowed under the applicable zoning district.

5. "Access road" means a private or public road or street that provides direct access from abutting properties to a city collector or arterial road, as defined by the city's comprehensive plan.

6. "Accessory building" means a subordinate building attached to or detached from the main building and used for purposes customarily incidental to the residential occupancy of the main building and not involving the conduct of a business or the sale of a service. Accessory buildings include but are not limited to an automobile storage garage, play house, laundry room, garden shelter, hobby room and mechanical room.

a. "Accessory dwelling unit (ADU)" is a habitable living unit that provides the basic requirements of living, sleeping, cooking, and sanitation, and is subordinate to the principal dwelling unit in the same building or on the same premises.

7. "Accessory structure" means a detached, subordinate structure, located on the same lot, the use of which is clearly incidental to that of the main building or to the principal use of the land.

8. "Accessory use" means a use incidental and subordinate to the use of the main building on the same lot.

9. "Acre, gross" means a tract of land consisting of 43,560 square feet.

10. "Action" means a vote by a quorum of the planning commission, board of appeals, or city council upon a motion, proposal, resolution or order, and resulting in a collective decision by a majority of those voting members present. "Action" also means a decision by the building and zoning official when exercising his or her authority under this Zoning Code.

11. "Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition that is connected by a fire wall or is separated by independent perimeter load-bearing walls is considered to be new construction.

12. "Adjacent" means that which lies near or close to, not widely separated nor necessarily touching.

13. "Adjacent property owner" means any property owner of record, according to the records of the county assessor, whose property adjoins or abuts property proposed for division or any portion thereof, or whose property is within 300 feet of the property proposed for division.

14. "Adjoining" means that which is joined or united, and actually touching.

15. "Adult bookstore" means an establishment having as a substantial or significant portion of its stock-in-trade books, magazines, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical areas. For the purposes of the Zoning Code, an adult bookstore shall be deemed to be an adult entertainment establishment.

16. "Adult entertainment establishment" means any business which, as a substantial portion of its operations, offers for sale or viewing for any consideration any live performances, photographic or film depictions, or devices or paraphernalia that depict or are characterized by an emphasis on the depiction, description, or engagement in specified sexual activities or anatomical areas including male or female sexual organs, buttocks, or female's breasts. (For the purposes of this definition, the term "paraphernalia" shall not be deemed to include condoms or other birth control measures.)

17. "Aesthetics" means a characteristic of development relating to its physical beauty.

18. "Affordable housing" means a residential dwelling unit with a monthly rent or monthly mortgage payment including property taxes and insurance, not to excess of one-twelfth of 30 percent of annual income for renters and one-twelfth of 40 percent of annual income for owners, which represents 50 percent (for very low income), 80 percent (for low income), or 120 percent (moderate income) of the median adjusted gross annual income for the household, as published by the U.S. Bureau of the Census for the city of Sultan.

19. "Aggrieved person" means any person, including the applicant, who, in connection with a decision or action of the building and zoning officer or the planning commission, board of appeals, and/or city council on an application for a development permit, takes issue with the decision rendered.

20. "Agriculture" means the tilling of soil, the raising of crops, horticulture, viticulture, small livestock farming, pasturing, grazing, poultry, dairying and/or animal husbandry, including all uses customarily incidental thereto except small animal husbandry.

20.B Air B&B. See "bed and breakfast inn."

21. "Airport" means any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

22. "Alley" means any public thoroughfare for the use of pedestrians and/or vehicles which affords only a secondary means of access to abutting property.

23. "Alterations" means any change, addition, or modification of type of occupancy; any change in the structural members of a building such as walls, partitions, columns, beams, girders; or any change which may be referred to herein as "altered" or "reconstructed."

24. "Ambient" means, within the context of this code, an adjective that is generally attached to the term "air quality." Ambient air quality refers to the condition of the atmosphere within the environs of a particular use or geographic area.

25. "Amusement park or center" means a group of amusement devices for children and/or adults and their accessory uses. Such a park or center may include miniature golf areas, bumper cars, batting cages, arcades, bumper boats, go-carts, and such similar activities.

26. "Apartment" means a room or suite of rooms within an apartment building, used as a dwelling unit for one family with facilities that function or are intended to function for living, sleeping, cooking, and sanitation.

27. Apartment building or house. See "dwellings, multiple-family."

28. "Appeal" means a request for a review of the government's interpretation of any provision of this Zoning Code.

29. "Applicant" means any person or his or her authorized agent or representative who has applied for a permit and who has a valid, existing legal interest in the property proposed to be developed.

30. "Appropriate" means anything that is compatible with a facility's natural, cultural, or recreational resources, recognizing the purpose of the established area.

31. "Aquaculture" means the regulation and cultivation of water plants and animals for human use or consumption. Aquaculture may include hatcheries, marine crop production and other similar uses that occur in either fresh or salt water.

32. "Aquifer" means a groundwater bearing geologic formation or formations that contains sufficient amounts of saturated material to yield water.

33. "Aquifer recharge area" means a body of permeable materials that collects precipitation or surface water and transmits it to the aquifer.

34. Arcade.

a. "Game/video arcade" means any establishment, room, place, or business location in which there are available to the public more than three coin or token operated amusement devices or where a fee is charged for the operation of such devices.

b. "Structural arcade" means a permanently roofed arched covered continuous area or passageway at ground level, open to a street, plaza, open space, or building, that is accessible and open to the public.

35. "Area of shallow flooding" means a designated "AO" or "AH" zone on the city's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

36. "Area of special flood hazard" means the land in the floodplain subject to a one percent or greater chance of flooding in any given year.

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

38. "Assessment" means an estimation or determination of the significance, importance, or value of land, buildings, or a proposed development activity.

39. "Auditor" means the Snohomish County auditor.

40. "Automobile parking area, public" means an open area, other than a street or private automobile parking area, designed to be used for the parking of two or more automobiles.

41. "Automobile parking area, private" means an open area, located on the same lot with a dwelling or hotel, for parking automobiles of the occupants of such buildings.

42. "Automobile service station" means a building or structure designed or used for the retail sale or supply of fuels (stored only as prescribed by existing legal regulations), lubricants, air, water, and other operating commodities for motor vehicles or boats. The cross section areas of service station canopy supports where they meet the ground shall be measured as coverage for the purposes of determining maximum lot coverage, and also shall be used for measurement of setback requirements. Automobile service stations may include the following: customary space and facilities for the installation of such commodities on or in such vehicles; space for facilities for the storage, minor repair, or servicing of such vehicles, and space for car washing.

43. Automotive Repair Establishment.

a. "Major repair" means a retail sales and service establishment that provides for the painting, repainting, or retouching and/or major mechanical repairs and adjustments of motor vehicles such as engine overhauls, transmission overhauls, and the like which usually require more than one working day for service. No outdoor sales, repair or service work shall be allowed. No body damaged vehicle or vehicle components exposed to view from a public roadway shall be permitted.

b. "Minor repair" means a retail sales and service establishment that shall include only those repairs able to be effected within one working day, such as brake repair, engine tune-ups, oil changes, lubrications, front end alignments, transmission services, tire services, battery services, brake services, and the like. No outdoor sales, repair, or service work shall be allowed. Repair services of a major nature, including but not limited to engine or transmission overhauls or body work shall not be included within this definition. Outdoor storage or display of vehicles, parts, equipment, or tires shall not be included within this definition. The service or repair of trucks or other similar vehicles that exceed a one-ton rated capacity shall be prohibited. No body damaged vehicle or vehicle components exposed to view from a public roadway shall be permitted.

c. "Paint and/or body shop" means a building or other structure used for painting, repainting, or retouching and/or major nonmechanical body work and adjustment of motor vehicles.

44. "Automobile sales and service establishments, new or used" means an establishment that provides for the sale of motorized vehicles as its primary use, and allows for minor or major repairs, or paint and body work. No body damaged vehicle or vehicle components exposed to view from a public roadway shall be permitted.

45. "Automobile wrecking yard" means any premises devoted to dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

46. "Awning" means any movable roof-like structure cantilevered, or otherwise entirely supported from a building, so constructed and erected as to permit its being readily and easily moved within a few minutes time to close an opening, or rolled or folded back to a position flat against the building or a cantilevered projection thereof, or which is detachable. (Ord. 823-03 § 3; Ord. 630 § 2[16.05.002 – 16.05.092], 1995)

16.150.020 "B" definitions.

1. "Background water quality" means the concentrations of chemical, physical, biological, or radiological constituents, or other characteristics in or of groundwater at a particular point in time and upgradient of an activity that have not been affected by that activity.

2. "Bakery or bakery shop" means an establishment where the majority of retail sale is of products such as breads, cakes, pies, pastries, etc., that are baked or produced and sold on premises.

3. "Bar or cocktail lounge" means any premises wherein alcoholic beverages are sold at retail for consumption on the premises. It shall not mean a restaurant use wherein alcoholic beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of alcoholic beverages comprises less than 20 percent of the gross receipts. See

4. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

5. "Base flood elevation" means the height above mean sea level expected to be reached by the 100-year flood, as officially determined by the U.S. Army Corps of Engineers.

6. "Basement" means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

7. "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 sub-basins.

8. "Bed and breakfast inn" means an owner-occupied, single-family detached dwelling where meals and short-term lodging are provided for compensation to guests and other transient persons. An Air-B&B is a Bed and Breakfast Inn for the purposes of the Zoning Code. (See "guest house.")

9. "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, irregular surface.

10. "Bedroom" means a room other than a kitchen, dining room, living room, bathroom, or closet that is marketed, designed, or otherwise likely to function primarily for sleeping.

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

12. "Best management practice (BMP)" when associated with stormwater management means physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water; when associated with groundwater protection means a written plan outlining accepted practices, such as liquid containment, transfer practices, and emergency procedures whose purpose is to prevent contamination from contaminated land uses; for instance, monitoring and secondary containment for underground storage tanks.

13. "Billboard" means a surface whereon advertising matter is set in view conspicuously and which advertising does not apply to the premises or any use of the premises wherein it is displayed or posted.

14. "Binding site plan" means a drawing and/or agreement which includes the following:

a. A record of survey and drawing(s) which identify the location of all proposed and required site improvements including but not limited to: streets, roads, easements, buildings, utilities, open spaces, parks, parking, landscaping, signs, drainage facilities, and other site improvements specified by the city of Sultan; and

b. "Development agreement" incorporating the conditions of approval, limitation for the use of the land, and improvement guarantees to ensure compliance of all conditions of approval for the binding site plan.

15. "Blight" means that concentration of forces which puts a building or neighborhood on its way to becoming a slum. A "blighted" area is one that has deteriorated or has been arrested in its development by physical, economic, or social forces. Blight can be caused by unsightly, odor, unhealthy, noisy, and other conditions that adversely impact the surrounding environment, neighboring land uses, and property values in the community.

16. "Block" means the property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and nonsubdivided acreage, watercourse, or body of water; or between any of the foregoing and any other barrier to the continuity of development.

17. "Boarding house" means a dwelling where meals or lodging and meals are provided for compensation to at least five persons and no more than 20 persons by prearrangement for definite periods of at least one month's duration. A boarding house is to be distinguished from a hotel, motel, lodging house, and guest house..

18. "Bog/fen" means a wetland which accumulates organic soils, has little or no inflow and is characterized by acidophilic (acid loving/producing) vegetation such as sphagnum moss, Labrador tea and bog laurel.

19. "Bollard" means a post permanently affixed into the ground or pavement, at least two feet and no more than four feet in height after installation, whose purpose is to segregate automotive traffic from certain areas.

20. "Bond or performance security" means a surety bond, assignment of funds, escrow agreement, irrevocable letter of credit, or other financial security device acceptable to the director, which is required to assure that work is completed in accordance with all applicable requirements of this chapter.

21. "Boundary line adjustment" means the adjustment of boundary lines as defined and regulated by Chapter 19.16 SMC.

22. "Buffer" means an area adjacent to a critical area consisting of naturally occurring or re-established vegetation and having a width adequate to protect the critical area.

23. "Buffer area" means a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another, or intended to reduce the impact of noise levels generated on one property from the surrounding properties and intended to enhance the level of safety and promote the aesthetic qualities of the area.

24. "Buildable area" means the space remaining after the minimum open space and yard setback requirements of this code have been complied with.

25. "Building" means any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

26. Building, Accessory. See "accessory building."

27. "Building official" means the officer designated by the city of Sultan to enforce and administer the International Construction Code, or his or her duly authorized representative.

28. "Building, completely enclosed" means a building designed and constructed with all exterior walls of the structure solid from the ground to the roof line, and containing no openings except for windows and doors that are designed to be closed.

29. Building, Elevated. See "elevated building."

30. "Building front" means that exterior wall of a building which faces a front lot line of the lot.

31. Building Height. See "height, building."

32. "Building, nonconforming" means a legally existing building that fails to comply with this Zoning Code (for height, number of stories, size, area, yards, location, or use) applicable to the district in which the building is located.

33. "Building permit" means the document or certificate issued by the city of Sultan that verifies adherence to all applicable building and development regulations and gives permission to the applicant to proceed with the actions for which the permit was requested.

34. "Building, principal or main" means a building in which is conducted the principal use of the lot on which it is situated.

35. "Building site or area" means a portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

36. "Building support structure" means any structure that supports floor, wall, or column loads and transmits them to the foundation. The term shall include beams, grade beams, or joists and includes the lowest horizontal structural member exclusive of piles, columns, or footings.

37. "Bulk" means the term used to describe the size of buildings or other structures, and their relationship to each other and to open areas and lot lines.

38. "Bulkhead" means a structure of timber, concrete, steel, rock or similar substance erected parallel to a shoreline for erosion control purposes.

39. "Bus and mass transit storage and maintenance facility" means any building and adjacent outdoor space required for the servicing, washing, and the overnight parking of buses or other mass transit vehicles that are used for transporting the general public, tourists, school children, the elderly, and/or handicapped or construction workers.

40. "Business service" means an establishment primarily engaged in rendering services to other business establishments on a fee or contract basis, not involving the sale of any goods or commodities available on the premises, and not dispensing a personal service. Business service establishments may include but are not necessarily limited to, activities such as real estate, insurance, accounting or bookkeeping, financial institutions, management or consulting firms, or other similar uses. (Ord. 1145-12 § 9; Ord. 851-04 § 2; Ord. 630 § 2[16.05.094 – 16.05.172], 1995)

16.150.030 "C" definitions.

1. "Canopy" means a roof-like structure made of any material that projects from the wall of a building and overhangs a sidewalk.

2. "Capital improvement" means any substantial physical facility built by expending public monies. The construction of schools, highways, public sewer and water systems, landscaping a park, or the purchase of and for a public building or use are all examples of capital improvements.

3. "Capital improvement program" means a government schedule of permanent improvements budgeting to match the government's financial resources. The capital improvement program is usually projected five years in advance and updated annually.

4. "Carnival" means a temporary commercial entertainment with rides, games, etc. for the general public.

5. "Carrying capacity" means the maximum number of units that can be accommodated by a facility without reducing the efficiency of that facility. Carrying capacity is used to measure the ability of a facility to accommodate more units. For example, the carrying capacity of a roadway is the maximum number of vehicles that can pass over a given section of a lane in one direction during a given time period. For recreation areas, the carrying capacity is the number of persons that can utilize the elements (play equipment, basketball courts, benches, etc.) at any given point in time.

6. "Car wash" means a building, or portion thereof, containing facilities for washing automobiles utilizing mechanical devices.

7. "Carport" means space for the housing or storage of motor vehicles, recreational vehicles, or boats that has a roof and no more than two walls.

7.B. "Casino or gambling establishment" means any establishment where gambling has been approved and is monitored by the State of Washington. See "gambling establishment."

8. "Cemetery" means a place for the burial or internment of dead persons or household pets.

9. "Census" means the official count of the population, its age, sex, and social and economic characteristics, conducted on a decennial basis by the Bureau of the Census of the U.S. Department of Commerce.

10. "Certificate of occupancy (occupancy permit)" means the official certification that a premise conforms to the provisions of this Zoning Code (and the building code) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued for new construction, a structure cannot be occupied.

11. "Channel, drainage" means a large natural or constructed waterway, ordinarily lined to speed, control, and conduct the flow of stormwater runoff.

12. "Chattel" means moveable articles of personal property, such as household goods or removable fixtures.

13. Child Care Center. See "day care facility."

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

15. "Clinic" means an establishment where patients who are not lodged overnight are admitted for examination and treatment by one person or group of persons licensed as a physician, dentist, chiropractor, therapist, or other similar health related professional.

16. "Club" means buildings or facilities owned or operated by a corporation, association, person or persons for a social, educational, fraternal, civic, religious, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.

17. Club, Private. See "private clubs."

18. "Clubhouse" means a building used to house a club or social organization, including clubs associated with golf courses.

18.B Cocktail lounge. See "Lounge" and "Bar or Cocktail Lounge."

18.D "Co-housing" means a complex of dwelling units that share a common kitchen and dining area for group meals or a common living area for socializing.

19. "Collector road" means a road that provides for traffic movement between arterial roads, and local (residential) streets, and direct access to abutting properties.

20. "Commercial kennel" means a building in which four or more domestic animals at least four months of age are kept commercially for boarding or treatment.

21. "Commercial use" means the use of any structure or property for a purpose directly related to the sale of goods, the furnishing of services of any kind, or used in conjunction with the adjacent littoral commercial property.

22. "Commercial vehicle home basing" means the parking and maintenance of two or more vehicles in operable condition on property wherein resides a person who uses them in his or her business.

23. "Commission" means the planning commission of the city of Sultan.

24. "Common area" means the total area not designed for rental or sale to tenants and that is available for common use by all tenants or groups of tenants and their guests, including such areas as parking lots and their appurtenances, lobbies, malls, sidewalks, landscaped areas, public rest rooms, truck and service facilities, etc.

25. "Community center" means a place, structure, area, or other facility used for and providing social, fraternal, religious, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

26. "Compatible use" means a use that is capable of existing in harmony with other uses situated in its immediate vicinity.

27. "Completeness (of a permit application)" means the information, reports, and documents submitted by the applicant that address or discuss each of the areas required by the applicant form and/or as a result of the preapplication meeting. Completeness does not mean that the information, reports, and documents submitted are sufficient or adequate to assess the impact of the proposed development on the environment, but simply that the requested information, reports, and documents have been submitted.

28. "Comprehensive plan" means the goals, objectives and policies, documents and maps adopted by motion by the council to guide the physical development of the city; to coordinate city programs, services and controls, and to promote the general welfare.

29. "Concept plan" means a preliminary plan for the development of property, indicating contour lines; any significant existing natural features, such as rock outcroppings and stands of trees; proposed building layouts with approximate square footage of floor area; proposed off-street parking areas and, if required, off-street loading areas; and the proposed internal (within the lot) circulation system.

30. "Concession stand, agricultural or produce" means an open air structure, not to exceed 20 feet by 30 feet in its dimensions, and at which fresh eggs, fruits, vegetables, and/or other agricultural products may be sold from local farms to the public.

31. "Conditional use" means a use allowed in one or more zones as defined by this code but which, because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent and compatible to other existing or permissible uses in the same zone.

32. "Condominium" means a form of ownership of property where the purchaser normally acquires title to a part of a building and/or a portion of land, and an undivided interest in the common areas and facilities; as distinguished from a cooperative, where the purchaser usually acquires stock that represents his interest in the property. Where the building so acquired consists of bedrooms with individual baths or combined bedrooms and living rooms with individual baths and/or has separate entrances for each unit, each unit shall be considered a separate dwelling unit or a separate hotel room for the purposes of this code.

33. "Confectionery" means an establishment engaged solely in the preparation and production of candy products for direct retail sale to the consumer on the premises.

34. "Conflict of interest" means any conflict between an individual's private interests and his or her actions as a government employee or appointed or elected government official.

34B. "Congregate Care Facility" means a complex of facilities that provides a residence and a care component with varying degree of assistance from independent living arrangements to totally dependent assistance with all bodily needs. (See "residential treatment facility.")

35. "Conservation areas" means lands that are environmentally sensitive, naturally or culturally unique, valuable, or of other special interest that should be considered for protection from any activity that would significantly alter their ecological integrity, balance, or character. Conservation areas may be improved for the purpose of making them accessible to the public in a manner consistent with the preservation of their natural features.

36. "Construction" means the building of, or substantial improvement to, any structure or the clearing, filling, or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction.

37. "Contaminant" means a substance which, when distributed in the soil, renders the groundwater unpotable.

38. Contiguous. Lands are contiguous if they actually adjoin each other and share a common boundary.

39. Convalescent Home. See "nursing, rest, or convalescent home."

40. "Convenience store" means a retail establishment that is usually open for extended daily hours of business (12 to 24 hours), normally located as a single entity or in a strip building configuration along major roadways, is typically a self-service facility not dependent upon comparison shopping, and by its manner of display and merchandising, usually sells a limited selection of items and brands of prepackaged or prepared foods, ready-to-eat foods, snacks, gum, candy, beverages, dairy products, or sundries, all of which are frequently purchased for immediate use. It may be developed with facilities for the dispensing and sales of vehicular fuels, but with no sale or installation of tires, batteries or similar accessories. If such establishment is combined with said fuel sales and dispensing, it shall be regulated as an automobile service station and there shall be limitations and controls placed upon the nature, size, delivery, storage, location and type of said fuel sales or dispensing facilities to provide maximum possible protection to adjacent properties, and it must meet the specific requirements of an automobile service

station. Additionally, any retail establishment that falls within this definition, but sells a substantial portion of its merchandise (more than 25 percent of its sales) described in the definition of an "adult entertainment facility" shall not be deemed to be a convenience store.

