



CITY OF CARNATION

PLANNING BOARD REGULAR MEETING

AGENDA

Planning Board

Nate Johnson

Vito Romano

Ron Lundeen

Salwa Raphael

Bruce McDonald

City Staff:

Amy Arrington,
City Manager

Amanda Smeller,
City Planner

Becky Buelna,
*Development &
Permitting
Coordinator*

Mary Madole,
City Clerk

Date: April 28, 2020

Time: 7:00 P.M.

Location: In compliance with the stay at home order and prohibition on public gatherings, this Planning Board meeting will be conducted entirely online. All Planning Board members and staff will be participating remotely.

Members of the public are invited to visit www.carnationwa.gov/pbagendas for a link to join the online meeting, or to listen by phone call 509.724.0556 or 833.827.2625 (Toll-Free) Conference ID: 298 681 220#

AGENDA ITEMS:

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - a. February 25, 2020
4. Citizen Comments and Requests
5. Unfinished Business
 - a. 2020 Docket for amendments to the Development Regulations
 - i. Review of CMC 15.18, Land Use Approvals
6. New Business
 - a. CMC 15.64, Floodways, Floodplains, Drainage, and Erosion
 - i. Adopting updated FEMA Flood Insurance Rate Maps
7. Other
8. Adjournment

CITY OF CARNATION

MINUTES OF THE REGULAR PLANNING BOARD MEETING

February 25, 2020

CALL TO ORDER: Boardmember Vito Romano called the regular meeting of the Carnation Planning Board to order at 7:02 PM in the Council Chambers at Carnation City Hall.

ROLL CALL: Boardmember Vito Romano, Boardmember Salwa Raphael, Boardmember Bruce McDonald, City Planner Amanda Smeller, City Manager Amy Arrington, City Clerk Mary Madole, Development and Permitting Coordinator Becky Buelna, and citizens present.

APPROVAL OF MINUTES: MOTION BY BOARDMEMBER MCDONALD AND SECOND BY BOARDMEMBER RAPHAEL TO APPROVE THE MINUTES OF THE JANUARY 28, 2020 REGULAR MEETING AS PRESENTED. MOTION PASSED UNANIMOUSLY (3-0).

UNFINISHED BUSINESS: Review of Permissible Uses Table, Chapter 15.40 CMC: City Planner Smeller reviewed the compiled final draft of the revised Table of Permissible Uses, however the footnotes that remain need to have another look. Discussion took place about footnotes and agreement was reached to remove the items that are redundant due to their cross-reference to other sections of the municipal code – footnotes 23, 24, 27 and 28.
City Manager Arrington notified the Planning Board that the City Council has requested a preview of the changes for their consideration to be sure that the effect of the changes is conducive to the economic development of Carnation. Further instructions may come from the City Council for the Planning Board to continue review.

NEW BUSINESS: City Planner Smeller introduced the topic of a proposed Land Use Code amendment to Chapter 15.18 Land Use Approvals as authorized for work by the City Council as part of the 2020 Docket. She summarized her February 20, 2020 memo to the Planning Board regarding the lack of process guidelines within the current code for the modification of a Site Development Review or Design Review after preliminary approval has already been granted. Review of other city code samples took place, and the Planning Board requested a draft code revision be drafted for the next regular meeting.

OTHER: City Clerk Madole distributed an updated preliminary agenda calendar / work plan for the Planning Board through the end of 2020.

ADJOURNMENT: There being no further business before the Planning Board, the meeting adjourned by common consent at 7:50 PM.

Approved at the regular meeting of the Carnation Planning Board on March 24, 2020.

PLANNING BOARD CHAIRPERSON, RON LUNDEEN

DEVELOPMENT & PERMITTING COORDINANTOR, BECKY BUELNA



Date: March 19, 2020
To: City of Carnation Planning Board
From: Amanda Smeller, City Planner
Re: CMC 15.18, Land Use Approvals

At the February Planning Board, we discussed the lack of prescribed method for modification of an approved Site Development Review or a Design Review. We reviewed a few other jurisdictions' methods and the board's choice was to combine the City of Oak Harbor and the City of Bainbridge Island methods.

As a reminder, here is how each jurisdiction handles modifications:

City of Bainbridge Island (BIMC 2.16.040(H)):

1. Minor adjustments to an approved site plan and design review may be made after review and approval by the director. Minor adjustments are those that include minor changes in dimensions or siting of structures or the location of public amenities, but do not include changes to the intensity or character of the use. Minor adjustments are processed through a written request from the applicant and a written response from department staff. The city response is placed in the project file and is effective to modify the approval as described in the response.
2. Adjustments other than minor adjustments to an approved site plan and design review require a new or amended application as determined by the director. Major adjustments are those that change the basic design, intensity, density, or character of the use.

City of Oak Harbor (OHMC 19.48.090 & 19.48.100):

19.48.090 – Minor modifications to an approved site plan.

Minor modifications may be permitted by the director. To be considered a minor modification, the amendment must not:

1. Involve more than a 10 percent increase in area or scale of the development in the approved site plan; or
2. Have a significantly greater impact on the environment and facilities than the approved plan; or
3. Change the boundaries of the originally approved plan.

19.48.100 – Major modifications to an approved site plan.

Major modifications to an approved site plan require a new application. The review and approval shall rest with the approval body which approved the original site plan. Major modifications involve a substantial change in the basic design plan, intensity, density, use, and the like generally involving more than a 10 percent change in area or scale.

Please see attached code section with new language included for both the Site Plan Review section and the Design Review section. We need to decide if we would like to apply a square footage limitation as we discussed to distinguish minor from major modifications. We also need to determine what the threshold for minor/major design review modifications should be.

Part III. - Site Development Review

15.18.150 - Purpose.

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

(Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.160 - Applicability.

A. Site Development Review.

1. Applicability: Site development review shall be required for any of the following:

- a. New construction of four thousand or more square feet, excluding single-family dwellings.
- b. Expansions involving the addition of four thousand square feet or more to an existing building or structure, except: (i) where the size of the addition is equal to fifteen percent or less of the building or structure's existing gross floor area, and (ii) expansions to single-family dwellings.
- c. Any multi-family building that will create five or more new dwelling units, regardless of size.

2. Site development review permits shall be a Type 2 permit.

B. Minor Site Development Review.

1. Applicability: Minor site development review shall be required for any of the following:

- a. Any new construction of less than four thousand square feet for which a building permit is required, excluding single-family dwellings.
- b. Any multi-family building that will create four or less new dwelling units, regardless of size.
- c. Reconfiguration of a parking area, means of ingress or egress or site circulation, regardless of whether a building permit is required, unless the small size of the proposed use or other factor(s) justify a waiver in the sole discretion of the city planner.

2. A minor site development review shall be a Type 1 permit.

3. A minor site development review shall meet all of the approval criteria set forth in this chapter.

4. Applicants may not utilize successive minor site development review permits to avoid the threshold requirements for undergoing regular site development review pursuant to subsection (A). Where a minor site development review permit has been issued for a site, any additional minor site development review requested during the following two years shall be processed as a regular site development review permit in accordance with subsection (A).

C. The site that is being reviewed pursuant to this chapter shall consist of all lots accommodating the development project.

(Ord. 748 § 2 (Exh. A) (part), 2008)

(Ord. No. 807, § 2(Exh. A), 2-7-2012)

15.18.170 - Administration.

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

(Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.180- Complete application.