41. "Conversion" means the change of use or purpose to which a structure or building is put.

42. Corner Lot. See "lot, corner."

42.B Cottage housing. See ""Single-family detached dwelling(s) (clustered)."

43. "Council" means the city council of the City of Sultan. (Where the term "commission" is used in the Washington State Department of Transportation editions for standard specifications for road and bridge construction, it shall be interpreted to mean the city council.)

44. Coverage, Ground. See "lot coverage."

45. "Critical areas," at a minimum, means areas which include wetlands; areas with a critical recharging effect on aquifers used for potable water; fish and wildlife habitat conservation areas; frequently flooded areas; geologically hazardous areas, including unstable slopes; and associated areas and ecosystems.

46. "Critical species" means all species listed by the federal or state governments as endangered, threatened or sensitive, as designated by the State Department of Fish and Wildlife in Chapter 232-12 WAC.

47. "Cul-de-sac" means a local street having only one means of vehicular access to another street and terminating at its other in a circular-shaped turn around. This definition of cul-de-sac shall in no way be interpreted to include a dead-end street.

48. "Curb cut" means an indentation or depression through or into a raised curb forming a driveway or walkway.

49. "Curb level" means the level of the established curb in front of a building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the "curb level." (Ord. 630 § 2 [16.05.174 – 16.05.274], 1995)

16.150.040 "D" definitions.

1. Day-Care Facility. The following definitions shall apply to the various day care facilities allowed in the different zoning districts:

a. "Day-care center" means a structure used for the care of children under the age of 12 located in a facility other than a family dwelling of those individuals under whose direct care the child or children are placed which accommodates 13 or more children regardless of whether such services are provided for compensation.

b. "Family day-care home" means a residence used for the care of children located in the family dwelling of the person or persons under whose direct care the child or children are placed, accommodating 12 or fewer children, such numbers to include those children of the resident family. This definition shall apply regardless of whether the care is provided for compensation.

c. "Mini-day-care facility" means a structure used for the care of children under the age of 12 located in a facility other than a family dwelling or located in the family dwelling of the person or persons under whose direct care the child or children are placed which accommodates 12 or fewer children including those of the resident family who are under the age of 12 years of age, regardless of whether said services are provided for compensation.

2. "Decision" means written notification to an applicant that his or her permit application has been approved or denied.

3. "Declaration of short subdivision" means a document indicating division of land as addressed in Chapters 19.12 and 19.14 SMC.

4. "Dedication" means the deliberate appropriation of land by an owner for the general and public uses, reserving to himself or herself 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 approval of such plat for filing by the city.

5. "Deed" means a written instrument under seal by which an estate in real property is conveyed by the grantor to the grantee.

6. "Density" means the number of permitted dwelling units allowed on each acre of land or fraction thereof.

7. "Department" means the department of public works of the city of Sultan.

8. "Design storm" means a prescribed hyetograph and total precipitation amount (for a specific duration recurrence frequency) used to estimate runoff for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities or assessing other impacts of a proposed project on the flow of surface water. A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs.

9. "Detention facility" means an above-ground 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.

10. "Determination" means written notification to the issuing authority and all appropriate interested parties that the decision of the issuing authority has been affirmed or nullified.

11. "Developer" means any person, firm, partnership, association, corporation, company, or organization of any kind, engaged in any type of manmade change of improved or unimproved land.

12. "Development" means the placement, erection, or removal of any fill, solid material, or structure on land, in or under the water; discharge or disposal of any dredged material or of any liquid or solid waste; or the grading, removing, dredging, mining, or extraction of any materials, including mineral resources; the construction, reconstruction, removal, demolition or alteration of the size of any structure; or the removal or harvesting of vegetation. Development shall not be defined or interpreted to include activities related to or undertaken in conjunction with the cultivation, use, or subdivision of land for agricultural purposes that do not disturb the coastal waters or sea, or any improvement made in the interior of any structure.

13. "Development right" means a legal claim to convert a tract of land to a specific purpose by construction, installation, or alteration of a building or other structure.

14. Development, Substantial. With regard to projects that have been initiated, substantial development shall constitute at least 10 percent of the total expected cost (including architectural and engineering fees) to complete the project as it was approved. Development shall also be considered to be substantial if the developer of an approved project has secured financing for the project and can demonstrate, in writing, his or her financial commitments to the project in question.

15. "Director" means the planning director for land use decisions and public works director for public infrastructure decisions made through the authority vested with the City of Sultan. Where the "director" is referred to as the community development director, this use of the term "director" shall be the same as planning director.

16. "District, zoning" means any portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in the Zoning Code; and within which certain minimum and maximum dimensional requirements for dwelling unit density, for property line setbacks such as yards and other open spaces as required, for building heights and lot width and depth, and other conditions as required.

17. "Domestic pet" means a domestic animal normally kept inside and incidental to a residential dwelling unit. Included are dogs, cats, fish, birds, and guinea pigs; excluded are wild or exotic animals and other

domestic animals such as horses, cows, chickens, ducks, geese, goats, pigs, sheep, or similar livestock associated with husbandry.

18. "Drainage" means the removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation, prevention, or alleviation of flooding.

19. "Drainage basin" means a geographic and hydrologic subunit of a watershed.

20. "Drive-in establishment" means a business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to either serve patrons while in the motor vehicle, or intended to permit consumption in the motor vehicle of food or beverages obtained by a patron of said business establishment (restaurants, cleaners, banks, etc.).

21. "Drive-in or drive-through facility" means an establishment that, by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

22. "Driving range (golf)" means an unconfined recreational facility (i.e., without netting overhead or alongside the facility) situated on a plot of land at least 400 yards in length and a minimum of 300 feet wide. A golf driving range may be built with overhead netting, as well as netting (or other confining material) along the sides and the rear of the facility. In such cases, the land requirements shall be at least 100 yards in length and a minimum of 150 feet wide. The purpose of such facility is to allow golfers an opportunity to practice their golf shots.

23. "Driveway" means that space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

23.B. "Duplex" means a building used or designed as a residence for two families living independently of each other and each with facilities that are used or intended to be used for living, sleeping, cooking, sanitation in said building. Each dwelling unit shall have separate ingress/egress.

24. "Dwelling" means a building or portion thereof, occupied or intended to be occupied exclusively for residential purposes, but not including hotels, motels, lodging houses, travel trailers, or recreation vehicles. (See also "dwelling, multiple-family" and "family.")

25. "Dwelling, attached" means a dwelling having any portion of a wall in common with adjoining dwellings and includes townhouses and zero lot line houses.

26. "Dwelling, detached" means a dwelling that is entirely surrounded by open space on the same lot.

27. "Dwelling, duplex" means a detached building, designed for or occupied exclusively by two families living independently of each other, and shall not include a mobile home.

28. "Dwelling, multi-family" means a building or portion thereof, used or designed as a residence for three or more families living independently of each other and each with facilities that are used or intended to be used for living, sleeping, cooking, and sanitation in said building. This definition includes apartment buildings or houses but does not include hotels, motels, lodging houses, or guest houses.

28B. "Dwelling, principal or main" means a building in which is conducted the principal use of the lot on which it is situated.

29. "Dwelling, single-family" means a detached building designed for or occupied exclusively by one family.30. "Dwelling unit" means any room or group of rooms located within a residential building and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, and sanitation. (Ord. 1145-12 § 10; Ord. 993-08 § 15; Ord. 630 § 2[16.05.276 – 16.05.334], 1995)

30.B "Dwellings, single-family detached (clustered)" means a development of single-family detached dwelling units that are clustered on small lots sharing pedestrian access through a common rear yard or joined rear yards.

16.150.050 "E" definitions.

1. "Easement" means a right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes. Where appropriate to the context, "easement" may also refer to the land covered by the grant. This may include access, pedestrian paths, bicycle paths, utility easements, drainage, open space, etc.

2. "Ecosystem" means a characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species, and between them and their environment.

3. "Efficiency dwelling unit" means a dwelling unit consisting of one room exclusive of bathroom, kitchen, hallway, closets, or dining alcove, whether or not directly off the principal room.

4. "Effluent" means liquid sewage discharged by a collection network, various sewage treatment units, or a sewage treatment plant; also, the product discharged or emerging from a sewage treatment process.

5. "Elevated building" means a nonbasement building constructed in such a manner as to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls, or breakaway walls.

6. "Elevation" shall mean:

a. The vertical distance above or below a fixed reference level; or

b. A flat scale drawing of the front, rear, or side of a building or structure.

7. "Emergency" means an unexpected situation that poses an immediate danger to life, health, or property and demands immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

8. "Emergency hazardous situation" means a condition that is an immediate and substantial danger to human health, safety, or welfare, or to the environment.

9. "Emergency shelter" means a facility whose primary purpose is to provide housing for individuals and families in the event of an emergency or an emergency hazardous situation.

10. "Eminent domain" means the authority of the city of Sultan or other government agency to take, or to authorize the taking of, private property for public use with just compensation to the owner.

11. "Engineer" means the superintendent of public works of the city of Sultan.

12. "Enlargement" means an addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.

13. "Environment" means the physical, social and economic conditions that exist within the area which will be affected by a proposed project.

14. "Environmental impact assessment or statement" means an informational report prepared by an applicant for a proposed development and made available to public agencies and the general public that, when required by this code, shall be considered by the building and zoning official prior to its approval or disapproval of an application for a development permit. Such report shall include detailed information about the existing environment in the area of a proposed development; the effects that a proposed development is likely to have on the natural and human environment; an analysis and description of ways in which the significant adverse impacts of such development are proposed to be mitigated and minimized; and an identification and analysis of reasonable alternatives to such development.

15. "Erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, paving, and the like shall be considered within the definition of "erected."

16. "Erosion" means the detachment and movement of soil or rock fragments by water, wind, and/or gravity.

17. "Establishment" means an economic unit that is located in a building or other structure, where business is conducted or services are offered. (Ord. 630 § 2[16.05.336 – 16.05.368], 1995)

16.150.060 "F" definitions.

1. "Facade" means the front of a building, particularly that part of a building facing a street or courtyard.

2. "Facing or surface" means the surface of a sign upon, against, or through which a message is displayed or illustrated on the sign.

3. "Family" means one person or group of two or more persons living together and interrelated by bonds of kinship, marriage, mutual consent, or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit with a common set of cooking facilities. The persons thus constituting a family may also include foster children, gratuitous guests and domestic servants. The maximum number of nonrelated members constituting a family shall not exceed six persons.

4. "Fence" means any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land and is six feet or less. Any fence over six feet in height above the ground shall be considered a structure subject to the requirements of Title 15 Building Code, a building permit, and building setback requirements.

5. "Fill" means earth or any other substance or material, including pilings placed in a submerged area.

6. "Filled lands" means all artificially made, filled, or reclaimed lands and marshes.

7. "Financial institutions" means establishments such as, but not limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, and other similar uses.7B. "Fitness Centers" means gymnasiums (except those associated with educational institutions), private clubs (athletic, health, or recreational),wellness and physical training facilities, reducing salons, and weight control establishments.

8. "Flea market" means an occasional sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, but not to include private garage sales.

9. "Floating zone" means a zoning district that has been established but not mapped in a specific location. For a developer to be allowed to construct a use that is featured in a floating zone, he or she shall be required to meet minimum lot size criteria, as well as other requirements.

10. Flood, Base. See "base flood."

11. Flood Hazard, Special Area. See "area of special flood hazard."

12. "Flood Insurance Rate Map (FIRM)" means an official map of the city of Sultan on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the city.

13. "Flood insurance study" means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary and floodway map, and the water surface elevation of the base flood.

14. "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland waters;

b. The unusual and rapid accumulation or runoff of surface waters from any source.

15. "Flood, regulatory" means a flood that is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular watercourse. The regulatory flood generally has a flood frequency of approximately 100 years, as determined from an analysis of floods on a particular watercourse and other watercourses in the same general area.

16. "Flood, 20-year" means the highest level of flooding that, on average, is likely to occur once every 20 years.

17. Flooding, Shallow Area. See "area of shallow flooding."

18. "Floodplain area having special flood hazard" means that maximum area of the floodplain that, on average, is likely to be flooded once every 100 years (i.e., that has a one percent chance of being flooded each year).

19. "Floodplain or flood-prone area" means a land area adjoining a river, stream, watercourse, or pond that is likely to be flooded.

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

21. "Floor" means the top surface of an enclosed area in a building (including basement), i.e., the top of a slab in concrete slab construction or the top of wood flooring in wood frame construction. The term does not include the floor of a garage used primarily for the parking of vehicles and where openings are installed to allow the free passage of water.

22. "Floor area" means the sum of the gross horizontal areas of all of the floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. Floor area shall include the area of basements when used for residential, commercial or industrial purposes, but need not include a basement or portion of a basement used for storage or housing of mechanical equipment, or the basement apartment of a custodian in a multifamily dwelling, except that portion of said custodian's dwelling unit which is in excess of 50 percent of the total basement area.

23. "Floor area ratio (F.A.R.)" means the horizontal area of all of the floors of any building or buildings on a lot, divided by the area of such lot, or in the case of planned unit developments, by the net lot area. Where off-street parking is provided in the principal building or in a building on a lot across a street or alley from the principal building, the area of the lot upon which such building providing off-street parking is provided may be included in determining the permitted floor area of the principal building. Space provided within a building for off-street parking shall not be counted in determining the floor area of such building.

24. "Floor area, usable" means any floor area within the outside wall of a building exclusive of areas in cellars, basements, unfinished attics, garages, open porches, and accessory buildings.

25. "Foster home" means a home licensed and regulated by the state and classified by the state as a foster home, providing care and guidance for not more than six unrelated juveniles, adults or both.

26. "Frequently flooded areas" means the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

27. "Frontage, corner lot" means all the property on two sides of a street between two intersecting streets, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on two sides between an intersecting street and the dead-end of the street. This definition also includes ingress-egress easements when used as the only means of access.

28. "Fuel storage facility" means an area that is used or planned to be used for the storage of petroleum products used for the powering of motor vehicles, boats and ships, and aircraft, and for the operation of electrical generating plants. The facilities may be above-ground or underground storage tanks.

29. "Functional values" means those functions performed by a critical area or buffer which are highly beneficial to the maintenance of the aquatic system and surrounding environment. As used in this code, "functional values" for wetlands, streams and buffers are limited to the following elements:

a. Streams. Fish and wildlife habitat, water quality maintenance, water supply and water conveyance.

b. Wetlands. Fish and wildlife habitat, water quality maintenance, pollution assimilation, shore stabilization, sediment retention, runoff and floodwater storage and conveyance, runoff control, stream base-flow maintenance, and groundwater discharge/recharge.

c. Buffers. Fish and wildlife habitat, runoff absorption, pollution assimilation, streambank stabilization, sediment entrapment, water quality maintenance, noise and visual screening, upland flood protection, recreation, and provision of nutrients and woody debris for streams.

30. "Funeral home" means a building used for the preparation of the deceased for burial, the display of the deceased, and ceremonies connected therewith before burial or cremation. (Ord. 630 § 2 [16.05.370 – 16.05.428], 1995)

16.150.070 "G" definitions.

1. "Gambling establishment" means a casino, card room, or other business that has roulette, dice, various card games, slot machines and/or other games of chance or forms of betting and that been approved and is monitored by the State of Washington . See "Casino."2. "Garage" means a building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, or storing motor vehicles internally and enclosed within the building.

3. "Garage, parking" means a building, or portion of building, or area beneath a building or structure, except those described as a private garage, used for the parking only of automotive vehicles.

4. "Garage, private" means an accessory building less than 1,000 square feet used primarily for the storage of self-propelled vehicles for the use of occupants of a lot on which such building is located. The foregoing definition shall be construed to permit the storage on any one lot for the occupants thereof within such garage, of commercial vehicles that otherwise may be used as private vehicles. However, this shall not be construed to include construction equipment or vehicles with a rated base curb weight in excess of 5,000 pounds.

4. "Garage, public" means any premises, except those described as a private or community garage, used principally for the storage of automobiles or other motor vehicles, for remuneration, hire, or sale, where any such vehicle may also be equipped for operation or repaired.

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

6. "Golf course" means a tract of land for the playing of the game of golf, with tees, greens, fairways, hazards, etc. A golf course may be nine or 18 holes in length.

7. "Governmental use" means public land areas and facilities that are utilized for daily administration and operation of government business which house personnel, records, equipment and the like, belonging to or leased by the city, state, or federal government, special district, or agency.

8. "Grade" means the established grade of the street or sidewalk as prescribed by the department of public works. Where no such grade has been established, the grade shall be the average computed by a licensed land surveyor at the sidewalk at the property line. Where no sidewalk exists, the grade shall be established in the same manner on the street adjacent to the property line.

9. "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.

10. "Greenhouse" means an enclosed building, permanent or portable, that is used for the growth of small (i.e., less than 10 feet in height) plants.

11. "Gross leasable area (GLA)" means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces. GLA is that area on which the tenants pay rent; it is the area producing income to the landlord, and is the square footage amount used for determining required parking area. GLA includes all areas less common areas. (See "common area").

12. Ground Coverage. See "lot coverage."

13. "Ground floor area" means the square footage area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, patios, swimming pools, parking areas, driveways, garages, exterior stairways, secondary stairways, and drive-through teller lanes or walk-up windows of financial institutions only. Ground floor area is the total building area used in determining the percentage of lot coverage.

14. Ground Sign. See "sign, ground."

15. "Groundwater" means the portion of water contained in interconnected pores or fractures in a saturated zone or stratum located beneath the surface of the earth or below a surface water body.

16. "Groundwater management" means the management and coordination of groundwater regulations, strategies, polices, and technical information for the protection and use of groundwater resources.

17. "Group care facility" means a facility licensed by the state to provide, on a 24-hour basis, training, care, custody, correction or control, or any combination of those functions, to one or more persons who may be children, the aged, disabled, underprivileged, indigent, handicapped or other special class of persons, either by governmental unit or agency or by a person or organization devoted to such functions. This term shall not include schools, hospitals, prisons or other social service facilities.

17B. "Group home" means a single-family detached dwelling providing a residence for a single household with the maximum number of nonrelated residents not to exceed six persons; examples include foster home, recovery home, and state-funded home caregivers of nonrelated children/aged/ handicapped/developmentally disabled/mentally-ill or other special class of persons.

17C. "Guest house" means an owner-occupied, single-family detached dwelling, containing a limited number of guest rooms; examples include bed & breakfast inn and air b&b.

17D. "Guest room" means a bedroom or suite of rooms that are occupied only for sleeping purposes by guests, whether rent is paid in money, goods, labor, or otherwise. Guest rooms do not constitute a dwelling unit.

18. "Gutter" means a constructed waterway, usually along a street curb, installed to collect and conduct street surface water. (Ord. 630 § 2 [16.05.430 – 16.05.566], 1995)

16.150.080 "H" definitions.

1. "Halfway house" means a licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive confinement wherein supervision, rehabilitation, and counseling are provided to mainstream a person back into society.

2. "Hardship" refers, within the context of this code, to special conditions or circumstances existing that are peculiar to the location, size, and characteristics of the land, structure, or building involved and which are not applicable to the same degree to the lands, structure, or buildings in the same zoning district; or special conditions or circumstances that did not result from the action of the applicant; or from a literal interpretation of this code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

3. "Hazardous substances" means any substances or materials that, by any reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

4. "Health care facility" means an establishment primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners such as opticians and chiropractors; medical and dental laboratories; out-patient care facilities; blood banks; and oxygen and miscellaneous types of medical supplies and services.

5. "Health-spa" means beauty, wellness, and health treatment establishment, including massage therapy with practitioners certified and licensed by the State of Washington.

6. Hearing Examiner. Upon motion duly passed by the city council, public hearings required by "hearing examiner" under SMC 16.120.050, development permit approval process, shall be conducted by a hearing examiner who shall not be an employee, elected official, or appointed official of the city. The hearing examiner's decision shall be .

7. "Height, building" means the vertical distance from the average curb elevation to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof and to the mean height level between the eaves and ridge for a gable, hip or gambrel roof; provided, however, that where buildings are set back

from the street line, the height of the building shall be measured from the average elevation of the finished grade at the front of the building.

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

9. "Highway" means a major roadway or thoroughfare with intersections at grade and direct access to abutting property, primarily designed for through traffic, on a continuous route, and not having access control.

10. "Historic property" means a building, structure, object, area, or site that is significant in the history, architecture, archaeology, or culture of Sultan or the nation.

11. "Home occupation" means an economic enterprise carried on within an owner-occupied dwelling unit (which includes mobile homes), or accessory building, which is incidental and subordinate to the primary residential use of the dwelling unit as outlined in the residential performance standards of this code. A home occupation has no employees who are not residents of the dwelling unit and is permitted only one client to visit the dwelling unit at any given time, which distinguishes a home occupation from other businesses.

12. "Homeless shelter" means a facility that provides temporary housing for individuals or families which, due to personal adverse financial situations, have lost their homes. (See also "residential treatment facility").

13. "Homeowners' association" means a private, nonprofit corporation of homeowners of a fixed area constituted for the purpose of owning, operating, and maintaining various common properties.

14. "Horticulture" means the science and art of cultivating flowers, fruits, vegetables, or ornamental plants.

15. "Hospital" means a facility providing primary health services and medical or surgical care to persons, primarily in-patients suffering from illness, disease, injury, deformity, other abnormal physical or mental conditions, chemical or substance dependency or abuse, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, and training facilities.

17. "Hotel" means any building containing more than six guest rooms used, or intended to be used, rented, or hired out to be occupied or that are occupied for sleeping purposes by guests, whether rent is paid in money, goods, labor, or otherwise. It does not include buildings in which sleeping accommodations are provided for persons who are harbored or detained to receive medical, charitable, or other care or treatment, or provided for persons who are involuntarily detained under legal restraint. (See also "motel" and "lodging house.")