- A. Applications shall be on forms prescribed by the city planner and shall include such information as deemed necessary to establish compliance with this section.
- B. Applications for development plans shall be signed by all property owners or their authorized agents, with supporting documents as required below and which contain sufficient information to determine compliance with adopted rules and regulations including, but not limited to, Chapter 43.21C RCW; SEPA as implemented by Chapter 197-11 WAC; CMC Title 12, Streets, Sidewalks and Public Places; CMC Title 13, Public Services; Chapter 14.04 CMC, Environmental Policy Act; CMC Title 15, Zoning; city comprehensive plan; utility comprehensive plans; the city of Carnation street and storm sewer system standards, water and sewer standards and administrative rules adopted to implement any such code or ordinance provisions.
- C. The proposed development plan shall be prepared by a professional land surveyor or engineer licensed in the state of Washington. The proposed site development plan shall include:
 - 1. The location, layout and size of all proposed improvements, including buildings, parking, etc.;
 - 2. Proposed and existing structures including elevations and floor plans as known (plans which show building envelopes rather than footprints must include postconstruction treatment of unoccupied areas of the building envelopes);
 - 3. The legal description of the lot(s);
 - 4. The name and address of the developer;
 - 5. The name, address and seal of the registered engineer or land surveyor;
 - 6. The scale, date and northpoint;
 - 7. The building setback lines for all lots;
 - 8. All proposed and existing uses, zoning and property boundaries within one hundred feet of any boundary of the site;
 - 9. The location and identification of critical areas within five hundred feet of any boundary of the site;
 - 10. The location, widths and names of all existing or prior platted streets, public ways, utility rights-of-way, parks and other recreation spaces within or adjacent to the site;
 - 11. The location and size of utility trunks serving the site;
 - 12. The location and size of water bodies and drainage features, both natural and manmade, within five hundred feet of any boundary of the site;
 - 13. Stormwater management plans as required by the adopted DOE Stormwater Management Manual in accordance with CMC Section 15.64.230;
 - 14. The location of any significant trees or significant stands of trees as defined by Chapter 15.08 CMC;

15. A conceptual grading plan showing proposed clearing and existing and proposed topography, detailed to five-foot contours, unless smaller contours are otherwise requested;
16. A layout of sewers and proposed water distribution system;
17. The layout of streets, their names and widths of easements. The names of the streets shall conform to the names of corresponding streets and to the general system of naming used by the city;
18. A complete environmental checklist, if the proposed action is not exempt from SEPA per Chapter 14.04 CMC;
19. Certificates of water and sewer availability;
20. Copies of all easements, deed restrictions or other encumbrances restricting the use of the subject property;
21. A list of all property owners within three hundred feet of any boundary of the site;
22. A copy of the most current assessor's map obtained from the King County department of assessments;
23. Documentation of the date and method of segregation for the subject property verifying that the lot or lots were not created in violation of the short subdivision or subdivision laws in effect at the time of creation;
24. A phasing plan and time schedule, if the site is intended to be developed in phases or if all building permits will not be submitted within three years;
25. A list of any other development permits or permit applications having been filed for the site;
26. Payment of any application fees and development deposits established by city council resolution.

D. The city planner may waive specific submittal requirements determined to be reasonably unnecessary for the evaluation of the permit in light of relevant factors and circumstances including but not necessarily limited to the size, complexity and/or location of the proposed binding site plan.

(Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.190 - Additional requirements.

The city planner may require the submittal of additional information, including but not limited to soil and geological studies, wetland assessments, or traffic studies, prior to processing a site development review application if it is determined that such information is necessary for the accurate review of such applications. The city planner may also set reasonable deadlines for the supplemental submittal of such information if it is found to be necessary subsequent to the initial application submittal. Failure to meet such deadlines shall cause the application to be deemed withdrawn, and plans or other data previously submitted for review may thereafter be returned to the applicant together with any unexpended portion of the application review fee. In no case shall an application be processed until it is complete in terms of the type or amount of information necessary for accurate review.

(Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.200 - Material errors.

Applications found to contain and be based on material errors shall be deemed withdrawn and subsequent resubmittals shall be treated as new applications.

(Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.210 - Reserved.

15.18.220- Decision.