18. House, Apartment. See "dwelling, multiple-family."

19. House, Boarding. See "boarding house."

20. House, Lodging. See "lodging house."

21. "House of worship/church" means a building or structure wherein persons regularly assemble for religious worship, is specifically designed and used primarily for such purpose, and is maintained and controlled by a religious body organized to sustain public worship.

22. Household. See "family."

22.B Housing, Cottage. See "cottage housing."

23. "Hydric soil" means soil that is saturated, flooded or ponded long enough to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined by following the procedure described in the 1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, or subsequent amendments.

24. "Hydrogeologic site evaluation" means an evaluation which encompasses some or all of the following checklist items. It shall be prepared by a professional who has training and experience in hydrogeology:

a. Hydrogeologic Setting.

i. Describe the geologic setting of the site and illustrate with geologic and soil maps;

ii. Generally describe the lithology, stratigraphy, and areal distribution of soil and rock material in the area;

iii. Discuss geologic features which may control groundwater movement such as faults, folds, joint patterns, igneous intrusions, etc.;

iv. Describe the occurrence and movement of groundwater in the area. Generally discuss such topics as recharge and discharge, depth to groundwater, and regional groundwater flow patterns. Illustrative material such as water level maps or flow nets are recommended;

v. Generally discuss groundwater quality trends, natural and human-induced, including discussion of cumulative changes over an area.

b. Water Quality Goals and Standards.

i. Describe the water quality goals, standards, and related measures associated with the aquifer(s) underlying the site, and for nearby surface waters;

ii. Discuss how water quality goals, standards, and related measures apply to contaminants from the site.

c. Site-Specific Hydrogeology.

i. Depict on an appropriately scaled map the location of well(s) (whether abandoned or active) and springs within 1,000 feet of the site, or within a five-year time of travel (whichever is greater);

ii. Prepare hydrogeological cross-sections through the site and surrounding area which illustrate available borehole and trench formation. Include references of other information used to prepare the cross-sections;

iii. Describe the nature of groundwater movement beneath the site. This description should consider the following:

(A) Areal distribution, stratification, and hydraulic conductivity of saturated and unsaturated earth materials;

(B) Probable migration pathways for wastewater released to the septic drainfields;

(C) An estimate of probable time of travel through the soil horizontally from a potential contaminant source;

iv. Describe how the contaminants of concern will be attenuated within the unsaturated zone;

v. Estimate the quantity and quality of water recharged to the saturated zone under anticipated operation;

vi. Describe the contaminant attenuation processes anticipated within any saturated zone upon which an estimate is based;

vii. Devise a system for monitoring groundwater quality. Describe what steps will be taken if monitoring results show considerably higher levels of contaminants than predicted.

25. "Hydrology" means the study of groundwater – its origin, occurrence, movement, and quality.

26. "Hydrologically isolated" means those wetlands which have no surface or subsurface water connection to another wetland, stream, river, or lake.

27. "Hydroperiod" means the seasonal occurrence of flooding and/or soil saturation; it encompasses depth, frequency, duration, and seasonal pattern of inundation. (Ord. 840-04 § 2; Ord. 630 § 2[16.05.568 – 16.05.620], 1995)

16.150.090 "I" definitions.

1. "Illicit discharge" means all nonstormwater 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.

2. "Illuminated sign" means any sign that has characters, letters, figures, designs or outlines illuminated by electric lights, or from a remote position.

3. "Immediate vicinity," with regard to the built or man-made environment, refers to all development that is within 500 linear feet of any proposed development, measured in a straight line from the property line that is closest to any existing development.

4. "Impervious surfaces" means those surfaces that do not absorb water and consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt on a lot.

5. "Improvement" means any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.

6. Improvement, Substantial. See "substantial improvement."

7. "Include" means to contain or comprise without limitation, to consider as part of a whole, or to take into account.

8. "Incompatible use" means a use that is incapable of existing in harmony with the natural environment or with other uses situated in its immediate vicinity.

9. "Indoor amusement" means establishments engaged in providing entertainment indoors for a fee or admission charge, including such activities as theaters, bowling, pool, billiards, or arcades, that feature three or more coin or token operated devices, such as pinball and video games.

10. "Indoor storage" means the keeping of any goods, materials, merchandise, or supplies as an accessory use to any retail, office, or service use. Any retail or office use shall not devote more than 35 percent of its gross floor area to indoor storage.

11. "Industrial park" means a planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site circulation, parking, utility needs, building design and orientation, and open space.

12. "Industry, heavy" means a use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

13. "Industry, light" means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including process, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

14. "Infill development" means the addition of new housing or other buildings on scattered vacant sites in an existing built-up area.

15. "Infrastructure" means the roads, sewage system (including collection lines, treatment plants, and outfalls), water system (including distribution lines and wells), police and fire protection services, health care facilities, schools, electricity system, telephone system, cable television system, and solid waste disposal facilities.

16. "Institutional use" means a nonprofit corporation or establishment for public use.

17. "Intent" means the objective toward which any section of this Zoning Code strives or for which it exists.

18. "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 surface, for example, in a wetland, spring or seep.

19. "Interpretation," within the context of this code, shall mean a finding or determination made by the building and zoning official as to the meaning or intent of any work, phrase, or section contained herein.

20. "Intersection" means any street, public way, court, or alley that joins another at an angle, whether or not it crosses the other.

21. "Irregular lot" means a lot which is shaped so that application of setback requirements is difficult. Examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line. (Ord. 630 § 2[16.05.622 – 16.05.662], 1995)

16.150.100 "J" definitions.

1. "Junkyard" means a place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking yards, and places or yards for storage of salvaged house wrecking and structured steel materials and equipment. A junkyard shall not be construed to include such uses when conducted entirely within an enclosed building, nor pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged machinery in operable condition or the processing of used, discarded or salvaged materials as part of a manufacturing operation. (Ord. 630 § 2 [16.05.664], 1995)

16.150.110 "K" definitions.

1. "Kitchen" means any area used or intended or designed to be used for cooking or preparation of food. (Ord. 630 § 2[16.05.666], 1995)

16.150.120 "L" definitions.

1. "Laboratory" means a place devoted to experimental study, such as testing and analyzing, as well as physical diagnostic facilities and soil and water testing facilities. The manufacturing of any product or products is not considered to be part of this definition.

2. "Land clearing" means the exposure of earth by the removal of vegetative cover of any kind.

3. "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.

4. "Land use" means the employment of a site or holding so as to derive revenue or other benefit from it; also the delineation by the government of the utilization to which land may be put so as to promote the most advantageous development of the city of Sultan.

5. "Landfill" means the depositing of soil, sand, gravel, shell, or other materials on or in any land area, or the artificial alteration of water levels for land reclamation purposes.

6. "Landscape" means the use of materials such as trees, ornamental shrubs, gravel, river rock, driftwood, rockeries, lawn, artificial turf or combination of such materials.

a. "Landscape areas and features" means an area of land within a site or development including but not limited to street medians and planting strips; development or project entryways; off-street parking areas; and landscaped barriers and buffers.

7. "Landscape, perimeter" means a continuous area of land, required to be set aside along the perimeter of a lot, in which landscaping is used to provide a transition between uses and/or to reduce the environmental, aesthetic, and other impacts of one type of land use or activity upon another.

8. "Landscape plan" means a detailed sketch to scale illustrating the type, size, location and number of plants and other landscape elements to be placed in a development.

9. "Landscape strip" means a strip of land along the perimeter of the site containing trees, barriers, ground cover and/or other plant material.

10. "Laundromat" means an establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

11. "Laundry plant" means an establishment for the mechanized washing and/or dry cleaning of clothing, linens, and the like.

12. "Laundry service" means a retail sales and service establishment that provides for the drop-off of clothing, linens, and the like to be washed, dry cleaned, ironed, mended, or repaired with no machines or equipment for the dyeing of same, and specifically no machines or equipment available for self-service directly by the consumer.

13. "Livestock" means domestic animals, such as horses, cattle, pigs, goats, fowl, or poultry, kept for their services or raised for food and other products.

14. "Loading space" means an off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

15. "Local," for the purpose of the Zoning Code, shall mean primarily within the state of Washington.

16. "Local road or street" means a roadway providing for direct access to abutting land, and for local traffic movements.

17. "Lodging house" means a building, other than a hotel or motel, containing six or less guest rooms used or intended to be used, rented, or hired out to be occupied only for sleeping purposes by guests. (See also "hotel," "motel," and "guest house").18. "Lot" means a single tract of land legally created as a separate building site with a frontage on a street or access easement. 19. "Lot area" means the total horizontal area contained within the boundary lines of a lot.

20. "Lot, building" means land occupied or to be occupied by a building and its accessory buildings, or by a dwelling unit grouping and its accessory buildings, together with such open spaces as are required under the provisions of this code, having not less than the minimum area and width required by this code for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of this code to be adequate as a condition of the issuance of a development permit for a building on such land.

21. "Lot, corner" means a lot located at the intersection of two streets or a lot bounded on two sides by a curving street and any two chords of which form an angle of 120 degrees or less. The point of intersection of the street lot lines is the "corner." In the case of a corner lot with curved street lines, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

22. "Lot coverage" means the part or percent of the lot occupied by buildings or structures, including accessory buildings or structures, but not to include at-grade off-street parking lots, terraces, swimming pools, pool deck areas, or walkways, roadways, or driveways.

23. "Lot depth" means the mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

24. "Lot, interior" means a lot other than a corner lot.

25. "Lot, legal building" means a recorded formal plat or short plat that has had final approval and is recorded with the Snohomish County auditor's office. It must also meet:

a. Current health requirements;

b. Current zoning lot size requirements, or those in effect at the time the lot was created; and

c. Access requirements in effect at the time the lot was created.

26. "Lot line, front," in the case of a lot abutting upon one street, shall mean the line separating such lot from such street.

27. "Lot line, rear" means, ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular or gore shaped lot, a line 10 feet in length entirely within the lot, parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the building and zoning official shall designate the rear lot line.

28. "Lot line, side" means any lot line that, as defined by this code, does not constitute a front or rear lot line.

29. "Lot of record" means an area or parcel of land as shown on an officially recorded plat or subdivision, or an area or parcel of land to which a deed or contract is officially recorded as a unit of property, or which is described by metes and bounds, or as a fraction of a section.

30. "Lot, through" means an interior lot having frontages on two parallel streets as distinguished from a corner lot, which has frontages on two perpendicular streets (also referred to as a "double-frontage lot").

31. "Lot width" means the mean horizontal distance between the side lines, measured at right angles to the side lot line. Where side lot lines are not parallel, the lot width shall be considered as the average distance between such side lot lines.

32. "Lot, zoning" means a single tract of land located within a single block which (at the time of filing for a development permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. A zoning lot may or may not coincide with a lot of record.

33. "Lounge" means a building or portion of a building, wherein alcoholic beverages are sold by the drink and consumed on the premises. (Ord. 818-03 § 2; Ord. 664-97 § 1; Ord. 630 § 2[16.05.668 – 16.05.730], 1995)

16.150.130 "M" definitions.

1. "Major public community drinking water supply" means those public water systems that are permitted to withdraw an average daily amount of at least 100,000 gallons of groundwater.

2. "Manufactured home" means a single-family residence constructed after June 15, 1976, in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing, and bearing the appropriate insignia indicating such compliance. It is a structure, transportable in one or more sections, which is designed to be used with or without a permanent foundation when connected to the required utilities. (Note: Manufactured homes were formerly called "mobile homes" before the federal government assumed control of the construction standards for the industry by way of the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S. Code, Section 5401). A manufactured home may be placed on any residentially zoned lot.

3. "Mobile home park" means land under single ownership and control designed and used for the temporary or permanent parking of two or more mobile homes for human occupancy.

4. "Mobile home space" means that portion of land in a mobile home park allotted or designed for accommodation of one mobile home.

4.B. "Manufacturing" means any industrial activity that takes raw materials to make a product, even products that may require more refinement to become a finished product. See "industry, heavy" and industry, light."

5. "Marquee" means a sign, usually for a theater or similar use, that is part of the building, especially a canopy. See "canopy."

6. "Massage" means the manipulation of the superficial tissue of the human body with the hand, foot, leg, arm, elbow, face, head, neck, or back, whether or not such manipulation is aided by hydrotherapy or thermal therapy, or any electrical or mechanical device, or the application to the human body of a chemical or herbal preparation, and is not intended to be sexually arousing.

7. "Massage therapy clinic or health spa" means a business establishment offering massage by a practitioner certified and licensed by the State of Washington to relieve tension, provide relaxation, make muscles or joints supple, or stimulate circulation.

8. "Mean high water" means the average height of the high waters over a 19-year period, or for shorter periods of observation, the average height of the high water after corrections are applied to eliminate known variations and to produce the result of the equivalent of a mean 19-year value. Alternatively, mean

high water may be defined as the average height of the high waters as established and accepted by the U.S. Army Corps of Engineers.

9. "Mean high water line" means the intersection of the tidal plane of mean high water with the shoreline.

10. "Mean low water" means the average height of the low waters over a 19-year period, or for shorter periods of observation, the average height of the low waters after corrections are applied to eliminate known variations and to produce the result of the equivalent of a mean 19-year value. Alternatively, mean low water may be defined as the average height of the low waters as established and accepted by the U.S. Army Corps of Engineers.

11. "Mean low water line" means the intersection of the tidal plane of mean low water with the shoreline.

12. "Mezzanine" means a floor level between two main floors of a building, usually immediately above the ground floor.

13. "Minimum living area" means the area within the outside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky, and not to include garages, carports, open porches, open breezeways, store rooms, screened-in porches, or basements.

14. "Mini-storage unit facility or mini-warehouse" means a building or group of buildings consisting of individual storage units not exceeding 400 square feet per storage unit that are leased or owned for the storage of business and household goods or contractor's supplies. These facilities shall not be used for any other use in the Zoning Code such as wholesale or retail operations.

15. "Mitigation" means an action or actions taken to lessen or to compensate for unavoidable adverse effects on environmentally sensitive or historic properties.

16. "Mixed-use development" means development of a combination of typically separated uses within a single development. A planned unit development could be an example of mixed-use development. Commercial centers or malls which include residential uses are another type of mixed-use development. Mixed-use development in an urban context often refers to development of multiple uses in a single building with more than one type of activity taking place within its confines. An example of such a type of development could have commercial uses on the ground floor, offices above them, and residential units above the offices. Other combinations of uses may also occur in a mixed-use development setting.

17. "Mobile home" means a single-family dwelling constructed in accordance with the requirements prescribed under RCW 43.22.340, as amended, and bearing the "mobile home" insignia of the Washington State Department of Labor and Industries. It is a dwelling transportable in one or more sections that are eight feet or more in width and 32 feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976. (Note: Manufactured homes were formerly called "mobile homes" before the federal government assumed control of the construction standards for the industry by way of the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S. Code, Section 5401). A mobile home may not be placed on a residentially zoned lot and must be located in a mobile home park.

a. "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.

18. "Modular home" means a dwelling unit constructed in a factory in accordance with the Uniform Building Code and bearing the appropriate insignia indicating such compliance, and transported to the building site for final assembly and permanent foundation. This definition includes "prefabricated," "panelized," and "factory-built" units.

19. "Motel" means a building or group of buildings containing more than six guest rooms used or intended to be used, rented, or hired out to be occupied or that are occupied only for sleeping purposes by guests, whether rent is paid in money, goods, labor, or otherwise. (See also "hotel" and "lodging house").

20. Motor Home. See "recreational vehicle."

21. Multiple-Family Dwelling. See "dwelling, multiple-family."

22. "Mulch" means nonliving, organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

23. "Museum" means a nonprofit, noncommercial establishment operated as a repository or a collection of natural, historic, scientific, or literary curiosities, or objects of interest or works of art. Restaurants and gift shops may be included as part of any museum, so long as the square footage for these activities constitutes not more than 25 percent of the total floor area of the museum building. (Ord. 855-04 § 2; Ord. 630 § 2[16.05.732 – 16.05.776], 1995)

16.150.140 "N" definitions.

1. "National Geodetic Vertical Datum (NGVD)" as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

2. "National Register of Historic Places" means a list of properties that have been formally judged to have historic significance and which have been accepted by the keeper of the National Register.

2.B. "Natural hazards" means physical conditions found in nature that can be dangerous or cause great harm to occupants of an area that may be subject to flooding, landslides, earthquakes, wildland fires; severe winds and storms. Natural hazardous areas are required by the Growth Management Act to be identified in the City's Comprehensive Plan, and mitigation measures will be required for any new development that may be proposed to take place in or near these areas.

3. "Nature preserve" means an area designated to be maintained in an unimproved, natural state.

4. "Necessary" means anything that is deemed by the city of Sultan to be required to meet the needs of the general public.

5. "Net floor area" means the area actually occupied, not including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet rooms, mechanical areas, or other similar features.

6. "New construction" means structures for which the "start of construction" commenced on or after the effective date of this Zoning Code.

7. "Night club" means an establishment that has a capacity for at least 30 persons seated at tables or bar areas and that employs a bartender and maintains table service, dancing, and/or live entertainment for the guests.

8. "Noncombustible material" means any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not burn or glow at or below that temperature.

9. "Nonconforming structure" means a structure that was legally constructed prior to the effective date of this code, but which would not be permitted as a new structure under the terms of this code because such structure is not in conformance with the yard, height, lot coverage, or open space requirements of the zone in which it is located.

10. "Nonconforming use" means a utilization of land or structures or both, legally established prior to the effective date of this code, which would not be permitted as a new use in the zone in which it is located under the terms of this code.

11. "Notify" means to inform by either hand delivery or certified mail (except where otherwise specified) the applicant, his authorized agent or representative or the building and zoning official.

12. "Nuisance" means the use of property or course of conduct that interferes with the legal rights of others which causes damage, annoyance, inconvenience, or tends to injure the health, safety, or morals of the city's residents.

13. Nursery, Plant. See "plant nursery."

14. "Nursing, rest, or convalescent home" means a private facility for the care of three or more children, aged, or infirm persons, or a place of rest for those suffering bodily disorders. Such facility does not contain equipment for surgical care or for the treatment of injury. (See "residential treatment facility.") (Ord. 630 § 2 [16.05.778 – 16.05.804], 1995)

16.150.150 "O" definitions.

1. "Occupancy" means the physical placement of a structure on land, or the utilization of land on a temporary or permanent basis. This includes existing structures built prior to the enactment of this code that do not have authorization by virtue of a valid permit issued.

2. "Office" means a building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

3. "Office park" means a tract of land that has been planned, developed, and operates as an integrated facility for at least three separate office buildings and supporting ancillary uses, with special attention given to circulation, parking, aesthetics, and compatibility.

4. "Off-street parking" means the minimum off-street, on-site parking of vehicles that shall be provided under the terms of this code.

5. "On-site" means located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

5.B. "Open space or greenbelt areas" means delineating areas required by the Growth Management Act for separation of urban areas and rural areas. Open space areas are also delineating by the preservation of critical areas such as stream shorelines and wetlands and their buffers, steep slopes, wildlife habitat areas as new land development takes place. Open space and green belt areas and critical areas are required to be identified in the City's Comprehensive Plan, and mitigation measures will be required for any new development that may be proposed to take place in or near these areas.

6. "Open space, common" means an area within or related to a development, not in individually owned lots or dedicated for public use, but that is designed and intended for the common use and enjoyment of the residents of a development or for the preservation of critical areas per the City's Comprehensive Plan and the requirements of the Growth Management Act.

7. Open Storage. See "storage, open."

8. "Ordinary high water mark" means the mark on all lakes and streams that will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland and vegetation, as that condition exists on the effective date of this title, or as it may naturally change thereafter. In any area where the ordinary high water mark cannot be found, the ordinary high water mark shall be the line of mean higher high tide in areas adjoining saltwater, and the line of mean high water in areas adjoining freshwater.

9. "Ordinary residential improvements" means those structures and facilities which are commonly found with, and are incidental to the development and use of a single-family residence and are located landward of the ordinary high water mark including, but not limited to, garages, decks, driveways and serving utility systems.

9B. "Outdoor recreation facility" means any number of places with or without buildings where physical recreation is made available; examples include golf courses, driving ranges, tennis courts, baseball diamonds, other sports fields, skate board parks, walkways and trails, beaches, picnic areas, dog parks, Frisbee golf courses, sports stadiums, fishing areas, boating facilities, bicycling facilities, swimming pools and water parks, etc.

10. "Outdoor sales" means the selling of any goods, material, merchandise, or vehicles for more than 24 consecutive hours, in an area open to the sky and/or visible from adjacent properties or rights-of-way. The display of said goods, material, merchandise, or vehicle shall, for the purpose of this code, constitute a sale.

11. Outpatient Clinic. See "clinic."

12. "Overlay zone" means a zoning district within which certain uses of land and buildings are permitted and certain uses are prohibited; the certain uses of land and buildings that are permitted may also be permitted or conditional uses as specifically listed in other zones, although in some cases additional

requirements beyond that required by the other zone may be imposed for the overlay zone uses. (Ord. 630 § 2 [16.05.806 – 16.05.830], 1995)

13. "Owner-occupied" means the property owner is the principal occupant of a dwelling unit.

16.150.160 "P" definitions.

1. "Parcel" means a continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons. A parcel may be differentiated from a lot, particularly for tax purposes.

2. "Park, public" means an area that may be improved for the purpose of providing public access in a manner consistent with the preservation of its recreational, educational, cultural, historical, or aesthetic qualities.

3. "Parking lot" means an off-street facility used for the storage or parking of four or more motor vehicles to provide an accessory service to a commercial, industrial, public or residential use on an open-air grass, gravel, or paved surface.

4. "Parking space" means an area of not less than eight and one-half feet wide by 18 feet long, for each automobile or motor vehicle, such space being exclusive of necessary driving aisles, entrances, or exits, and being fully accessible for the storage or parking of permitted vehicles.

5. "Parking structure or garage" means a stand- alone structure used for the storage or parking of motor vehicles. The footprint of a parking structure will be included in the calculation of lot coverage.

6. "Performance guarantee" means a financial device to insure that all improvements, facilities, or work required by this Zoning Code will be completed in compliance with the approved plans and specifications of a development.

7. "Permit" means any license, certificate, approval, or other entitlement for use granted by any public agency.

8. "Person" means any individual, organization, partnership, association, corporation, or other entity, including any utility, the city of Sultan, the governments of Snohomish County or the state of Washington, the government of the United States, any department, agency, board, authority, or commission of such governments, and any officer or governing or managing body of any of the foregoing.

9. "Personal service" means beauty parlors, shops or salons; barbershops; weight reducing studios; fitness centers; health spas; business establishments that provide electrolysis; manicures; massage therapy, and similar services for individuals.

10. "Physical or natural sciences" means one of the sciences dealing with inanimate matter or natural resources. For the purposes of this code, this term shall include, but not be limited to, foresters, geographers, ecologists, biologists, wildlife biologists, fisheries biologists, geologists, engineers, architects, landscape architects, soil scientists, horticulturists and agronomists.

11. "Planning commission" means the planning board of the City of Sultan.

12. "Plant communities" means a natural association of plants that are dominated by one or more prominent species.

13. "Plant nursery" means an enterprise, establishment, or portion thereof that conducts the retailing or wholesaling of plants grown on the site, as well as accessory items (but not farm implements) directly related to plant care and maintenance. The accessory items normally sold include items such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels.

14. "Plat" means a map indicating boundaries or property lines of subdivided lots as addressed in SMC Title 19.

15. "Plat, final" means that map, plan, or layout of a subdivision of land as addressed in SMC Title 19.

16. "Plat, preliminary" means an approximate drawing showing the layout of a proposed subdivision as addressed in SMC Title 19.

17. "Plot" means a parcel of ground containing more than one lot upon which a building and its accessory buildings have been or may be erected.

18. "Potable water" means water that is intended for drinking, cooking, or domestic purposes, subject to compliance with state or federal drinking water standards.

19. "Premises" means land and all buildings and structures thereon a single lot.

20. "Preschool facility" means an educational center or establishment, including a kindergarten, that provides primarily instruction, supplemented by daytime care, for four or more children between the ages of two and five years, and which operates on a regular basis.

21. "Preserve areas" means areas restricted for the protection and preservation of natural or cultural resources.

22. "Primary association" means a habitat area by critical species for rearing young, roosting, feeding, or foraging on a regular basis during the appropriate season.

23. Principal Building. See "building, principal or main."

24. Principal Use. See "use, principal."

25. "Private" means noncommercial use by the occupant and guests of the occupant.

26. "Private clubs" means organizations that are privately owned and operated by their members and not operated for profit, and which maintain recreational, dining, and/or athletic facilities for the exclusive use of the members and their guests and uses accessory or incidental thereto.

27. Private Garage. See "garage, private."

28. "Private parking" means parking facilities for the noncommercial use of the occupant and guests of the occupant, which includes garages and carports as long as dimensional requirements of off-street parking are met.

29. "Private road" means that easement or parcel created to provide the access from a city road to short platted lots, the maintenance of which is to be the responsibility of the lot owners.

30. "Professional office" means the office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an art founded thereon.

31. "Professional service" means the conduct of business in any of the following related categories: advertising, architecture, landscape architecture, engineering, planning, law, medicine, music, art, interior design, dentistry, accounting, insurance, real estate, finance and securities investments, and any similar type business.

32. "Public agency" means the government of the United States, the governments of the state of Washington, Snohomish County, the city of Sultan, or any department, agency, board, authority, or commission of these governments, and any officer or governing or managing body of any of the foregoing.

33. "Public assembly, place of" means any area, building or structure where large numbers of individuals meet or collect to participate or to observe programs of participation. Places of public assembly shall include theaters, auditoriums, gymnasiums, stadiums, houses of worship, or comparable facilities.

34. "Public building" means any building held, used, or controlled exclusively for public purposes by any department or branch of government without reference to the ownership of the building or of the realty upon which it is situated.

35. Public Garage. See "garage, public."

36. "Public improvement" means any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as vehicular and

pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility, and energy services.

37. "Public notice" means the legal advertisement given of an action or proposed action of the city of Sultan or its designee.

38. "Public use" means the use of any land, water, or building by a public agency for the general public, or by the public itself.

39. "Public utility" means any person, firm, corporation, governmental department, or board, duly authorized to furnish under government regulations to the public, electricity, gas, communications, transportation, or water. (Ord. 1145-12 §§ 11 – 13; Ord. 630 § 2 [16.05.832 – 16.05.912], 1995)

16.150.170 "Q" definitions.

1. "Quarrying and associated activities" means operations that primarily involve surface mining or quarrying of nonmetallic minerals such as dimension stone, crushed and broken stone, including riprap, and sand and gravel pits. Primary preparation plants of quarried material for construction and other special uses are also included in this definition. (Ord. 630 § 2[16.05.914], 1995)

16.150.180 "R" definitions.

1. "Ramps" means structures (usually paved surfaces) that facilitate the placement into or removal from the water of small boats capable of being carried on a trailer which is pulled by another vehicle.

1B. "Recovery home" means a single-family dwelling occupied by people recovering from substance addictions or addictive behaviors; the residents may be under supervision but are operating as a family household. See "group home" and "family."

2. "Recreation areas or facilities" means any privately or publicly-owned passive or active park, playground, sports field, access easement, beach, or other recreation area. All recreation areas, facilities, and equipment provided and constructed shall meet the minimum requirements of the Consumer Product Safety Guidelines for Public Playgrounds and the American Society for Testing and Materials F1487.

3. "Recreational vehicle" means a vehicular-type unit primarily designed for recreational, camping, or travel use, that has either its own motive power or is mounted on or drawn by another vehicle. The basic types of recreational vehicles include, but are not limited to, travel trailer, camping trailers, truck campers, motor homes, boats, all-terrain vehicles (ATVs), motorcycles and jet skis.

4. "Recreation vehicle park" means land under unified control and single ownership designed and improved to accommodate the temporary parking of two or more recreation vehicles. The term shall include campgrounds when designed to accommodate travel trailers, but does not include land zoned and used for the display or sale of travel trailers. For the purpose of this definition, "temporary parking" shall mean placement of a recreation vehicle on a single site for 180 days or less in any 12-month period.

5. "Related project" means any project that is existing, under construction, or for which permits have been sought; an impact or impact of which may add to or change an impact or impacts of a development proposal under consideration. A related project need not be owned or operated or operated in common with the development proposal under consideration.

6. "Remediation" means the cleanup and restoration of groundwater to some acceptable level.

7. "Requirements (water quality)" means a set of predetermined distances (setbacks), design criteria and materials, and other groundwater protection measures such as disallowing the use of drywells, etc.

8. Residence. See "dwelling."

9. "Residential care facility" means a facility that provides both a residence (for varying periods of time) and a care component. Among such facilities are group care homes, emergency or homeless shelters (including victims of violence or domestic abuse), recovery homes, and nursing homes/rest/ convalescent homes, and orphanages. In such a facility service, equipment, and safety features necessary for the proper care of residents is normally provided. Such services may include:

a. Supervision and assistance in dressing, bathing, and in the maintenance of good personal hygiene;

b. Care in emergencies or during temporary illness, usually for periods of one week or less;

c. Supervision in the taking of medication; and

d. Other services conducive to the residents' welfare.10. "Residential use" means use of land or structure thereon, or portion thereof, as a dwelling place for one or more families or households, but not including occupancy of a transient nature such as in hotels, motels, or time-sharing condominium uses.

11. "Resort" means a hotel that serves as a destination point for visitors. A resort generally provides recreational facilities for paying guests on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals.

12. Rest Home. See "nursing, rest, or convalescent home."

13. Restaurant. See "retail food establishment."

14. "Retail food establishment" means any fixed or mobile place or facility at or in which food or beverages are offered or prepared for retail sale or for service. The definition includes restaurants, fast food restaurants, carry-out restaurants, drive-in restaurants, and catering services as follows. A cafeteria that is open to the general public and is not associated with a school, hospital, or other similar public or quasi-public institution shall be deemed a restaurant for purposes of the Zoning Code.

a. "Restaurant" means an establishment whose primary business is the sale of food and beverages to patrons for consumption on the premises and whose method of operation includes any of the following:

i. Patrons place their order at their table from which displays (menus) describe the food and beverage available to them.

ii. Preparation, service and consumption of food and beverages takes place within a completely enclosed building, accommodating at least 50 percent of the establishment's permitted seating capacity.

iii. Outside table dining is permitted in areas permanently designated for such use, and shall not exceed 50 percent of the establishment's permitted seating capacity, shall be in keeping with the exterior architectural theme of the building, and in no way shall permit the consumption of food or beverages within automobiles.

iv. Food and beverages are regularly served to patrons while seated at their table by an employee of the establishment.

b. "Fast food restaurant" means any establishment whose principal business is sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes any of the following characteristics:

i. Food and beverages are ordered from a limited menu posted in sign form within the primary food service building or on the premises.

ii. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

iii. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

iv. The kitchen is in excess of 50 percent of the total floor area.

c. "Drive-in restaurant" means any establishment where provision is made on the premises for the sale of foods, frozen desserts or beverages to the consumer in automobiles or primarily within a completely enclosed building accommodating at least 90 percent of the establishment's permitted seating capacity and whose design, method of operation, or any portion of whose business includes any of the following characteristics:

i. Food and beverages are ordered from a limited menu posted in sign form within the primary food service building or on the premises.

ii. Foods, frozen desserts, or beverages may be served directly to the customer in a motor vehicle by any means that eliminates the need for the customer to exit the motor vehicle.

iii. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is permitted.

iv. The kitchen is in excess of 50 percent of the total floor area.

v. A restaurant that provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant for purposes of the Zoning Code.

d. "Carry-out restaurant" means any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes any of the following characteristics:

i. Food and beverages are ordered from a limited menu posted in sign form within the primary food service building or on the premises.

ii. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

iii. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

iv. The kitchen is in excess of 50 percent of the total floor area.

e. "Catering service" means any establishment whose principal business is the sale and delivery of food, beverages, and services to the customer in a ready-to-consume or near ready-to-consume state. Catering services may operate as a home occupation. Hotel food service operations and restaurants may operate catering services in conjunction with the hotel and restaurant uses.

15. "Retail sales area" means the area in square feet devoted exclusively for the sale or display of goods or commodities.

16. "Retail trade" means establishments primarily engaged in providing finished products to individual consumers. Retail trade establishments may include, but are not limited to, apparel, books, groceries, camera shops, convenience stores and automobile service stations.

17. "Retirement home" means a place of residence for several families or individuals in apartment-like quarters, which may feature services such as limited nursing facilities, minimum maintenance living accommodations and recreation programs and facilities.

18. "Right-of-way" means a street, alley, or other thoroughfare or easement, whether physically accessible or not, that has been permanently established or dedicated for the passage of persons or vehicles. Title to this land remains with the public or private agency until the need no longer exists.

19. "Riparian wetlands" means those wetlands that:

a. Are located within 100 feet of the ordinary high water mark of a river or stream and are not hydrologically isolated from the river or stream; or

b. Are within or continuous to any 100-year floodplain of a river or stream.

20. "Road, private" means an easement or parcel created to provide access from a right-of-way to a lot, the maintenance of which shall be the responsibility of the lot owners having access thereto.

21. Roadway. See "street, public."

22. Rooming house. See "lodging house." (Ord. 786-02 § 2; Ord. 630 § 2[16.05.916 – 16.05.958], 1995)

22B. Row house. See "townhouse".

16.150.190 "S" definitions.

1. "Salmonid" means a member of the fish family salmonidae including chinook, coho, chum, sockeye, and pink salmon; rainbow, steelhead, searun cutthroat, cutthroat trout, brown and bull trout; brook and Dolly Varden char; kokanee and whitefish.

2. Sanitarium. See "hospital."

3. "Scenic corridor" means any strip of land adjacent to public roadways that is visible to the motoring public and has natural aesthetic significance.

4. "Scenic easement" means an easement, the purpose of which is to limit development or protect a view or scenic area.

5. "School" means a place for systematic instruction in any branch or branches of knowledge.

6. "School, elementary" means any school, public or private, intended for the education of children from kindergarten through the fifth grade.

7. "School, high" means any school, public or private, intended for the education of children from the ninth through the twelfth grade.

8. "School, middle" means any school, public or private, intended for the education of children from the sixth through eighth grade.

9. "Schools, other" means places for systematic instruction, to include college, trade, vocational/technical, art, music, dance, and business schools or similar type educational institutions.

10. "Screening" means a device or materials used to conceal adjacent land or development. Screening may include walls, berms, or vegetation that must be of sufficient density to block the view of adjacent land or development from either side of the screen. The screen, if vegetative, shall be planted and maintained to completely block the view of adjacent land or development after 12 months. The screen shall be maintained or constructed at such a density as to block the view to adjacent properties.

11. "Seasonal parking facility" means a parking lot not employed for the regular needs of a business but used for a community celebration or festival, a fair, or other seasonal activity. It includes specifically a parking lot to provide parking and shuttle service to an athletic event, or for recreational activity such as skiing, rafting or fishing. To be a seasonal parking facility a parking lot may not be used for the permitted activity more than 30 days in a calendar year.

12. "Seating capacity" means the actual number of people that can be accommodated in an area based upon the number of seats, or one seat per 20 inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined by the building code of the city of Sultan.

13. Self-Service Laundry. See "laundromat."

14. "Setback" means the horizontal distance between the front line, sideline, or rear line of the building site to the front, side, or rear of the building or structure, respectively. Setbacks shall be measured perpendicular to and parallel with property or right-of-way lines. Where any building or structure is not built parallel to any property line, the setback distance shall be measured perpendicular from that part of the building or structure which is closest to the relevant property line. The front, rear and side yard setbacks established for the various uses in the different zoning districts in this code are the lines beyond which no part of a building may project, except as may be otherwise provided in this code.

15. Shallow flooding, ,area of. See "area of shallow flooding."

16. Shelter, emergency. See "residential treatment facility."

16B. Shelter, homeless. See "residential treatment facility."

17. "Shopping center" means a group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed as an operating unit related in its location, size and type of shops to the trade area which the unit serves.

18. "Short plat" means the map or representation of a short subdivision as addressed in SMC Title 19.

19. "Short subdivision" means the division or redivision of land as addressed in SMC Title 19.

20. "Sidewalk" means that portion of a transition strip improved for pedestrian traffic in accordance with standards fixed by the city engineer. "Transition strip" means that portion of the public street abutting a tract of land lying between the traveled portion of the street and the property lines.

20.B. "Sight clearance triangle" means an area at the intersection of streets, alleys, and driveways that must be kept free and clear of visual obstructions which impair the safety of moving vehicles turning through such intersections. (See "sight clearance triangle" standards elsewhere in the Sultan Municipal Code for precise dimensions that must be kept free and clear of visual obstructions.)

21. "Sign" means anything whatsoever placed, erected, constructed, posted, or affixed in any manner on the ground or to any post, fence, building, or structure for out-of-doors advertising, but not including devices, structures or representations installed by any governmental authority.

22. "Sign, business" means a sign that directs attention to a business, commodity, service or activity conducted or offered upon the premises where the sign is located.

23. "Sign face" means the portion of a sign that is or may be used for copy.

24. "Sign, gross area" shall be the entire area within a single continuous perimeter enclosing the extreme limits of such a sign. However, such perimeter shall not include any structural elements lying outside the limits of such a sign and not forming an integral part of the display.

25. "Sign, ground" means a sign supported by uprights or braces placed on or in the ground and not attached in any manner to a building or structure.

26. "Sign, group" means a sign or signs on one sign structure serving two or more businesses sharing a parking facility.

27. "Sign, identification" means a sign on the premises bearing the name of a residential development, the name of a group housing project or of a school, college, park, church or other public or quasi-public facility, or a professional or firm nameplate, and bearing information identifying, but not describing occupancy of the premises on which such sign is located.

27.B. "Sign, marquee" means a sign that projects from the building, usually over the sign walk, on a building canopy and that is most commonly used with many lights to display cinema showings and theater performances. See also "canopy" and "marquee."

28. "Sign, occupancy" means a sign on the premises bearing the name or address of the piece of property, the name of the owner or resident, and/or any permitted home occupation, and bearing information pertaining only to the premises on which such sign is located.

29. "Sign, outdoor advertising" means any card, cloth, paper, metal, painted, glass, wooden, plaster, stone, or other sign of any kind or character, placed for outdoor advertising purposes on the ground or on any tree, wall, rock, post, fence, bush, building, structure, or thing whatsoever. The term "placed" as used in the definition of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing, or making visible in any manner.

30. "Sign, projecting" mean a sign other than a wall sign that is attached to and projects from a building.

31. "Sign structure" means any construction used or designated to support a sign.

32. "Significant natural area" means land and/or water areas of major environmental value, including fish or wildlife habitat areas, valuable biological or natural productivity areas, and unique or fragile ecological units or ecosystems that require special treatment and protection.

33. "Single-family detached dwelling(s) (clustered)" shall mean a single-family detached dwelling permitted in clustered development as a conditional use in certain designated zones of the city.

34. Single-Family Dwelling. See "dwelling, single-family."

35. "Single owner" means a person who or entity which alone has legal or equitable title to any property in question.

36. "Site plan" means a graphic and textual presentation of a development proposal in accordance with the appropriate sections of this Zoning Code.

37. "Slaughterhouse" means an establishment where animals are butchered for market.

38. "Slum" means a building or area that is deteriorating, hazardous, unsanitary, or lacking in standard facilities, including electricity, potable water and sanitary sewerage facilities. See "blight."

39. "Small animal husbandry (commercial)" means the raising of mink, fox, nutria, rabbits, pigs, sheep, goats, chickens, turkeys, guinea hens and similar small animals and fowl not for the primary consumption of or used by the occupants of the premises.

40. "Small animal husbandry (noncommercial)" means the raising of small animals for the primary consumption of or used by the occupants of the premises.

41. "Soil" means the surface layer of the earth, supporting plant life.

42. "Soil removal" means removal of any kind of soil or earth matter, including top soil, sand, gravel, clay, rock or similar materials or combination thereof, except common household gardening.

43. "Sole source aquifer" means an area so designated by the Environmental Protection Agency.

44. Special Flood Hazard, Area of. See "area of special flood hazard."

45. "Spill" means the unpermitted release or escape of a regulated substance directly or indirectly to soils, surface waters, or groundwater's.

46. "Standards (groundwater)" means standards established by EPA regulations and/or state of Washington regulations, which are represented by health-based numbers such as the maximum contaminant levels (MCL).

47. "Storage, open" means the safekeeping of any goods or products in an unoccupied space, open to the sky, for eventual removal not expected within 72 hours or for continuous replacement by same or similar goods or products.

48. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered a story.

49. "Story, first" means the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story; provided, such floor level is not more than four feet below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than eight feet below grade, as defined herein, at any point.

50. "Stream" means those areas where naturally occurring surface waters flow sufficiently to produce a defined channel or bed which demonstrates clear evidence of the passage of water including, but not limited to, bedrock channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not contain water during the entire year. This definition does not include watercourses which were created entirely by artificial means, such as irrigation ditches, canals, roadside ditches or storm or surface water runoff features, unless the artificially created watercourse contains salmonids or conveys a stream that was naturally occurring prior to the construction of the artificially created watercourse.

51. Street Intersection. See "intersection."

52. "Street line" means the dividing line between any street, road or other thoroughfare and the adjacent lots.

53. "Street, public" means a street affording the principal means of access to abutting property, and dedicated to or maintained by the city of Sultan, Snohomish County, or the state of Washington, affording the principal means of access to abutting property and with a right-of-way or easement.

54. "Structural alteration" means any material or dimensional changes in the structural elements of a building such as bearing walls, columns, beams, and roofs.

55. "Structural trim" means the molding, battens, capping, nailing strips, latticing, and platforms that are attached to a sign structure.

56. "Structure" means anything constructed or erected that requires permanent location on the ground or attachment to something having location. A building is always a structure; a structure may or may not be a building. (For the purposes of this code, the term "structure" shall not be construed to include any roadway, driveway, at-grade paved parking lots, parking garages, patio or courtyard, or any other paved surface, or swimming pool.)

56B. "Subordinate" means incidental to and less than half the size in building square footage as the principal use.

57. "Subdivision" means a division of land into lots, tracts, or other divisions as addressed in SMC Title 19. The word includes formal subdivisions of previously subdivided land. The word includes both short subdivision and formal subdivisions as defined in Chapter 58.17 RCW.

58. Substantial Expenditure. With regard to projects that have been approved for development under the terms of this code, "substantial expenditure" shall constitute at least 10 percent of the total, expected cost to complete the project as it was approved. The total expected cost shall be derived from the cost figures used in the application for the building permit for the project, less the cost of the land.

59. "Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during the life of a structure, in which the cumulative cost equals or exceeds 50 percent of the assessed value of the structure. 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.

60. "Surface water" means waters that flow over the land surface and frequently interact with groundwater.