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

(Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.235 – Modifications to an approved site plan

A. Minor Modifications

- 1. Minor modifications to an approved site plan may be made after review and approval by the city planner.
- 2. Minor modifications are those that include minor changes in dimensions or siting of structures or the location of public amenities, but do not include changes to the intensity or character of the use. To be considered a minor modification, the amendment must not:
 - a. Involve more than a 10 percent increase in area or scale of the development in the approved site plan, or 2,000 square feet, whichever is less.
 - b. Have a significantly greater impact on the environment and facilities than the approved plan, or

- c. Change the boundaries of the originally approved plan.
- 3. Minor modifications are processed through a written request from the applicant and a written response from the city planner. The city response is placed in the project file and is effective to modify the approval as described in the response.

B. Major Modifications

- 1. Modifications other than minor modifications to an approved site plan require a new or amended application as determined by the city planner.
- 2. Major modifications are those that change the basic design, intensity, density, or character of the use. They involve a substantial change in the basic design plan, intensity, density, use, and the like generally involving more than a 10 percent change in area or scale (greater than 2,000 square feet).

15.18.230 - Appeals.

The city planner's decision regarding site development plan review may be appealed by any aggrieved person with legal standing pursuant to Chapter 15.11 CMC. (Ord. 748 § 2 (Exh. A) (part), 2008)

Part IV. - Design Review

15.18.240 - Purpose and adoption of design guidelines.

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

(Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.250- Applicability and process.

- A. The design standards apply to all nonsingle-family development in the following zones: central business district, mixed use, service commercial and multifamily residential zones, and in the public use zone where the property abuts Tolt Avenue. The design standards also apply to all properties located within two hundred feet of Tolt Avenue from the mixed use zone south to the city limits.
- B. Within the zoning districts identified in subsection A of this section, the design standards apply only to the following:
 - 1. New construction, except for single-family detached housing;
 - 2. Major exterior remodels, defined as all remodels within a three-year period whose value exceeds fifty percent of the value of the existing structure, as determined by city of Carnation valuation methods, except as provided in CMC Section 15.18.270;
 - 3. Minor exterior remodels, defined as all remodels within a three-year period with value of fifty percent of the valuation or less.
- C. The design standards do not apply to remodels that do not change the exterior appearance of the building. However, if a project involves both exterior and interior improvements, then the project valuation shall include both exterior and interior improvements.

(Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.260 - Administration.

The city planner is authorized to develop and adopt administrative rules and regulations for the purpose of implementing and enforcing the provisions and requirements of this chapter. (Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.270 - Major exterior remodels.

Major exterior remodels shall be exempt from any provision of the design standards that would require repositioning of the building or reconfiguration of the site. New construction and major exterior remodels shall be processed as a Type II land use permit in accordance with Chapter 15.09 CMC. (Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.280 - Complete application for major exterior remodels or new construction.

- A. Applications shall be on forms prescribed by the city planner and shall include such information as deemed necessary to establish compliance with this section.
- B. Applications for design review shall be signed by all property owners or their authorized agents, with supporting documents as required below and which contain sufficient information to determine compliance with adopted rules and regulations including, but not limited to, the city of Carnation design standards and guidelines, CMC Title 15, Zoning; the city of Carnation comprehensive plan; the city of Carnation Street and Storm Sewer System Standards, and any administrative rules adopted to implement any such code or ordinance provisions.
- C. Proposed elevations of any proposed new buildings or remodels from all directions that clearly show architectural details, prepared by a professional architect. In addition, examples of materials and colors that have been clearly called out on the elevations shall also be submitted.
- D. Proposed or existing site plan prepared by a professional architect, land surveyor or engineer licensed in the state of Washington. The proposed site plan shall include:
 1. The location, layout and size of all proposed improvements, including buildings, parking, etc.;
 2. The legal description of the lot(s);
 3. The name and address of the developer;
 4. The name, address and seal of the registered engineer or land surveyor;
 5. The scale, date and northpoint;
 6. All proposed and existing uses, zoning and property boundaries within one hundred feet of any boundary of the site;
 7. The location and identification of critical areas within five hundred feet of any boundary of the site;
 8. The location, widths and names of all existing or prior platted streets, public ways, utility rights-of-way, parks and other recreation spaces within or adjacent to the site;
 9. The location and size of utility trunks serving the site;
 10. The location and size of water bodies and drainage features, both natural and manmade, within five hundred feet of any boundary of the site;
 11. The location of any significant trees or significant stands of trees as defined by Chapter 15.08 CMC;