61. "Swimming pool" means any in-ground or above-ground structure designed for swimming, wading or other aquatic recreational purposes and may be located either inside a building or outdoors. (Ord. 1145-12 §§ 14, 15; Ord. 780-02 § 15; Ord. 765-01 § 13; Ord. 630 § 2[16.05.960 – 16.05.1074], 1995)

16.150.200 "T" definitions.

1. "Tattoo parlor" means an establishment that provides the services to create an indelible mark or figure fixed upon the surface of the body by the insertion of pigment under the skin with practitioners certified and licensed by the State of Washington.

2. "Tavern" means a building where beer and/or wine is served to the public, which holds a class "A" or "B" license from the Washington State Liquor Control Board.

3. "Technical review" means that review meeting conducted by the Director(s) or the Zoning Administrator with the applicant and other personnel, when all reports, studies and other information are completed to inform the applicant of mitigation measures with which he or she may have to comply to receive preliminary plat approval.

4. "Temporary building or structure" means a building or structure not having or requiring permanent attachment to the ground or to other structures which have no required permanent attachment to the ground.

5. "Theater" means a building or part of a building, devoted to showing motion pictures, or for dramatic, musical, or live performances.

6. "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.

7. "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.

8. "Topography" means the drawing accurately on a map, lines that represent particular and consistent elevation levels on the land area depicted on said drawing; also, the actual physical surface's relief characteristics.

9. "Tour bus lot" means a paved parking area provided at hotels, various shopping areas, and tourist attractions for the accommodation of tour buses. Each parking space for a tour bus shall be 12 feet wide and 50 feet long, with appropriate additional space to accommodate all turning and maneuvering needs in a safe and efficient manner. A tour bus lot shall not be construed to include the overnight parking and/or storage for these vehicles, nor shall this definition include the cleaning or maintenance area for tour buses.

10. "Tower" means any structure whose principal function is to support an antenna, or has been built to store water or to provide air traffic control services, or is used in the recreational activity known as "bungee jumping."

11. "Townhouse" means a dwelling unit designed exclusively for occupancy by one family, no portion of which lies vertically under or over any portion of an adjacent unit, is two or more stories, and which is attached to one or more other dwelling units by common walls which may be located on side lot lines.

12. "Tract" is used interchangeably with the term "lot," or "block" particularly in the context of subdivisions, where one "tract" may be subdivided into several lots or blocks.

13. "Trailer" means a separate vehicle, not driven or propelled by its own power, but drawn by some independent power; to include any portable or movable structure or vehicle including trailers designed for living quarters, offices, storage, or for moving or hauling freight, equipment, animals, or merchandise of any kind, including boats, boat trailers, jet skis, half- tracks, snowmobiles, and the like.

14. "Travel trailer" means a vehicle with or without motor power primarily designed as temporary living quarters for recreational, camping, or travel use, and in which the plumbing, heating, and electrical systems contained therein may be operated without connection to outside utilities, being of such size or weight as not to require a special highway movement permit. The term shall include recreational vehicles, motor homes, and truck campers.

15. "Trip" means a single or one-way vehicle movement.

16. "Trip end" means the origin or destination of a trip. Each trip has two ends that constitute a two-direction vehicle movement at the origin or destination of the trip.

17. "Trip generation" means the total number of trip ends produced by a specific land use or activity.

18. Trim. See "structural trim." (Ord. 700-99 § 1; Ord. 630 § 2[16.05.1076 – 16.05.1110], 1995)

16.150.210 "U" definitions.

1. "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 and which can be classified by the degree of steepness of a sloping area. See also "natural hazards."

2. "Use" means the purpose that land or structures now serve or for which it is occupied, maintained, arranged, designed or intended.

3. Use, Accessory. See "accessory use."

4. Use, Agricultural. See "agriculture."

5. Use, Commercial. See "commercial use."

6. Use, Nonconforming. See "nonconforming use."

7. "Use, principal" means the main use of land or buildings as distinguished from a subordinate or accessory use.

8. "Use, temporary" means a use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

9. "Utilities easements" means rights-of-way that may be used by public utilities, including, but not limited to, electricity, water, natural gas, sewer, telephone, and television cable for the construction, operation, maintenance, alteration, and repair of their respective facilities. (Ord. 630 § 2 [16.05.1112 – 16.05.1128], 1995)

16.150.220 "V" definitions.

1. "Variance" means a modification of the terms of the Zoning Code to a particular piece of property which, because of special circumstances, is deprived of privileges enjoyed by other properties of the same zone and which modification remedies the disparity in privileges.

2. "Vehicle" means any self-propelled conveyance designed for and used for the purpose of transporting or moving persons, animals, freight, merchandise, or any substance, and shall include passenger cars, trucks, buses, motorcycles, scooters, and recreational vehicles.

3. "Vehicular use 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 internal traffic circulation areas, loading and unloading areas, and parking areas.

4. "Veterinary hospital or clinic" means a building used to provide health care services to animals.

5. "Video sales and rental" means commercial establishments engaged in the sale and rental of video equipment, tapes and accessories for home entertainment.

6. "Vulnerability" means the degree to which groundwater may become contaminated depending on the local hydrogeologic characteristics and amounts of potential groundwater contaminants present. (Ord. 630 § 2[16.05.1130 – 16.05.1140], 1995)

16.150.230 "W" definitions.

1. Wall, Breakaway. See "Breakaway wall," SMC 17.08.050.

2. "Warehouse" means a building used primarily for the storage of goods and materials.

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

4. "Water park" means a commercial recreational facility that contains a variety of water-oriented activities such as, but not limited to, water slides and swimming pools. Such facilities may be found in association with a larger recreational activity.

5. "Water table" means the surface between the vadose zone and the groundwater, that is the surface of a body of unconfined groundwater at which the pressure is equal to that of the atmosphere.

6. "Watercourse" means a channel, natural or manmade, through which water flows either continuously or intermittently.

7. "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.

8. "Wetland class" means any of the wetland class designations described in Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al. 1979). Cowardin's deep water and wetland classes include: rock bottom, unconsolidated bottom, aquatic bed, reef, rocky shore, unconsolidated shore, emergent wetland, scrub-shrub wetland, forested wetland, stream-bed and moss-lichen wetland.

9. "Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas, as well as artificial wetlands intentionally created from nonwetland areas to mitigate for conversion of wetlands, as permitted by the county. Wetlands do not include those artificial wetlands intentionally created form nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined or biofiltering swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscaping amenities.

10. "Wholesale (trade)" means the sale of goods or commodities usually in bulk or large quantities and usually at a lower cost to a retailer for resale. Such sales activity takes place in establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

11. "Working days," within the framework of the Zoning Code, the term "working days" is used as the unit of measure by which either the applicant/developer or a City of Sultan agency must complete a specified action. "Working days" refer to all days of the week, except Saturdays, Sundays, all official city of Sultan holidays, as opposed to calendar days that refer of all days in a week, month, or year. (Ord. 630 § 2[16.05.1142 – 16.05.1162], 1995)

16.150.240 "X" definitions.

(Reserved).

16.150.250 "Y" definitions.

1. "Yard" means an open space of generally uniform width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. All yards adjacent to public street rights-of-way shall be front yards as noted below.

2. "Yard, front" means a yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building. In the case of a "corner lot" with two front yards, one front yard will be designated for only half the front yard setback requirements, depending on principal building or lot access or narrowest width of the lot as determined by the Zoning Administrator.

3. "Yard, rear" means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building. A "through lot" will not have a rear yard or a rear yard setback requirement but will instead have two front yards and front yard setback requirements.

4. "Yard, side" means a yard between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot line, as the case may be, except that on a corner lot, the side yard adjacent to a street shall extend the full depth of the lot. (Ord. 630 § 2[16.05.1164 – 16.05.1170], 1995)

16.150.260 "Z" definitions.

1. "Zero lot line dwelling" means a residential development approach in which a single-family dwelling is sited on one or more lot lines with no yard area along these lot lines. Conceivably, three of the four sides of the building could be on the lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot. Zero lot line homes may only be built within the context of a zero lot line development. 1B. "Zero lot line development" means a residential development of a minimum of eight units of zero lot line dwellings constitute such a development.

2. "Zone" means an area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established.

2.B. "Zoning administrator" the officer designated by the city of Sultan to enforce and administer the Zoning Code, or his or her duly authorized representative.3. Zoning District. See "district, zoning." (Ord. 630 § 2[16.05.1172 – 16.05.1176], 1995)

Chapter 17.10
CRITICAL AREAS REGULATIONS (CAR)

Sections:

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17.10.305 Designation and mapping of geologically hazardous areas.
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17.10.335 Minimum required application submittals.
17.10.340 Review to determine compliance with engineering practice and best availablescience.
17.10.345 Critical area report requirements for geologically hazardous areas.
17.10.350 Issuance and denial of permits.
17.10.355 Designation of "modified slope standard developments."
17.10.360 Alteration of landslide hazard areas in modified slope standard developments.
17.10.365 Studies and reports required for modified slope standard development applications.
17.10.370 Review to determine compliance with engineering practice and best available science in modified slope standard developments.
17.10.375 Declarations, disclosures, covenants and waivers.
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17.10.385 Site access, professional/special inspection, monitoring during construction and final geotechnical report for development and residential construction in modified slope standard developments.
17.10.390 Reasonable use.

17.10.300 Purpose of regulations.

A. The threat to public health and safety presented by geologically hazardous areas is increased when improper and incompatible development is sited in these areas. Such incompatible development may not only place itself at risk, but also may cause or increase the hazards to surrounding development and land uses. The purpose of this chapter is to designate geologically hazardous areas and to regulate development activities in or near geologic hazard areas to safeguard the public health, safety and welfare.

B. Several geologic conditions influence development on or adjacent to slopes including: slope inclination, soil types, underlying geology, groundwater and seepage, surface water runoff and vegetative cover. If such a site can be sufficiently stabilized through the construction of professionally-engineered on-site improvements, the city may be able to review and issue development permits. This chapter establishes

the process by which the city may review proposed improvements whose purpose is to stabilize soils and facilitate subsequent development permit review.

C. It is the intent of this code that development in areas subject to geologic hazards shall be evaluated based on its impacts on the surrounding terrain and geological conditions, not in isolation. Management of the entire natural and man-made systems should be considered during the development review process. (Ord. 1210-15 § 1; Ord. 1197-14 § 1)

17.10.305 Designation and mapping of geologically hazardous areas.

A. Geologically hazardous areas are landforms characterized by steep slopes and/or susceptibility to landslides, earthquakes or other geological processes. Properties containing landforms exhibiting one or more of the characteristics presented in subsection (C) of this section are hereby designated as geologically hazardous areas and shall be subject to the provisions of this chapter.

B. The approximate location and extent of geologically hazardous areas are shown on the city's critical area maps within the comprehensive plan environmental element and/or on the Snohomish County Buildable Lands Report. These maps shall be used as a guide for the city, applicants and/or property owners, and may be updated as new critical areas are identified. They do not provide a definitive critical areas designation.

C. Areas susceptible to one or more of the following types of hazards shall be designated as geologically hazardous areas:

1. Landslide hazard areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors. Landslide areas include areas with any one or more of the following characteristics:

a. Areas of known landslides, earth movement, or containing evidence of past landslides or earth movement;

b. Slopes that are parallel or sub-parallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;

c. Areas potentially unstable because of stream incision and stream bank erosion, or in a stream's channel migration zone;

d. Areas that are underlain or covered by mass wastage debris or landslide materials;

e. Any area with a slope of 40 percent or steeper and a vertical relief of 10 or more feet and is greater than 1,000 square feet in area, except areas composed of consolidated rock and properly engineered manmade slopes/retained fill;

f. Any areas where the subsurface soils, below five feet in depth, have less than 10 blows/foot ($n<10$) with a Standard Penetration Test (SPT) ASTM D1586-11; therefore, the soil would be described as very loose, loose, very soft, soft, or medium stiff.

2. Areas that have all of the following characteristics:

a. Slopes steeper than 15 percent except that slopes of less than 15 percent may be considered landslide hazard areas if they have unstable soil and drainage characteristics;

b. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and

c. Wet season springs or ground water seepage.

3. Seismic hazard areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. Settlement and soil liquefaction conditions occur in areas underlain by cohesionless, loose, or soft-saturated soils of low density, typically in association with a shallow ground water table. Also including any areas where the subsurface soils, below five feet in depth, have less than 10 blows/foot (n<10) with a Standard Penetration Test (SPT) ASTM D1586-11, therefore the soil would be described as very loose, loose, very soft, soft, or medium stiff. (Ord. 1210-15 § 1; Ord. 1197-14 § 1)

17.10.310 General provisions.

A. Alteration of geologically hazardous areas and buffers shall be prohibited except as expressly allowed in this chapter. The city may approve, condition or deny proposals based on the degree to which risks posed by geologically hazardous areas to public and private property and to health and safety can be mitigated. In an individual case, conditions may include limitations of or on proposed uses, density modification, alteration of site layout and other changes to the proposal determined appropriate by the director to effectively contribute to risk mitigation.

B. Where the director determines that potential significant adverse impacts cannot be effectively mitigated, or where the risk to public health, safety and welfare, property, or important natural resources is significant notwithstanding mitigation, the proposal shall be denied. The burden of proof shall be on the applicant.

C. The construction of professionally designed structures addressing the risks of earth movement, and employing feasible attendant measures (including but not limited to drainage improvements, specially designed foundations, retaining walls, removal of overburden and other improvements designed to minimize the risk of earth movement, prevent avoidable damage to structures, safeguard adjacent properties, limit risk to inhabitants, and to stabilize the structure in the event of movement) may mitigate and reduce the risk of earth movement on individual properties. Nothing herein shall relieve an owner of any obligation imposed by the state building code or city ordinance to take all reasonable and practical measures available to reduce or eliminate the risk or hazard.

D. The International Residential Code (IRC), and the International Building Code (IBC), as promulgated by the state of Washington and required to be adopted by the city, does not specify a standard regarding lot stability. The provisions of this chapter have been adopted in order to provide reasonable certainty in the permit issuance process. The purpose of these provisions is not to lessen the minimum requirements of the current adopted building code, but rather to define its requirements for city implementation.

E. These provisions were adopted in order to establish a policy that permits shall not be issued for any site where a substantial risk of earth subsidence and landslide hazard exist unless all the following apply:

1. The risks can be defined with reasonable scientific certainty according to the standards of the geotechnical engineering profession and found to be within the minimum factor of safety for the static and seismic conditions of at least 1.5 and 1.15 respectively.

2. Any hazard associated with the site is scientifically ascertained and fully disclosed through the permit process.

F. Notwithstanding any contrary provision of this chapter or the IRC/IBC, all applications for permits received for any site shall be governed by the provisions of this chapter. In addition to all other requirements of these sections, the restrictions and provisions of this chapter shall apply to all building, grading, fill and excavation permits (herein "permits"). Minor permits such as plumbing, mechanical, re-roof and interior alterations are exempt from the requirements of this chapter.

G. Nothing in this chapter should or shall be interpreted to guarantee issuance of a permit with respect to any site unless the requirements of this chapter, and the requirements of the IRC/IBC as amended and interpreted by this chapter, have been met.

H. No Special Duty Created.

1. It is the purpose of this chapter to provide for the health, welfare and safety of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this chapter. No provision or term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers, agents, or employees for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

2. Nothing contained in this chapter is intended to be, nor shall be, construed to create or form the basis of any liability on the part of the city or its officers, agents, and employees for any injury or damage resulting from the failure of any person to comply with the provisions of this chapter or be a reason or a consequence of any inspection, notice, or order, in connection with the implementation or enforcement of this chapter or by reason of any action of the city related in any manner to enforcement of this chapter by its officers, agents, or employees. (Ord. 1210-15 § 1; Ord. 1197-14 § 1)

17.10.315 Applicability.

This chapter contains two sets of standards that apply to different land development circumstances. The following provisions of this chapter, geologically hazardous areas, apply to the following development circumstances:

A. Subdivisions, short subdivisions, and planned unit development, approved between October 26, 2006, and the effective date of this code are designated as "modified slope standard developments." Slope alteration and construction for residential purposes in modified slope standard developments are addressed in SMC 17.10.355 to 17.10.385 and are not subject to SMC 17.10.325 and 17.10.330.

B. Subdivisions, short subdivisions, and planned unit development, approved prior to October 26, 2006, and long plat subdivisions and short plats approved after the effective date of this code, and all individual parcels not included in approved long plat subdivisions or short plats approved between October 26, 2006, and the effective date of this code, are subject to this chapter, excluding all sections that specifically provide standards for "modified slope standard developments." (Ord. 1210-15 § 1; Ord. 1197-14 § 1)

17.10.320 Definitions.

The following terms, when used within this chapter, shall have the following definitions:

A. "Alteration" shall mean modification of soil or vegetation by any means including mechanical, chemical application, or hand work, in any area designated, or having the potential to be designated as a geologically hazardous area under the provisions of this chapter.

B. "Architect" shall mean a person licensed to practice architecture by the state of Washington.

C. "Best available science" shall be determined in accordance with the criteria established in WAC 365-195-900 et seq.

D. "Building official" shall mean the building official of the city of Sultan.

E. "Director" shall mean the community development director or his or her designee.

F. "General contractor" shall mean a bonded, insured and registered contractor in the state of Washington. A general contractor shall maintain state-required bonding and shall carry general liability insurance in the minimum amount of $1,000,000. The general contractor shall have a current valid state contractor's license with the state of Washington and a city of Sultan resident or nonresident business license, whichever is applicable.

G. "Geologically hazardous area(s)" shall mean landforms exhibiting one or more of the characteristics presented in SMC 17.10.305(C).

H. "Geologist" means a practicing geologist licensed in the state of Washington as a licensed geologist in responsible charge, including experience with landslide evaluation.

I. "Geotechnical engineer" means a practicing geotechnical/civil engineer licensed as a professional civil engineer in the state of Washington as a geotechnical engineer in responsible charge, including experience with landslide evaluation.

J. "Landform" means a geologic feature characterized by physical attributes such as elevation, slope, orientation, stratification, rock exposure, and soil type.

K. "Landslide hazard areas" means areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

L. "Land surveyor" means a person who holds a Washington State land surveyor's license.

M. "Lead design professional" means the person designated by the applicant to oversee and coordinate the permit review process on behalf of the applicant.

N. "Minimized" or "minimal" shall mean that the applicant has demonstrated to the satisfaction of the building official that the applicant has utilized best available science and commonly accepted engineering and architectural practice and has reduced, to the extent possible, the risks associated with development of the property.

O. "Modified slope standard developments" means land within the boundaries of long plat subdivisions and short plats, granted final approval by the city of Sultan between October 26, 2006, and January 23, 2014.

P. "Site" means the entire area within the boundaries, as described in a legal description, of the property that is to be developed under the permit for which the applicant has applied.

Q. "Slope" means the degree of tilt of a landform from the horizontal. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.

R. "Stable" shall mean that the risk of damage to the proposed development, or to adjacent properties, from soil instability is within the minimum safety factors for the static and seismic conditions of at least 1.5 and 1.15 respectively and the building official has determined that the proposed development will not increase the potential for soil movement.

In order to meet the definition of "stable" the geotechnical report shall include identified hazards for the property and the mitigation measures proposed to reduce or correct the hazards along with measures taken to mitigate potential impacts from the remaining hazards, including all on- and off-site measures taken to correct or reduce the risk. These shall be fully disclosed to the applicant and future owners, heirs and assigns in the covenant required to be executed in accordance with provisions of this chapter, in which case the defined risk may be approved as an acceptable condition.

S. "Structural engineer" means a person licensed to practice structural engineering by the state of Washington.

T. "Structural fill" shall mean any fill placed below structures, including slabs, where the fill soils are intended to support loads without unacceptable deflections or shearing. Structural fill should be placed above unyielding native site soils compacted in accordance with an approved geotechnical report prepared utilizing best engineering science. (Ord. 1210-15 § 1; Ord. 1197-14 § 1)

17.10.325 Performance standards – Alteration of geologically hazardous areas.

A. Alteration of land with slopes over 40 percent shall be prohibited.

B. Alteration of slopes between 15 percent and 40 percent, and on slopes between 10 percent and 15 percent that have unstable soil or drainage characteristics, may be permitted pursuant to an approved

critical area report and mitigation plan, developed according to the requirements of SMC 17.10.345 that certifies the following:

1. The development will not increase or concentrate surface water discharge or sedimentation to adjacent sites beyond predevelopment conditions; and

2. The development will not decrease slope stability on the development site or on adjacent sites.

C. Development within a geologically hazardous area and/or buffer shall be designed to meet the following basic requirements. Alternative approaches may be allowed if it can be demonstrated through a geotechnical study that an alternative design that deviates from one or more of these standards provides greater long-term slope stability while meeting all other provisions of this chapter. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function. The basic development design standards are:

1. The proposed development shall not increase the risk of landslide occurrences;

2. Structures and improvements shall avoid geologically hazardous areas and other critical areas;

3. Structures and improvements shall minimize alterations to the natural contour of the slope. Foundations shall be tiered where possible to conform to existing topography;

4. Structures and improvements shall be located, and clustered, if appropriate, to preserve the most critical portion of the site and its natural landforms and vegetation;

5. The proposed development shall not result in greater risk to neighboring properties, or a need for increased buffers on neighboring properties;

6. The use of engineered retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes. Engineered retaining walls shall not exceed 15 feet in height and preferably should be less than eight feet in height. Engineered retaining walls over eight feet in height shall be allowed by the director only when it can be demonstrated that no other reasonable alternative exists. Riprap retaining walls should not exceed eight feet in height. Wherever possible, retaining walls should be designed as structural elements of the building foundation;

7. Development shall be designed to minimize impervious lot coverage. Use of common access drives and utility corridors is encouraged;

8. Disturbed areas of a site not used for buildings, roads and other improvements shall be replanted promptly pursuant to an approved landscape plan;

9. Significant vegetation and habitat should be preserved to the greatest extent feasible;

10. Removal of vegetation from geologically hazardous area or related buffer shall be prohibited unless otherwise provided through an approved alteration plan;

11. Limited pruning or selective removal of dead, diseased or damaged branches; and limited removal of specified branches that block views as shown on a professionally prepared landscape plan may be approved by the director if the activity will not adversely affect slope stability; and

12. Seasonal Restriction. Clearing shall be allowed only from April 1st to October 31st of each year; provided, that the city may extend or shorten the designated seasonal restrictions on a case-by-case basis depending on actual weather conditions.

D. Utility Lines and Pipes. Utility lines and pipes, including stormwater conveyance lines, shall be permitted in geologically hazardous areas pursuant to reasonable use provisions of SMC 17.10.390. Engineering designs are required for all such installations. Such designs shall address all geologic hazards, providing industry standard safety factors.

E. Point Discharges. Point discharges from surface water facilities and roof drains onto or upstream from a landslide hazard area shall be prohibited except as follows:

1. The discharge is conveyed via continuous storm pipe downslope to a point where the discharge will not create or contribute to erosion issues; or

2. The discharge is released at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped state; or

3. The discharge is dispersed upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope.

F. Subdivisions. Applications for the division of land in geologically hazardous areas and associated buffers are subject to the following:

1. Land that is located wholly within a geologically hazardous area or its buffer may not be subdivided.

2. Land that is located partially within a geologically hazardous area or its buffer may be divided; provided, that each resulting lot has sufficient buildable area outside of, and will not affect, the geologically hazardous area and its buffer.

3. Access roads and utilities may be permitted within the geologically hazardous area and associated buffers if the director determines based on an approved critical area report and mitigation plan that the road will not increase the risk to adjacent sites and that no other feasible alternative exists.

4. Erosion control plans shall be required for all regulated activities within a geologically hazardous area. The erosion control plans shall be consistent with the provisions of the Stormwater Management Manual for Western Washington and prepared pursuant to a plan approved by the city engineer. A master drainage plan shall be prepared for large projects as required and approved by the city engineer.

5. Prohibited Development. On-site sewage disposal systems, including drain fields, shall be prohibited within a geologically hazardous area and related buffers. (Ord. 1210-15 § 1; Ord. 1197-14 § 1)

17.10.330 Performance standards – Geologically hazardous area buffers.

In order to minimize the risk of damage to personal health and property due to a geologically hazardous area, a buffer of undisturbed vegetation as provided in this section shall be maintained between all regulated activities and a geologically hazardous area. Activities, development and uses on sites containing geologic hazards shall meet the following buffer requirements:

A. A buffer shall be established from the top, toe, and edges of all slope or landslide hazard areas with 10 feet or more of vertical elevation change. The size of the buffer shall be sufficient to eliminate or minimize the risk of damage to persons or property resulting from landslide and erosion caused in whole or part by the activity, development, or use as determined by the director based upon the director's review of and concurrence with the geotechnical report prepared by a qualified professional and consistent with the following criteria:

1. For landslide hazard areas with slopes from 15 to 39 percent, the minimum buffer shall be equal to one-half the height of the slope or a minimum of 25 feet, whichever is greater. The buffer may be reduced by 25 percent or to a minimum of 25 feet, whichever is greater, when a qualified professional demonstrates to the director's satisfaction that the reduction will adequately protect the proposed development, adjacent areas, developments, uses, and the subject critical area.

2. For slopes from 15 to 39 percent that are not landslide hazard areas there is no specified minimum buffer. The buffer will be established by a qualified professional to the director's satisfaction.

3. For slopes 40 percent or greater that are not landslide hazard areas, the minimum buffer shall be equal to the height of the slope or 25 feet, whichever is greater. The buffer may be reduced to a minimum of 15 feet when a qualified professional demonstrates to the director's satisfaction that the reduction will adequately protect the proposed development, adjacent areas and uses, and the subject critical area.

4. For landslide hazard areas with slopes 40 percent or greater, the minimum buffer shall be equal to the height of the slope or 25 feet, whichever is greater. The buffer may be reduced by 50 percent or to a minimum of 25 feet, whichever is greater, when a qualified professional demonstrates to the director's satisfaction that the reduction will adequately protect the proposed development, adjacent areas and uses, and the subject critical area.

5. For slopes with a vertical elevation of 25 feet or less, the minimum buffer shall be equal to one-half the height of the slope, regardless of the slope percent; provided, that there are no other factors that pose a slope stability risk.

B. Development must maximize retention of existing vegetation in geologically hazardous areas and their buffer areas. Where removal of vegetation cannot be avoided in order to accommodate a permitted development or to stabilize a slope, an acceptable plan to fully revegetate and restabilize affected areas

must be provided as part of the development application, and approved as a condition of any permit issued.

C. To improve the functional attributes of buffer areas, the director may require that the buffer be enhanced through planting of natural vegetation, in the form of ground cover, shrubs or trees to assist in stabilizing the ground surface.

D. The buffer shall be maintained and preserved through a protective easement or other appropriate permanent protective covenant recorded with the county in a form approved by the city and providing for any necessary ongoing monitoring and maintenance.

E. Structures shall be set back such that construction activities and outdoor living areas do not infringe upon the required buffer edge. (Ord. 1210-15 § 1; Ord. 1197-14 § 1)

17.10.335 Minimum required application submittals.

A. The applicant shall submit a complete plan set submittal and permit application and specifications for the proposed development consisting of the following:

1. Site plan with topography and planned building locations:

a. Map scale, north arrow, legal description, tax account parcel numbers, easements, and lot property lines.

b. Building plans with cross sections sufficient to show foundation design.

c. Existing grade contour lines, at two-foot intervals.

d. All distances between existing structures on the site and approximate distances of existing habitable structures on adjacent sites within 25 feet of property lines (all adjacent sites which could affect or be affected by the proposed development shall be shown).

e. Lowest footing or basement slab elevation of existing and proposed structures on the property and on adjacent properties to the extent that such information is reasonably available, and proposed finish floor elevations. A cross section of the planned conditions is required.

f. The location of existing sanitary sewers, stormwater drainage facilities, wells, piezometers, subsurface drains, and other sewer/drainage facility components on, and adjacent to, the site.

g. The location of all existing underground utilities on, and adjacent to, the site including, but not limited to, telephone, cable television, gas, electric and water utilities, vaults, fire hydrants and other cables, wires, meters and drainage pipes.

h. A separate topographical drawing shall be submitted showing proposed grade contours at two-foot intervals. This drawing shall include the bottom of proposed footing elevations including all stepped footing elevations.

2. Geotechnical report including general and specific soils and geotechnical information developed pursuant to Section 1802 of the International Building Code, as that section now exists or may hereafter be amended by the State Building Code Council and/or the city of Sultan. (See subsection (B) of this section for geotechnical report standards.)

3. Architectural and structural plans with design calculations stamped and signed by licensed design professionals of the state of Washington.

4. Owner and professional declarations.

5. Acknowledgment that the approval and issuance of permit may require obtaining bonds, covenants and contractor general liability insurance in accordance with the detailed requirements stated below.

B. The geotechnical report required in subsection (A)(2) of this section shall include the following:

1. An analysis of material gathered through appropriate explorations and an analysis of soil characteristics conducted by or under the supervision of the engineer in accordance with the standards adopted by the American Society of Testing and Materials (ASTM) or other applicable standards utilizing best available science.

2. The report must provide subsurface data to support the engineer's conclusions regarding slope stability. The minimum factor of safety for the static and seismic conditions shall be at least 1.5 and 1.15, respectively. The geotechnical engineer shall provide documentation of how the horizontal acceleration value was obtained and derivation of the safety factors.

3. The geotechnical engineer shall confirm that the planned improvements will adequately stabilize the site grades shown on the topography map, and shall verify the grades shown on the topography map based upon the geotechnical engineer's own site observations.

4. The geotechnical report may be specifically written for an individual lot or it may be written for a group of contiguous lots within the same landform.

C. If any item in subsection (B) of this section is inapplicable to a particular project, a letter or a report shall be provided to the director stamped by the appropriate licensed design professional, with sufficient information or data to demonstrate why the item is inapplicable. The director may utilize appropriate licensed consultants to determine if generally accepted engineering practice requires submission of an item otherwise not required in subsection (B) of this section. When consultants are used to determine if generally accepted engineering practice requires submission of any otherwise required item, the cost of review shall be paid by the applicant.

D. The applicant shall submit, consistent with the findings of the geotechnical report, detailed structural plans with corresponding calculations prepared and stamped by the structural engineer of record. When architectural plans incorporate such structural details, said plans shall be stamped and signed by the structural engineer of record. All other architectural plans may be prepared by an architect, designer, builder or lay person.

E. The city may require submittal of bonds, frozen funds, or other instruments of credit as a surety for improvements required as a condition of a permit for development in a geologically hazardous areas or their buffers (see SMC 17.10.380(A)).

F. Prior to final issuance of a permit for a project subject to surety provisions of this code, the applicant shall submit documentation of required bonds, frozen funds or other instrument of credit in a form satisfactory to the city attorney and sufficient to guarantee construction of the improvements proposed to stabilize the site. The applicant shall submit a copy of the contractor's general liability insurance. (Ord. 1210-15 § 1; Ord. 1197-14 § 1)

17.10.340 Review to determine compliance with engineering practice and best available science.

A. The city may require professional peer review of the plan set submittals accompanying the permit application by a civil engineer, geotechnical engineer, and/or structural engineer as may be necessary and determined by the building official or director, in order to determine whether the plan set submittals were prepared in accordance with generally accepted engineering practice or the practice of the particular engineering or design specialty and are based upon best available science. The full cost of such peer review shall be paid in full by the owner/applicant within 30 days of billing by the city. Failure to make timely payments shall result in cessation of city plan review services on the application.

B. The professional peer review requirement set forth in subsection (A) of this section may be selectively waived at the reasonable discretion of the director, provided the responsible project geotechnical engineer, civil engineer or structural engineer provides written concurrence, determination, details, facts and/or data supporting the position that individual site conditions warrant an exemption from outside professional peer review. Once waived, the building official shall not be required to inquire further into the adequacy of any report, plans, or data, but rather may rely upon the submittals as warranted by the owner/applicant as if reviewed by the city's consultant. Nothing herein shall relieve the owner/applicant of the obligation to submit a complete application fulfilling all the requirements of this chapter and the IRC/IBC.

C. The determination of the peer review, regarding whether a submittal complies with generally accepted practice, is based on best available science, and/or requires revisions to comply with the same, shall be final and binding upon the applicant and director. (Ord. 1210-15 § 1; Ord. 1197-14 § 1)

17.10.345 Critical area report requirements for geologically hazardous areas.

A. A critical areas report for geologically hazardous areas must meet the geotechnical report requirements of this chapter including all of the following standards:

1. It shall address the area of the proposed activity and all geologically hazardous areas within 200 feet of the project area or that have potential to affect or be affected by the proposal.

2. It shall contain an assessment of geological hazards including at a minimum all of the following information:

a. A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report; an assessment of the geologic characteristics and engineering properties of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties; a review of the site history regarding landslides, erosion, and prior grading; and an evaluation of the vulnerability of the site to seismic and other geologic events. Soils analysis shall be performed in accordance with accepted classification systems in use in the region.

b. A recommendation for the minimum buffer and minimum building setback from all geologic hazards based upon the geotechnical analysis. The minimum buffer should not be less than those in SMC 17.10.330.

c. When hazard mitigation is required, the report shall specifically address how the activity maintains or reduces the preexisting level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation). Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function. Mitigation may also be required to avoid any increase in risk above the preexisting conditions following abandonment of the activity.

B. Where a valid geotechnical report has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be incorporated into the required critical area report. Further updated analysis may be required if site-specific conditions so warrant in the director's discretion. The applicant shall submit a geotechnical assessment detailing any changed environmental conditions associated with the site.

C. Geotechnical studies for properties containing more than one type of hazard area shall meet the report requirements for each relevant type.

D. Monitoring Surface Waters. If the director determines that there is a significant risk of damage to downstream receiving waters due to potential erosion from the site, based on the size of the project, the proximity to the receiving waters, or the sensitivity of the receiving waters, the critical area report shall include a plan to monitor the surface water discharge from the site. The monitoring plan shall include a recommended schedule for submitting monitoring reports to the director. (Ord. 1210-15 § 1; Ord. 1197-14 § 1)

17.10.350 Issuance and denial of permits.

A. Permit Issuance. In addition to the permit processes required for a particular project in any other applicable provision of the Sultan Municipal Code, all of the following requirements must be satisfied before any building, grading, fill or excavation permit will be issued in a geologically hazardous area under the provisions of this chapter:

1. A geotechnical report has been submitted and approved;

2. Plans and specifications have been submitted incorporating the recommendations of the geotechnical report and said plans have been approved;

3. Any required declarations, disclosures, covenants and waivers have been submitted and approved;

4. Proof of any required bonds, cash deposits and general liability insurance have been submitted and approved by the city;

5. When peer review has been required, all submittals have been determined to have been prepared in accordance with generally accepted engineering practice;

6. Peer review concurrence for permit issuance has been received by the building official; and

7. All other applicable provisions of the Sultan Municipal Code, including but not limited to the other chapters of the critical areas code, the zoning code, the land division code, and the Stormwater Management Manual for Western Washington have been reviewed and approved by the appropriate city official.

B. Permit Denial. The reasons for permit denial shall be set forth in writing to the owner/applicant. In making a determination of permit denial, the director shall consider not only the land which is the subject of the application, but in addition, the surrounding area which may be adversely affected if the permit were granted. The following criteria shall result in the denial of issuance of any building, grading, fill or excavation permit:

1. The land on which any building, grading, filling, or excavation is proposed is in the determination of the director unsuitable for improvement due to excessively steep slopes, unsatisfactory foundation support, instability or unsuitable topography, that the applicant is unable to mitigate per the requirements in SMC 17.10.325; or

2. The resulting development would increase the potential of soil movement resulting in an unacceptable risk of damage to adjacent properties or an unreasonable risk of damage to the proposed development; or

3. Existing or increased conditions of unacceptable/excessive flooding, seepage, high water table, or inadequate drainage; or

4. Presence or increase of other hazardous conditions posing an unreasonable risk to public health, safety, or welfare; or

5. The noted site dangers or geologic hazards are not minimized to the extent possible by the use of best available science and generally accepted engineering and architectural practice.

C. Appeal. The director's decision on any permit issued under this chapter constitutes the city's final decision, and may be appealed only to Snohomish County superior court in accordance with the Land Use Petition Act, Chapter 36.70C RCW. (Ord. 1210-15 § 1; Ord. 1197-14 § 1)

17.10.355 Designation of "modified slope standard developments."

A. The remaining sections of this chapter (SMC 17.10.355 through 17.10.385) provide for additional development requirements on steep slopes in subdivisions and short subdivisions granted final approval between October 26, 2006, and January 23, 2014. Such developments shall be referred to as "modified slope standard developments."

B. Development on slopes exceeding 40 percent in modified slope standard developments may be proposed, reviewed, and permitted under the provisions of SMC 17.10.355 through 17.10.385. These sections do not apply to any property outside of the boundaries of specifically approved subdivisions and short subdivisions approved during this specific period of time.

C. All other properties in the city, whether an individually owned lot of record, or a lot inside of a subdivision or a short plat approved prior to October 26, 2006, or a subdivision or a short plat approved after the effective date of this code are not "modified slope standard developments" and shall not apply for any development as modified slope standard developments. (Ord. 1210-15 § 1; Ord. 1197-14 § 1)

17.10.360 Alteration of landslide hazard areas in modified slope standard developments.

A. Alteration of landslide areas on slopes between 15 percent and 40 percent in modified slope standard developments shall be proposed and reviewed, under the provisions of SMC 17.10.325.

B. Alteration of slopes for the purpose of construction of residential structures, or the infrastructure needed to support residential structures, on slopes exceeding 40 percent in modified slope standard developments shall be proposed and reviewed under provisions of SMC 17.10.355 through 17.10.385.

C. Applications for alteration of slopes in modified slope standard developments and/or construction for purposes other than residential development or the infrastructure needed to support residential development in modified slope standard developments shall not be accepted for review. (Ord. 1210-15 § 1; Ord. 1197-14 § 1)

17.10.365 Studies and reports required for modified slope standard development applications.

A. The geotechnical report for modified slope standard developments shall reference laboratory testing that will include ASTM Standard Tests sufficient to confirm the material properties used in design and the slope stability analyses. The report must provide subsurface data to support the engineer's conclusions regarding slope stability.

B. The geotechnical engineer shall confirm that the engineering design of the planned improvements will adequately stabilize the site grades shown on the topography map, and shall verify the grades shown on the topography map based upon the geotechnical engineer's own site observations. The geotechnical report may be specifically written for each individual lot or it may be written for a combination of multiple lots.

C. The applicant shall submit, consistent with the findings of the geotechnical report, detailed structural plans providing for stabilization and mitigation of identified slope hazards. This shall include corresponding calculations prepared and stamped by the structural engineer of record. When architectural plans incorporate such structural details, said plans shall be stamped and signed by the structural engineer of record. All other architectural plans may be prepared by an architect, designer, builder or lay person.

D. The plan set submittal shall include a statement from the geotechnical engineer who prepared the geotechnical report, stating that in his or her judgment the plans and specifications submitted for the project conform to the recommendations in the geotechnical report, and that the risk of damage to the proposed development, or to adjacent properties, from soil instability will be minimized subject to any conditions set forth in the report, and the proposed development will not increase the potential for soil movement.

E. For sites where the hazards are not mitigated or where the risks from deep-seated or large-scale earth movement cannot be practically reduced by individual lot owners, the geotechnical engineer shall prepare a statement identifying what design measures will be taken to mitigate the risk to structures, adjacent properties, and inhabitants in the event of deep-seated or large-scale movement. The statement shall specify any risks from earth movement that are not fully mitigated by design measures and include an opinion as to whether the site will be stable within the meaning of this chapter following installation of all proposed improvements. (Ord. 1210-15 § 1; Ord. 1197-14 § 1)

17.10.370 Review to determine compliance with engineering practice and best available science in modified slope standard developments.

A. The city shall require professional peer review of the plan set submittals accompanying the permit application by a civil engineer, geotechnical engineer, and/or structural engineer as may be necessary and determined by the building official or director, in order to determine whether the plan set submittals were prepared in accordance with generally accepted engineering practice or the practice of the particular engineering or design specialty and are based upon best available science. The full cost of such peer review shall be paid in full by the owner/applicant within 30 days of billing by the city. Failure to make timely payments shall result in cessation of city plan review services on the application.

B. The professional peer review requirement set forth in subsection (A) of this section may be selectively waived at the reasonable discretion of the director, provided the applicable project geotechnical engineer, civil engineer or structural engineer provides written concurrence, determination, details, facts and/or data that individual site conditions warrant an exemption from outside professional peer review. Once waived, the building official shall not be required to inquire further into the adequacy of any report, plans, or data, but rather may rely upon the submittals as warranted by the owner/applicant as reviewed by the city's consultant. Nothing herein shall relieve the owner/applicant of the obligation to submit a complete application fulfilling all the requirements of this chapter and the IRC/IBC.

C. The final recommendation of the peer review, regarding whether a submittal complies with generally accepted practice, is based on best available science, and/or requires revisions to comply with the same, shall be binding upon the applicant and building official.

D. As provided in SMC 17.10.335(E), the applicant shall submit documentation of required bonds, frozen funds or other instrument of credit in a form satisfactory to the city attorney and sufficient to guarantee construction of the improvements proposed to address all identified hazards. The applicant shall also submit a copy of the contractor's general liability insurance. (Ord. 1210-15 § 1; Ord. 1197-14 § 1)

17.10.375 Declarations, disclosures, covenants and waivers.

A complete application for development under provisions for modified slope standard developments shall include the following:

A. A written declaration with the permit application that includes the statement that the accuracy of all information is warranted by the owner/applicant in a form satisfactory to the city attorney and which releases and holds the city and its staff harmless from any liability associated with reliance on such submittals.

The declaration shall also state that the owner/applicant understands and accepts the risk of developing in an area with potential unstable soils and that the owner/applicant will advise in writing any prospective purchasers of the site, or any prospective purchasers or residential lessees of structures or portions of a structure on the site, of the slide potential of the area.

The owner/applicant shall also acknowledge that he, she or they understand and accept the need for future monitoring and maintenance of the property as described and called for in the final geotechnical report. While an application may reference the reports of prior public consultants to the city, all conclusions shall be those of the owner/applicant and his or her professionals.

B. Further recommendations signed and sealed by the geotechnical engineer shall be provided should there be additions or exceptions to the original recommendations based on the plans, site conditions or other supporting data. If the geotechnical engineer who reviews the plans and specifications is not the same engineer who prepared the geotechnical report, the new engineer shall, in a letter to the director accompanying the plans and specifications, express agreement or disagreement with the recommendations in the geotechnical report and state that the revised plans and specifications conform to the new recommendations.

C. A disclosure letter or notation on the design drawings by the structural engineer of record stating that he has reviewed the geotechnical report(s), that he understands its recommendations, has explained or has had explained to the owner/applicant the risk of loss due to slides on the site, and that he has incorporated into the design the recommendations of the report and established measures to reduce the potential risk of injury or damage that might be caused by any risk of earth movement referenced in the report. The statement shall note any risks, hazards, and potential problems from earth movement that are not fully mitigated by design measures.