12. The layout of streets, their names and widths of easements. The names of the streets shall conform to the names of corresponding streets and to the general system of naming used by the city;
 13. A list of all property owners within three hundred feet of any boundary of the site;
 14. A copy of the most current assessor's map obtained from the King County department of assessments;
 15. Documentation of the date and method of segregation for the subject property verifying that the lot or lots were not created in violation of the short subdivision or subdivision laws in effect at the time of creation;
 16. A phasing plan and time schedule, if the site is intended to be developed in phases or if all building permits will not be submitted within three years;
 17. A list of any other development permits or permit applications having been filed for the site;
 18. Payment of any application fees and development deposits imposed by the city.
- E. Landscape plan illustrating compliance with the requirements of the design standards and Chapter 15.76 CMC (Screening, Landscaping and Trees), at a scale that clearly illustrates the location of proposed plantings. The landscape plan shall include all species to be planted by Latin and common names, and shall include any planting details.
- F. The city planner may waive specific submittal requirements where determined to be reasonably unnecessary under the circumstances.
- (Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.290 - Additional requirements.

The city planner may require the submittal of additional information prior to processing a design review application if it is determined that such information is necessary for the accurate review of such applications. The city planner may also set reasonable deadlines for the supplemental submittal of such information if it is found to be necessary subsequent to the initial application submittal. Failure to meet such deadlines shall cause the application to be deemed withdrawn, and plans or other data previously submitted for review may thereafter be returned to the applicant together with any unexpended portion of the application review fee. In no case shall an application be processed until it is complete in terms of the type or amount of information necessary for accurate review.

(Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.320- Decision.

- A. A written record of decision shall be prepared in each case. The record may be in the form of a staff report or other written document and shall indicate whether the application shall be approved, approved with conditions or denied. The city planner's decision shall include any conditions to ensure consistency with the city's development regulations based on, but not limited to, the following:
 1. Conformance of the proposed design with an approved site plan, building permit, any conditions on a portion of the site, and with any applicable codes and ordinances of the state of Washington and the city;
 2. A finding that the design of new or remodeled buildings and site plan meet the requirements of the design standards;
 3. A finding that the site plan complies with all applicable provisions of this title, and all other applicable administrative rules and regulations.

- B. Additional documents shall be submitted as necessary for review and approval such as a plat certificate, boundary survey, agreements, easements, and covenants.
- C. The decision of the city planner shall be final.
- D. The decision shall become effective ten calendar days after the decision has been mailed, or if an appeal is filed under Chapter 15.11 CMC, upon final resolution of the appeal.
- E. A design approval automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit and fails to make substantial progress towards completion within twenty-four months of the effective date of the site plan approval. "Substantial progress" includes the following: completion of grading and the installation of major utilities. The city planner may grant a single extension of up to ninety days.
- F. All construction and site development activities related to the design review are prohibited until the decision becomes effective and until authorized by any subsequent required permits.

(Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.330 - Appeals.

The director's decision regarding site plan review may be appealed by any aggrieved person with legal standing pursuant to Chapter 15.11 CMC.

(Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.340 - Minor exterior remodels.

Minor exterior remodels must satisfy the design standards for those features of the facade that will be altered, and that any alterations do not lead to further nonconformance with the design standards. For example, if a project includes replacing a building facade's siding, then the siding shall meet that applicable exterior building material and color standards and/or guidelines, but elements such as building modulation would not be required. Minor exterior remodels shall be processed as a Type I land use process in accordance with Chapter 15.09 CMC.

(Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.350- Complete application for minor exterior remodels.

- A. Applications shall be on forms prescribed by the city planner and shall include such information as deemed necessary to establish compliance with this section.
- B. Applications for design review shall be signed by all property owners or their authorized agents, with supporting documents as required below and which contain sufficient information to determine compliance with the city of Carnation design standards and guidelines.
- C. Proposed elevations illustrating the proposed remodeled facade, that clearly show architectural details that will be changed from existing conditions. Such illustrations do not have to be prepared by a professional architect. If the minor exterior remodel includes a change in materials or exterior color, examples of materials and colors that have been clearly called out on the elevations shall also be submitted.
- D. If changes are proposed to the site, a site plan illustrating the proposed changes shall also be included. Such site plans do not have to be prepared by a professional architect, land surveyor or engineer licensed in the state of Washington.

(Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.360 - Additional requirements.

The city planner may require the submittal of additional information prior to processing a minor design review application if it is determined that such information is necessary for the accurate review of such applications. The city planner may also set reasonable deadlines for the supplemental submittal of such information if it is found to be necessary subsequent to the initial application submittal. Failure to meet such deadlines shall cause the application to be deemed withdrawn, and plans or other data previously submitted for review may thereafter be returned to the applicant together with any unexpended portion of the application review fee. In no case shall an application be processed until it is complete in terms of the type or amount of information necessary for accurate review.
(Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.390- Decision.

- A. The signed application shall serve as a written record of decision.
- B. The decision of the city planner shall be final.
- C. A design approval automatically expires and is void if the applicant fails to complete the work as approved by the application or fails to make substantial progress towards completion within twenty-four months of the effective date of the site plan approval.

(Ord. 748 § 2 (Exh. A) (part), 2008)

15.18.400 - Appeals.

The city planner's decision regarding design plan review may be appealed by any aggrieved person with legal standing pursuant to Chapter 15.11 CMC.

15.18.410 – Modifications to an approved design review

A. Minor Modifications

- 1. Minor modifications to an approved design review may be made after review and approval by the city planner.
- 2. Minor modifications are those that include minor changes in architectural and design aspects. To be considered a minor modification, the modification must not:
 - a. Involve more than a 10 percent increase in area or scale of the development in the approved site plan, or 2,000 square feet, whichever is less.
 - b. Have a significantly greater impact on the environment and facilities than the approved plan, or
 - c. Change the boundaries of the originally approved plan.
- 3. Minor modifications are processed through a written request from the applicant and a written response from the city planner. The city response is placed in the project file and is effective to modify the approval as described in the response.

Commented [A1]: We need to determine the threshold for minor/major design review modifications.

B. Major Modifications

- 1. Modifications other than minor modifications to an approved design review require a new or amended application as determined by the city planner.
- 2. Major modifications are those that change the basic design, intensity, density, or character of the use. They involve a substantial change in the basic design plan, intensity, density, use, and the like generally involving more than a 10 percent change in area or scale (greater than 2,000 square feet).

Commented [A2]: Same comment as above.



Date: April 22, 2020
To: City of Carnation Planning Board
From: Amanda Smeller, City Planner
Re: CMC 15.64, Floodways, Floodplains, Drainage, and Erosion

The Federal Emergency Management Agency (FEMA) has finalized the Base Flood Elevations (BFEs) affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Rate Study (FIS) for the City of Carnation. Therefore, it is time to adopt the September 28, 2007 preliminary FIRMs and we must do so by August 19, 2020. Once we adopt the maps, the final effective date will be August 19, 2020. (Note: With the COVID-19 situation, the adoption/effective date may get pushed out by FEMA and the State. Because we do not know if this date will be modified, City staff proposes we move forward as planned to get this ordinance updated and adopted by August, 2020. Staff will be sure to keep you up to date if the deadline is modified and our process is postponed).