D. The owner shall execute a covenant (in a form provided by the city and satisfactory to the city attorney) to be submitted with the application (with necessary fee as provided in the city of Sultan annual fee schedule) to be recorded with the Snohomish County auditor. The director shall cause such completed covenant to be so recorded. A copy of the recorded covenant shall be forwarded to the owner. This covenant shall be a covenant running with the land and bind the owner/applicant and his/her successors and assigns, and shall at a minimum include:

1. A legal description of the property;

2. A statement explaining that the site is in a potential earth subsidence and landslide hazard area; that the risk associated with the development of the site is set forth in permit file No. _____ with the city of Sultan building department; that conditions or prohibitions on development may have been imposed by the city in the course of permit issuance; and referencing any features in the design which will require maintenance or modification to address anticipated soil changes. The covenant shall incorporate by reference the statements and conditions to be observed in the form proposed by the owner/applicant's geotechnical engineer, architect and/or structural engineer;

3. A statement waiving and releasing any and all claims by the owner/applicant, and promising to indemnify and hold harmless the city of Sultan, its officers, employees and city's contractors and consultants from any claims by the owner/applicant and/or any other person or entity may have for any loss or damage to people or property either on or off the site resulting from soil movement and arising from or out of the issuances of any permit(s) authorizing development on the site, as well as due to any act or failure to act by the indemnitor and/or its agents or successors in interest under or following issuance of the permit; and

4. The date of permit issuance and permit number authorizing the development. (Ord. 1210-15 § 1; Ord. 1197-14 § 1)

17.10.380 Site bonds and contractor general liability insurance for modified slope standard developments.

A. Site Bonding Requirements.

1. A surety bond, executed by a surety company authorized to do business in the state of Washington, as provided in SMC 17.10.335(E), shall be posted by the owner/applicant or general contractor in the amount of 150 percent of the cost of required improvements as determined by the applicant's landscape architect or engineer, and as accepted by the city engineer. This amount shall be sufficient to assure the restoration of any areas on the site, or in the surrounding area, disturbed or damaged by slides during construction, and to ensure completion of the work authorized by the permit, or, if the work is not completed, to assure that the site and surrounding area will be restored to a safe and stable condition at least equal to the safety and stability prior to commencement of work under the permit. The director will evaluate the characteristics of the site to determine if a surety bond is required and the amount of the bond. The bond will be exonerated upon occupancy approval of the building permit by the building official.

2. Structures, facilities, and activities subject to surety include, but are not limited to the following:

a. Slope stabilization structures and landscaping/planting projects;

b. Stormwater management and drainage features;

c. Slope stability monitoring equipment and processes;

d. Road and utility fixtures; and

e. Similar features required for safe ongoing operation of the development and delivery of emergency services.

3. In lieu of the surety bond, the owner/applicant or general contractor may propose to file a cash deposit or an instrument of credit in a form satisfactory to the director in an amount equal to that which would be required in the surety bond, and similarly conditioned.

B. General Liability Insurance. The general contractor of record shall carry general liability insurance effective through issuance of the final certificate of occupancy in the minimum amount of $1,000,000, and which shall name the city as an additional insured, against any related injury, death, property damage and/or loss. (Ord. 1210-15 § 1; Ord. 1197-14 § 1)

17.10.385 Site access, professional/special inspection, monitoring during construction and final geotechnical report for development and residential construction in modified slope standard developments.

A. Site Clearing and Grading.

1. The owner/applicant or contractor for any type of development, including residential construction, shall secure the director's approval before entering a geologically hazardous site with excavating or other grading and clearing equipment to clear, remove trees or grade for any purpose, including the creation of access to the site.

2. The director may condition such access approval if warranted by site conditions and/or when discretionary approval permits are required. As part of the approval process the director may impose conditions that address site work issues; such measures could include but are not limited to limiting all excavation and drainage installation to the drier season between May and the end of September, or sequencing activities such as the installation of drainage systems well in advance of construction.

3. Requests for early site access in advance of building permit approval or in the time period between October 1st and April 30th for any purpose shall be submitted to the director accompanied by written concurrence of the owner/applicant's geotechnical engineer of record. The geotechnical engineer shall stipulate any additional precautions necessary to maintain site stability and control erosion.

4. The director may utilize peer review consultants to determine whether the request is based on generally accepted engineering practice and is reasonable with regard to time frame to complete the work, types of equipment proposed to perform the work, length of exposure of slopes, and adequacy of

site monitoring and temporary erosion control measures. When such peer review is utilized, the cost of such review shall be paid in full by the owner/applicant within 30 days of billing by the city.

B. Reporting Authority.

1. The owner/applicant shall retain a geotechnical engineer to monitor the site during construction. The owner/applicant shall preferably retain the geotechnical engineer who prepared the final geotechnical report in the plan set submittal and who has reviewed the approved plans and specifications.

2. If a different geotechnical engineering consultant is retained by the owner/applicant, the new geotechnical engineer shall submit a letter to the director stating that he or she has read all reports and recommendations and reviews to date, and state whether or not he or she agrees with the opinions and recommendations of the original geotechnical report and peer review comments.

3. Further recommendations, signed and sealed by the new geotechnical engineer, and supporting data shall be provided should there be exceptions or changes to the original recommendations that would affect the approved plans.

C. Construction Monitoring, Special Inspections.

1. During construction, the geotechnical engineer shall monitor compliance with the recommendations in the geotechnical report including: site excavation, shoring, temporary erosion control, soil support for foundation, piles, subdrainage installation, soil compaction and other geotechnical aspects of the construction.

2. The specific recommendations contained in the geotechnical report shall be implemented by the owner/applicant unless the director approves a modification that substantially complies with the recommendations in the geotechnical report.

3. The geotechnical engineer shall document any omission or deviation from the approved geotechnical report and plans in a separate report submitted to the director.

4. All reports shall be submitted directly to the city on a weekly basis for review. Failure to submit required reports shall be grounds for issuance of a stop work order.

D. Final Construction Report.

1. The geotechnical engineer of record shall prepare and submit to the director a final written report stating that, based upon his or her professional opinion, site observations and final site grading, the completed development substantially complies with the requirements of the geotechnical report and with all geotechnical-related permit requirements as shown on the approved plans. (For purposes of this subsection, "substantially complies" means that the completed development provides at least the level of stability and safety, on- and off-site, that is called for in the geotechnical requirements and reports required under SMC 17.10.365 and 17.10.370). Recommendations to the owner/applicant shall be included in the report for future monitoring and maintenance of the property including drainage,

tightlines, catch basins, berms, retaining wall drainage, hazard mitigation improvements, slopes, vegetation, and permanent erosion control that affect slope stability over time.

2. Occupancy of a residence shall not be granted until the required report(s) has been reviewed and accepted by the director. (Ord. 1210-15 § 1; Ord. 1197-14 § 1)

17.10.390 Reasonable use.

A. If the application of this chapter would deny all reasonable use of the subject property, the property owner may apply for an exception pursuant to this section.

B. Exception Request and Review Process. An application for a reasonable use exception shall be made to the city and shall include all applicable analyses, reports, and plans required by this chapter in addition to the information required in this subsection.

C. The director shall determine whether an exception request shall be granted based on review of the submitted information, a site inspection, and the proposal's ability to comply with reasonable use exception criteria set forth below. The director shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the following reasonable use exception review criteria:

1. The application of this chapter would deny all economically viable use of the property;

2. No other reasonable use of the property has less impact on the critical area;

3. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;

4. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant after the effective date of this chapter or its predecessor;

5. The proposal meets the review criteria set forth in this chapter;

6. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site; and

7. The proposal includes measures designed to mitigate critical area impacts to the extent reasonably feasible.

D. Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application. (Ord. 1210-15 § 1; Ord. 1197-14 § 1)

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Editor's note: Ordinance 1159-12 added this section as SMC 17.10.210. This section was renumbered to prevent duplication of numbering.

Chapter 17.16
VEGETATION PROTECTION STANDARDS

Sections:

17.16.010 Purpose.
17.16.020 Applicability of vegetation protection regulations.
17.16.030 Land clearing/vegetation protection and preservation.
17.16.040 Site design standards.

17.76.010 Purpose.

It is the purpose of this chapter of the SMC Title 17 to promote the health, safety, and welfare of existing and future residents and visitors by establishing minimum standards and requirements for land clearing and tree cutting in order to preserve and protect natural vegetation and plant communities, to promote building and site planning practices that protect wetlands, watercourses, and wildlife habitat, to minimize erosion and sedimentation, to minimize the need for and maintenance of drainage facilities, to minimize adverse effects on ground and surface waters, to enhance the appearance and character of the city, to promote the installation and continued maintenance of landscaping, and to implement the comprehensive plan.

These purposes are achieved by and in support of the following:

A. Water Conservation. Promote the conservation of potable and nonpotable water by encouraging the preservation of existing plant communities, encouraging the planting of natural or uncultivated areas, encouraging the use of native plant materials, and establishing techniques for the installation and maintenance of landscape materials and irrigation systems.

B. Aesthetics. Improve the aesthetic appearance of commercial, industrial, and residential areas through the incorporation of open space into development in ways that harmonize and enhance the natural and built environments.

C. Environmental Quality. Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment, including:

1. Improving air and water quality through such natural processes as photosynthesis and mineral intake;

2. Maintaining permeable land areas essential to surface water management and aquifer recharge;

3. Reducing and reversing air, noise, heat, and chemical pollution through the biological filtering capabilities of trees and other vegetation;

4. Promoting energy conservation through the creation of shade, thereby reducing heat gain in or on buildings or paved areas;

5. Encouraging the conservation of limited fresh water resources through the use of native plants and various planting and maintenance techniques.

D. Land Values. Maintain and increase the value of land by requiring a minimum amount of landscaping to be incorporated into development.

E. Human Value. Provide direct and important physical and psychological benefits to the residents of Sultan through the use of landscaping to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.

F. Preservation of Vegetation. Preserve existing natural vegetation and incorporate native plants, plant communities, and natural ecosystems into landscape design, wherever possible.

G. Improve Design. Promote innovative and cost-conscious approaches to the design, installation, and maintenance of landscaping, and encouraging water and energy conservation. (Ord. 630 § 2 [16.10.070(1)], 1995)

17.16.020 Applicability of vegetation protection regulations.

These standards shall apply to any new development or to the expansion of existing development on land in the City of Sultan. Seasonal parking facilities shall be exempt. Single-family detached homes proposed to be built on their own individual lots shall be exempt as noted. The building and zoning official shall not issue a permit provided for herein in violation of these standards. (Ord. 765-01 § 11; Ord. 630 § 2 [16.10.070(2)], 1995)

17.16.030 Land clearing/vegetation protection and preservation.

A. General.

1. Objectives of these Standards. The objectives of these standards in limiting land clearing are:

a. To control the use of irrigation water in open space areas by promoting the preservation of existing native plant communities.

b. To control the removal of existing vegetation in advance of the approval of land development plans.

c. To limit the removal of existing vegetation when no comparable vegetation plan to that required under this section has been prepared for the site.

2. Preservation of Existing Native Vegetation. Existing native vegetation and plant communities shall be protected and incorporated into the site plan wherever feasible. Certain natural plant communities shall be given special protection as determined by the city and shall be protected and preserved as total entities, including understories.

3. Vegetation Removal Permits and Fees. Permits for the removal, relocation, or replacement of vegetation covered herein shall be obtained by submitting an application on a form prescribed by the building and zoning official.

B. Application Procedure for a Vegetation Removal Permit within Proposed Development for which a Separate Building Permit or Preliminary Plan Approval is Requested.

1. Preliminary Review. As a precondition to the filing or receiving of any application for a building permit (except for a single-family detached dwelling unit on its own lot and not part of an overall subdivision for

which approval is being sought), the applicant shall make application for a vegetation removal permit and obtain a preliminary approval from the building and zoning official.

2. Required Generalized Vegetation Inventory. Each application for a vegetation removal permit shall be accompanied by a generalized vegetation inventory which shall consist of:

a. Generalized Vegetation Inventory. A generalized vegetation inventory showing the approximate location and extent of vegetation on the site. The inventory shall be based on the most current available information. For nonresidential and multifamily development (i.e., attached housing, apartments, condominiums, planned unit developments, etc.), the inventory may be in the form of a field survey and shall include photographs illustrating typical areas of existing vegetation. The generalized vegetation inventory shall be prepared at the same scale as the proposed site development plans to clearly illustrate the relationships between the areas of existing vegetation and proposed site improvements.

b. Generalized Written Assessment and Evaluation. The generalized vegetation inventory shall be accompanied by a brief written assessment of the plant communities that have been identified on the site. For all nonresidential and multi-family development projects, the assessment and evaluation shall be prepared by a person knowledgeable in the identification and evaluation of vegetative resources, such as a biologist, ecologist, horticulturist, landscape architect, landscape contractor, certified nurseryman, or other person having similar recognized skills and/or experience.

3. Preliminary Approval.

a. Issuance for Lots with Minimal Vegetation Disruption. Where the building and zoning official has verified that significant vegetative removal activity is not involved in a proposed development, a preliminary approval certificate shall be issued forthwith.

b. Issuance for Lots with Significant Vegetation Disruption. A decision to grant or deny a preliminary approval certificate shall be made by the building and zoning official within 10 working days of a complete application being filed with the city. Preliminary approval for an applicant involving significant vegetation removal activity shall be granted only if the building and zoning official finds that all reasonable efforts have been undertaken in the layout and design of the proposed development to preserve existing vegetation and to otherwise enhance the aesthetic appearance of the development by the incorporation of existing vegetation in the design process. Relocation or replacement of existing vegetation may be required as a condition of the issuance of a preliminary approval certificate.

4. Certification of Substantial Compliance. Prior to the issuance of any development permit upon property which has received a preliminary approval certificate, the building and zoning official shall certify that the final construction plans substantially comply with the preliminary plans as they affect existing vegetation. Any proposed substantial deviation from the preliminary site plan as it affects existing vegetation shall be subject to a new review according to the same criteria and procedures as the original preliminary review.

5. Time Limitation. A vegetation removal permit shall be subject to the same time limitation rules as are applicable to its accompanying development permit.

6. Final Inspection. No final occupancy permit shall be issued until the relocation or replacement of vegetation, as required by the vegetation removal permit, has been completed and final approval has been given by the building and zoning official.

C. Application Procedure for Vegetation Removal Unrelated to Development Permit Applications.

1. Applicability. Vegetation removal permits, not sought in conjunction with building permits, shall be obtained by making application to the building and zoning official prior to the removal, replacement, or relocation of vegetation from or on the following types of property:

a. All vacant or undeveloped sites;

b. All lands located on public property, including rights-of-way and easements; and

c. All lands located in dedicated open space tracts, critical areas and critical area buffers, and natural hazard areas.

Landscape plant materials that are to be planted or rearranged for existing residential development on the same lot shall be exempt from these provisions.

2. Required Generalized Vegetation Inventory. Each application for a vegetation removal permit shall be accompanied by a generalized vegetation inventory which shall consist of:

a. Generalized Vegetation Inventory. A generalized vegetation inventory (including a map of the property) showing the approximate location and extent of vegetation on the site shall be prepared. For existing nonresidential and multifamily development, the inventory may be in the form of a field survey, and shall be accompanied by photographs illustrating typical areas of vegetation. This inventory shall be prepared at a scale that clearly illustrates the relationships between the areas of vegetation and the existing site improvements.

b. Generalized Written Assessment and Evaluation. The generalized vegetation inventory shall be accompanied by a brief written assessment of the plant communities that have been identified on the site. The assessment shall include an evaluation of the character and quality of the plant communities identified, including their rarity, viability, and such other physical characteristics and factors which may affect their preservation. For projects other than single-family detached residences, on individual lots and not part of an overall subdivision for which approval is being sought, the assessment and evaluation shall be prepared by an individual knowledgeable in the identification and evaluation of vegetative resources, including but not limited to a biologist, ecologist, horticulturist, landscape architect, nurseryman or landscape contractor.

3. Application Review. Upon receipt of a proper application, the building and zoning official shall perform a review, which may include a site inspection, and shall render a decision on the application within 10 working days of a complete application being filed with the city.

4. Circumstances Justifying Issuance. Vegetation removal permits shall be issued in the following circumstances:

a. Where a tree, due to natural circumstances, is no longer viable, is in danger of falling, is so close to existing structures or public rights-of-way as to endanger said structures, creates unsafe vision clearances, or constitutes a safety hazard; or

b. Where the affected vegetation will be replaced with an acceptable substitute planting, relocated, or otherwise preserved.

5. Relocation and Replacement. As a condition to the granting of a vegetation removal permit under subsection (C)(4) of this section, the applicant may choose to either:

a. Relocate vegetation, which would otherwise be destroyed, to another location on the site; or

b. Replace vegetation, which would be destroyed, with acceptable substitutes elsewhere on the site.

In determining the most suitable location, replacement, or root-pruning of vegetation, the building and zoning official shall consider the needs of the intended use of the property (if no immediate use is planned by the applicant, the zoning district's permitted uses shall be used), together with an evaluation of the following:

i. Existing vegetation cover on the site and on adjacent properties;

ii. Quantity of vegetation to be removed from the entire site;

iii. The type, size, and condition of the vegetation proposed to be removed;

iv. The feasibility of relocating the particular vegetation in question; and

v. Topography and stormwater drainage patterns on the site.

6. Time Limitation. Permits shall expire and become null and void if work authorized by such permits is not commenced within 90 calendar days from the date of issuance of the permit, or if such work, when commenced, is suspended or abandoned at any time for a period of 90 calendar days. If work has commenced and the permit becomes null and void or expires, a new permit covering the proposed vegetation removal shall be required prior to the initiation of any vegetation removal activity.

D. Vegetation Protection.

1. General. During construction, all reasonable steps necessary to prevent the destruction or damage of vegetation shall be taken. Damaged or destroyed vegetation must be replaced by vegetation having similar landscape architectural benefits (i.e., shade cover, height, coverage, watering requirements, etc.), as specified by the building and zoning official, prior to occupancy or use, unless approval for their removal has been granted under permit.

2. Endangered or Threatened Species or Native Vegetation in Erosion Control Areas. Under no circumstances, including single-family homes on their own lot, shall there be any removal of any endangered or threatened species, nor shall any native vegetation be removed from any erosion control areas.

3. Filling, Construction Debris, and Construction Equipment. During construction, unless otherwise authorized by the vegetation removal permit, no excess soil, additional fill, equipment, or construction debris shall be placed within the drip line (root zone protection area) of any vegetation that is required to be preserved in its present state. Additionally, no construction equipment shall be allowed within any root zone protection area.

4. Attachments. No attachments or wires, other than those of a protective or nondamaging nature, shall be attached to any vegetation during construction. (Ord. 630 § 2[16.10.070(3)], 1995)

16.76.040 Site design standards.

A. Creative Site Development Concepts for Water Conservation. Creative site development concepts shall be used to promote water conservation. Water needs may be reduced by providing for:

1. The preservation of existing plant communities;

2. The re-establishment of native plant communities;

3. Limited amounts of lawn grass areas;

4. The use of native plant materials;

5. The use of shade trees to reduce transpiration rates of lower story plant materials;

6. Site development that retains stormwater runoff on the site;

7. The use of pervious paving materials; and

8. Other environmentally sensitive site development concepts.

B. Minimum Open Space Requirements. Minimum open space requirements for any proposed use shall meet the standards set forth for that particular use in this Zoning Code for the zoning district in which the use is to be located.

C. Preservation of Existing Plant Communities.

1. General. All existing plant communities shall be preserved to the extent that they can be incorporated into the required open space. Existing plant communities that are specified on the approved landscape plans to remain shall be preserved in their entirety. In most cases, the preservation of existing plant communities will decrease the cost of initial site development, decrease future water and maintenance needs, and benefit the aesthetic appearance of the property.

2. Existing Native Plant Communities Required to Remain. Where existing viable, healthy native plant communities exist on a site proposed for development, at least 25 percent of the required open space shall be in the form of preserved natural plant communities.

3. Open Space Credit for the Preservation of Existing Natural Plant Communities. Portions of existing, viable, healthy native plant communities (the determination to be made by the building and zoning official), over and above the minimum required to be preserved, that are preserved in a natural state, and are capable of sustaining life with adjoining site development, or the proposed installation of native plant species, shall be credited as open space at one and one-half times the actual area of the protected

plant community. The minimum size of a preserved plant community eligible for the open space credit shall be 4,000 square feet.

4. Required Management Plan.

a. General. For all areas of preserved plant communities greater than 10,000 square feet in area, the owner shall submit for the approval of the planning commission, a narrative management plan, indicating the manner in which the owner will preserve these native plant communities. The narrative shall include:

i. Whether or not the existing vegetation is to be preserved in the existing species composition;

ii. If applicable, the manner in which the composition of existing plant material is to be preserved (hand removal of invasion species, prescribed burning, etc.);

iii. The schedule for the removal of exotic nuisance species;

iv. The schedule for the removal of debris; and

v. Any other information that may be required by the planning commission that is reasonable and necessary to determine that the management plan meets the requirements of these standards.

b. Requirement for Owner's Covenant with the City of Sultan for the Maintenance of Preserved Plant Communities Receiving Open Space Credit. To receive open space credit for areas of preserved vegetation, the owner shall covenant with the city of Sultan that the preserved plant community will be maintained as per the accepted management plan. (Ord. 630 § 2[16.10.070(4)], 1995)

Chapoter 17.18
LANDSCAPING STANDARDS

Sections:

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17.18.030 Installation.
17.18.040 Maintenance.
17.18.050 Existing plant material.
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Article I. Performance Standards

17.18.010 Purpose.

The objectives of this chapter are to improve the appearance of certain setback and yard areas, including off-street vehicular parking and open-lot sales and service areas; and to protect and preserve the appearance, character, and value of the surrounding neighborhoods and commercial businesses to thereby promote the general welfare by providing for installation and maintenance of landscaping for screening and aesthetic qualities of the city. (Ord. 718-00; Ord. 630 § 2[16.10.140(A)], 1995)

17.18.020 Enforcement.

These standards shall be considered as minimum requirements and shall apply to all new development (except a seasonal parking facility, single-family detached dwelling units and duplexes to be built on their own lot and not part of a subdivision) in the city that received preliminary plat approval before the effective date of the ordinance codified in this chapter. (Ord. 765-01 § 13; Ord. 718-00; Ord. 630 § 2[16.10.140(B)], 1995)

17.18.030 Installation.

All landscaping shall be installed in a sound, professional manner with the quality of plant materials as hereinafter described. All elements of landscaping shall be installed so as to meet all other applicable code requirements. Landscaped areas shall require protection from vehicular encroachment as hereinafter provided in SMC 16.104.220 and 16.104.230. The building and zoning official shall inspect all landscaping and no certificates of occupancy shall be issued until the landscaping meets the requirements provided herein. (Ord. 718-00; Ord. 630 § 2[16.10.140(C)], 1995)

17.18.040 Maintenance.

The owner, tenant and/or manager or agent of any property that is required to be developed in accordance with these standards shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance, and shall be kept free from refuse and debris. (Ord. 718-00; Ord. 630 § 2[16.10.140(D)], 1995)

17.18.050 Existing plant material.

In instances where healthy plant material exists on a site prior to its development, in part or in whole, for the purpose of providing landscaping for off-street parking or other vehicular use areas, the building and zoning official may adjust the application of these standards to allow credit for existing plant material if, in his or her written opinion, such an adjustment is in keeping with and will preserve the intent of these standards. (Ord. 718-00; Ord. 630 § 2[16.10.140(E)], 1995)

17.18.060 Landscaping requirements for certain yard areas and off-street parking and other vehicular use areas.

These standards apply to all areas used for the display or parking of any and all types of vehicles, boats, or heavy construction equipment, whether such vehicles, boats, or equipment are self-propelled or not; and all land upon which vehicles traverse the property as a function of the primary use, including but not limited to activities of a drive-in nature, such as gasoline filling and/or service stations, grocery stores, banks, restaurants, and the like. The development of these activities shall conform to the minimum landscaping requirements hereinafter provided. (Ord. 718-00; Ord. 630 § 2[16.10.140(F)], 1995)

17.18.070 Plant material standards.

A. Quality. Plant materials used in conformance with the provisions of these standards shall be free of any disease at the time of planting. All plant materials shall be examined by the building, zoning official, city construction inspector one year from the date of their installation and any ground cover, shrubs, or trees found to be in a less than healthy and growing condition shall be replaced by the owner, developer, or their agent.

B. Trees. All plant material designated as "trees" on an approved site plan shall be species that are rated as having an average mature spread of crown of greater than 10 feet in the state of Washington. Tree species shall be a minimum of seven feet in overall height measured from the top of the root collar at the time of planting. Trees of species whose roots are known to cause damage to roadways or other public works shall not be planted closer than 12 feet to any roadway, water line or sewer line, unless the tree root system is completely contained within a barrier form, of which the interior containing dimensions shall be five feet square and five feet deep, and for which the construction requirements shall be four-inch thick concrete reinforced with No. 6 road mesh (six by six by six) or equivalent. A list of such tree species shall be maintained by the building and zoning official for the guidance of the public.

C. Shrubs and Hedges. Shrubs shall be a minimum of two feet in height when measured at the time of planting. Hedges, where required, shall be planted and maintained so as to establish a continuous, unbroken, solid visual screen within a maximum of one year from the date of installation.

D. Vines. Vines shall be a minimum of 30 inches in length at the time of installation and may be used in conjunction with fences, screens, or walls.

E. Ground Covers. Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within three months after installation.

F. Lawn Grass. Grass areas shall be planted in species successfully grown as permanent lawns in the state of Washington. Grass areas may be sodded, plugged, sprigged, or seeded, except that solid sod shall be used in areas subject to erosion. (Ord. 718-00; Ord. 630 § 2[16.10.140(G)], 1995)

Article II. Design Standards

17.18.080 Landscape design standards.

The following standards shall be considered the minimum requirements for the installation of all plant materials in the city of Sultan. (Ord. 718-00; Ord. 630 § 2[16.10.150], 1995)

17.18.090 Minimum tree and shrub planting or preservation requirements.

A. General. Trees shall not be placed so as to interfere with site drainage, or where they shall require frequent pruning to avoid interference with overhead power and utility lines. Unless otherwise provided in these standards, a minimum number of trees shall be planted or preserved on each site, as follows:

1. Single-Family Residential Lots. One tree shall be planted or preserved for every 5,000 square feet of area or fraction thereof of a single-family residential lot. Trees larger than the minimum size may be credited as indicated in Table B contained in these standards.

2. Multifamily Residential or Nonresidential Lots. One tree shall be planted or preserved for every 2,000 square feet of lot area or fraction thereof of either a multifamily residential or nonresidential lot. Trees larger than the minimum size may be credited as indicated on Table B contained within these standards. Additional trees preserved on each lot shall only count for that lot/unit.

B. Wall treatment or landscaping shall be used to soften the impact of large blank walls of multifamily or nonresidential structures. The purpose of this requirement is to incorporate these large structures into the surrounding landscaping and to create a natural and enjoyable work and living environment. Screening or wall treatment shall be installed at a minimum of 10 feet in height and plant material installed shall meet the minimum height requirements of this section. (Ord. 718-00; Ord. 630 § 2[16.10.150(A)], 1995)

17.18.100 Allocation of trees to satisfy minimum planting requirements.

A. Where Trees May Be Credited. Trees required to be planted or preserved by these standards shall be used to satisfy the following requirements of other sections of this Zoning Code, including:

1. Interior of parking or other vehicular use areas;

2. Perimeter of parking or other vehicular use areas; and

3. Perimeter buffers in multifamily residential or nonresidential areas.

B. Where Trees May Not Be Credited. Trees required to be planted or preserved by these standards that lie outside the property lines of the subject site may not be credited in the tabulation of the required number of trees to be provided.

C. General. In enacting this minimum tree planting requirement, it is the intent to require that a canopy of trees be developed throughout any site proposed for development. This subsection establishes a formula for allocating a certain number of trees to each subarea in a site development. Preservation areas are excluded from the total area in calculating the tree planting requirements as an incentive to preserve significant vegetation. The actual number of trees to be planted or preserved will be established on the individual site development plan(s).

D. Allocation Formula. The minimum number of trees required to be planted or preserved within a site shall be determined by applying the formula established in these standards in SMC 17.18.090. The minimum number of trees required to be planted in a subarea or phase shall be in proportion to the total number of trees required to be planted in the overall site development. This proportion shall be determined by calculating the percent of the subarea or phase relative to the total site proposed for development. (Ord. 718-00; Ord. 630 § 2[16.10.150(B)], 1995)

Article III. Standards for Landscape Materials

17.18.110 Tree planting standards.

Immediately upon planting, trees shall be a minimum of seven feet in trunk height and shall have a minimum caliper of one and one-half inches measured from a height of six inches above the ground. (Ord. 718-00; Ord. 630 § 2[16.10.160(A)], 1995)

17.18.120 Tree species mix.

When more than 10 trees are required to be planted, a mix of species shall be provided. The number of species to be planted shall vary according to the total number of trees required. The minimum number of species to be planted is indicated in the following table. Species shall be planted in proportion to the required mix. This species mix shall not apply to areas of vegetation required to be preserved by law.

Table A
Required Species Mix for New Site Development

Required Number of Trees	Minimum of Species
11 – 20	2
21 – 30	3
31 – 40	4
41 or more	5

(Ord. 718-00; Ord. 630 § 2[16.10.160(B)], 1995)

17.18.130 Shrub planting standards.
Shrubs required to be planted in accordance with these standards shall be a minimum of 24 inches in height from the top of the root collar at the time of planting, and spaced 18 to 36 inches on center. Spacing of individual plants shall depend on the types of shrubs that are to be installed. Exceptions and/or substitutions from this requirement may be approved by the building and zoning official to promote the use of slow growing or native plant material. (Ord. 718-00; Ord. 630 § 2[16.10.160(C)], 1995)

17.18.140 Use of larger tree sizes.
Credits for the use of larger trees than the minimum required size will be as indicated in the following table. Fractional measurements shall be attributed to the next lowest category.

Table B
Calculation of Tree-Size - Credits in New Site Development

Crown Spread of Proposed Trees	and	Height at Planting of Proposed Trees	=	Number of Tree Credits
14 or more feet	and	25 feet or more	=	4
10 – 13 feet	and	17 – 24 feet	=	3
6 – 9 feet	and	11 – 16 feet	=	2
less than 6 feet	and	10 feet or less	=	1

(Ord. 718-00; Ord. 630 § 2[16.10.160(D)], 1995)

17.18.150 Use of native plant materials.

Trees and other vegetation shall be planted in soil and climatic conditions which are appropriate for their growth habits and characteristics. Plants used in landscape design pursuant to this section shall, to the greatest extent possible be:

A. Appropriate to the conditions in which they are to be planted;

B. Have noninvasive growth habits;

C. Encourage low maintenance, high quality design; and

D. Be otherwise consistent with the intent of these standards. (Ord. 718-00; Ord. 630 § 2 [16.10.160(E)], 1995)

17.18.160 Use of adapted plant materials.

The use of plant materials adapted to the vicinity of the development is encouraged to reduce water consumption, general maintenance, and the dependence on fertilizers and insecticides. (Ord. 718-00; Ord. 630 § 2[16.10.160(F)], 1995)

17.18.170 Replacement requirements.

Vegetation that is required to be planted or preserved by these standards shall be replaced with equivalent vegetation if it is not living within one year of the issuance of an occupancy permit. Preserved trees for which credit was awarded that die within one year from the date of issuance of an occupancy permit shall be replaced by the required number of living trees as established in these standards. (Ord. 718-00; Ord. 630 § 2 [16.10.160(G)], 1995)

17.18.180 Maintenance standards for cultivated landscape areas.

The owner or agent of land subject to these standards shall be responsible for the maintenance of said land in good condition so as to present a healthy and neat appearance, and said land shall be kept free from refuse and debris. (Ord. 718-00; Ord. 630 § 2[16.10.160(H)(1)], 1995)

17.18.190 Landscape plan requirements.

A. General. Prior to the issuance of any building permit for any development other than a single- or two-family home on its own lot, a landscape plan shall be submitted to the building and zoning official for review and approval.

B. Contents of Landscape Plans. Landscape plans shall:

1. Be drawn to scale of preliminary site plan and include dimensions and distances;

2. Delineate existing and proposed parking spaces and/or other vehicular use areas;

3. Designate by name and location all plant material to be installed or preserved in accordance with these or any other applicable standards;

4. Identify and describe all other landscape material and elements proposed to be used;

5. Show all landscape features, including areas of vegetation to be preserved in relationship to all existing or proposed building and/or any other improvements to the site;

6. Include a tabular summary clearly indicating the relevant statistical information necessary for the building and zoning official to determine compliance with the provisions of these standards. This information shall include gross acreage, square footage of vegetation preservation areas, the number of trees to be planted or preserved, square footage of paved areas, and such other information as the building and zoning official may require. (Ord. 718-00; Ord. 630 § 2[16.10.140(H)(1)(a)], 1995)

Article IV. Location Requirements

17.18.200 Required landscaping adjacent to public rights-of-way.

On the site of a building providing an off-street parking area or other vehicular use area, where such area will not be entirely screened visually by an intervening building or structure from any abutting right-of-way, there shall be provided landscaping between such area and such right-of-way, as follows:

A. A strip of land at least five feet in width, located between the abutting right-of-way and the off-street parking areas or other vehicular use area, which is exposed to an abutting right-of-way, shall be landscaped. Such landscaping shall include one tree for each 25 lineal feet or fraction thereof. Such trees shall be located between the abutting right-of-way and off-street parking or other vehicular use area and shall be installed in a planting area of at least 25 square feet, with one dimension being at least five feet. In addition, a hedge at least two feet in height shall be placed along the perimeter of such landscaped strip. The remainder of the required landscaped areas shall be planted with grass, ground cover, or other landscape treatment, excluding paving.

B. All property abutting a right-of-way, other than the required landscaped strip lying between the right-of-way and off-street parking or other vehicular use areas, shall be landscaped with, at a minimum, grass or other ground cover.

C. Necessary access ways from the public right-of-way through all such landscaping shall be permitted to service the parking or other vehicular use area. Such access ways, however, may not be subtracted from the lineal dimension used to determine the number of trees required. (Ord. 718-00; Ord. 630 § 2[16.10.170(A)], 1995)

17.18.210 Perimeter landscaping relating to abutting properties.

A. On the site of a building or structure providing an off-street parking or other vehicular use area, where such areas will not be entirely visually screened by an intervening building or structure from any abutting property, that portion of such area not so screened shall be provided with a hedge that is determined to attain, at maturity, not greater than eight feet, nor less than three and one-half feet in height, to form a continuous screen between the off-street parking or other vehicular use areas and such abutting property. This landscaped barrier shall be located between the common lot line and the off-street parking or other vehicular use area exposed to the abutting property. All plant materials shall be installed in a planting strip not less than two and one-half feet in width.

B. Additionally, one tree shall be provided for each 25 lineal feet of landscape barrier, or fractional part thereof. Such trees shall be located between the common lot line and the off-street parking or vehicular use area. Each tree shall be installed within a 25-square-foot planting area, and no dimension of this area shall be less than five feet. Each such planting area shall be landscaped with grass, ground cover or other landscape material, excluding paving, in addition to the required tree.

C. Exceptions. The provisions of this section shall not be required to be met in the following situations:

1. Where a proposed parking or other vehicular use area abuts an existing hedge, wall, or other durable landscaping barrier on an abutting property, said existing barrier may be used to satisfy the landscape barrier requirements of this subsection; provided, that said barrier meets all applicable standards of this law, and protection against vehicular encroachment is provided for by hedges.

B. Where the abutting property is zoned or used for nonresidential activities, only the tree provision with its planting areas as prescribed in this section shall be required. (Ord. 718-00; Ord. 630 § 2[16.10.170(B)], 1995)

17.18.220 Parking area interior landscaping.

A. Off-street parking areas shall have at least 10 square feet of interior landscaping for each parking space, excluding those spaces abutting a perimeter for which landscaping is required by any other section of this Zoning Code, and excluding all parking spaces that are directly served by an aisle abutting and running parallel to such a perimeter.

B. Additionally, other vehicular use areas shall have one square foot of landscaped area for each 100 square feet of paved area or fraction thereof for the first 10,000 square feet of paved surface, plus one square foot of landscaped area for each 200 square feet or fraction thereof of paved area for all pavement surfaces over 10,000 square feet.

C. Where the property contains both parking and other vehicular use areas (off-street loading space, for example), the two types of areas shall be separated for the purpose of determining the landscape requirements of the other vehicular use area. Each separate landscaped area shall contain a minimum of 50 square feet and shall have a minimum dimension along any one side of five feet.

D. Each separate landscaped area shall include at least one tree having a clear trunk of at least five feet, with the remaining area landscaped with shrubs, ground cover, or other vegetative material not to exceed three feet in height.

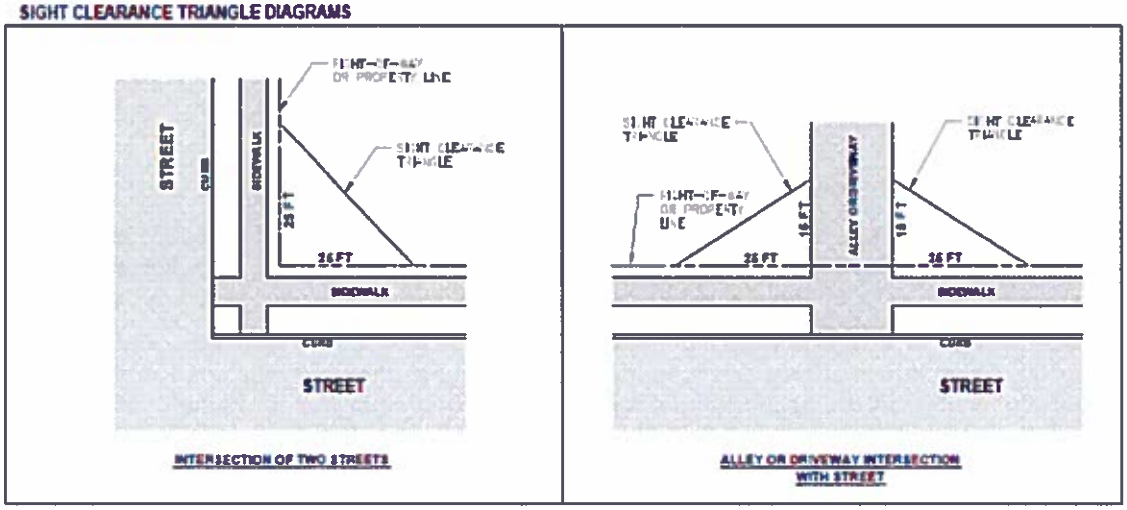
E. The total number of trees shall be not less than one for each 100 square feet or fraction thereof of required interior landscaped area. Such landscaped areas shall be located in such a manner as to visually divide and break up the expanse of parking.

F. The front of a vehicle may encroach upon any interior landscaped area when said area is at least three and one-half feet in depth per abutting parking space and protected by wheel stops or curbing. Two feet of said landscaped area may be part of the required depth of each abutting parking space. (Ord. 718-00; Ord. 630 § 2[16.10.170(C)], 1995)

17.18.230 Sight distance for landscaping adjacent to public rights-of-way and points of access.

When an access way intersects a public right-of-way, or when a subject property abuts the intersection of at least two public rights-of-way, all landscaping within the triangular areas described herein shall provide unobstructed cross-visibility at a level between three and six vertical feet; provided, however, that trees shall have their limbs and/or foliage trimmed in such a manner that no visual impediment exists within the cross-visibility area; and further provided, that any trees are located in such a manner as to create no traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three feet from the edge of any access way pavement. The triangular areas referred to above are shown on the diagram entitled "Sight Clearance Triangle Requirements" which indicate the clearances required for the different street types. (Ord. 718-00; Ord. 630 § 2[16.10.170(D)], 1995)

SIGHT CLEARANCE TRIANGLE DIAGRAMS



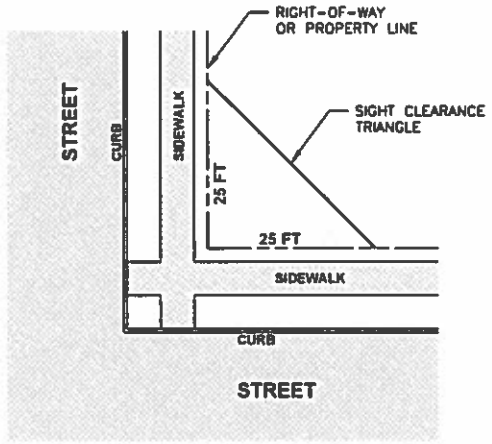
17.18.240 Adjustments of standards.

The building and zoning official, upon receipt of an application for adjustment of the landscaping requirements provided herein, and executed and sworn to by the owner of the property concerned or his authorized agent, shall have the authority and duty to consider and act upon such application. The applicant shall clearly and in detail state what adjustment of requirements are being requested and the reasons that such adjustments are warranted. The application shall be accompanied by supplemental data, such as sketches, surveys, and statistical information, as is deemed necessary to support the adjustment. The building and zoning official may approve, modify, or deny the requested adjustment, but shall approve or modify only if he or she determines that any adjustment would not be contrary to the public interest, would be in keeping with and preserve the intent of this chapter, and literal enforcement of the above standards would be impracticable and would result in an unreasonable and unnecessary hardship. The building and zoning official shall act upon any such application within 30 calendar days of its official submission by the applicant. If the department does not take any official action within the aforesaid 30-day period, or if there is no mutually agreed upon extension of the time beyond the 30 days, in writing, between the applicant and the building and zoning official, then the application shall be considered to be approved. (Ord. 718-00; Ord. 630 § 2[16.10.170(E)], 1995)

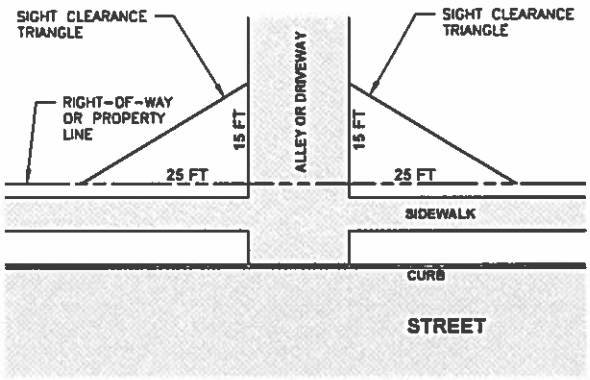
17.18.250 Other applicable requirements.

The provisions of these standards shall be subject to other applicable codes and regulations where such regulations are more restrictive and are not otherwise inconsistent with the provisions of these standards. (Ord. 718-00; Ord. 630 § 2[16.10.170 (F)], 1995)

SIGHT CLEARANCE TRIANGLE DIAGRAMS



INTERSECTION OF TWO STREETS



ALLEY OR DRIVEWAY INTERSECTION
WITH STREET

Chapter 17.20
SHORELINE MANAGEMENT*

*Code reviser's note: Ord. 915-07 adopts the City of Sultan Shoreline Master Program, replacing the county provisions previously adopted by Ord. 630.