FEMA reviewed the City's current ordinance and provided comments with required changes that must be adopted to maintain the status of the City's National Flood Insurance Program (NFIP) membership. Attached is the Washington State NFIP Model Ordinance Checklist, CMC 15.64, Floodways, Floodplains, Drainage, and Erosion, with FEMA's proposed changes and comments, and CMC 15.08.010, Definitions, with FEMA's proposed changes and comments.

CMC 15.08.010 – Definitions:

FEMA included a modified definitions section adding the required definitions or modifying some of our current definitions to match the requirements of the NFIP. Staff proposes to add the definitions of "Elevation Certificate" and Flood Proofing (which is required, FEMA must have missed adding this one). For "New Construction," staff proposes to keep our existing definition, but add the FEMA required language as well.

CMC 15.64 – Floodways, Floodplains, Drainage, and Erosion

As you can see from the checklist, there are several items that are required and we must change in order to remain compliant. There are several optional items that we do not have to include, but may if we believe they are applicable and useful to Carnation. All required changes have been folded into FEMA's amended ordinance. The following are strongly recommended by FEMA, and staff is in support of adding these sections:

4.3-7: Changes to Special Flood Hazard Areas. (See checklist for full section and FEMA comments).

5.1-3: Storage of Materials and Equipment (See checklist for full section and FEMA comments).

5.2-6: Appurtenant Structures (Detached Garages and Small Storage Structures). (See checklist for full section and FEMA comments).

5.5: General Requirements for Other Development (See checklist for full section and FEMA comments).

Washington State NFIP Model Ordinance Checklist

Locality:
Ordinance #:
Ordinance Date:

Reviewer:
Review Date:
Reason for Review:

Criteria & Model Ordinance Reference	Federal Code Citations, Markups and Comments
<p>Section 1.0: Statutory Authorization, Findings of Fact, Purpose, and Objectives</p>	<p><i>Not mandatory to adopt section 1.0</i></p>
<p>1.1 Statutory Authorization</p> <p>The Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the {Decision Making Body} of {Community Name}, does ordain as follows:</p>	
<p>1.2 Findings of Fact</p> <p>The flood hazard areas of {Community Name} are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.</p> <p>These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadvertently anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.</p>	
<p>1.3 Statement of Purpose</p> <p>It is the purpose of this ordinance to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed to:</p> <ol style="list-style-type: none"> 1) Protect human life and health; 2) Minimize expenditure of public money for costly flood control projects; 3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; 4) Minimize prolonged business interruptions; 5) Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas; 6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding; 7) Notify potential buyers that the property is in a Special Flood Hazard Area; 8) Notify those who occupy flood hazard areas that they assume responsibility for their actions; and 9) Participate in and maintain eligibility for flood insurance and disaster relief. 	

<p>1.4 Methods of Reducing Flood Losses</p> <p>In order to accomplish its purposes, this ordinance includes methods and provisions for:</p> <ol style="list-style-type: none"> 1) Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities, 2) Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction; 3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters; 4) Controlling filling, grading, dredging, and other development, which may increase flood damage; and 5) Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas. 	
<p>Section 2.0 – Definitions</p>	<p><i>44 CFR 59.1 Not mandatory to adopt all definitions as shown. Asterisks denote a specific minimum requirement and must be adopted.</i></p>
<p>*Alteration of watercourse: Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.</p> <p>Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance.</p> <p>*Area of shallow flooding: A designated zone AO, AH, AR/AO or AR/AH (or VO) on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.</p> <p>*Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.</p> <p>ASCE 24: The most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.</p> <p>*Base flood: The flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the “100-year flood”).</p> <p>*Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.</p> <p>*Basement: Any area of the building having its floor sub-grade (below ground level) on all sides.</p> <p>Building: See "Structure."</p> <p>Building Code: The currently effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council.</p>	

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Coastal High Hazard Area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1-30, VE or V.

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

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

Elevation Certificate: An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

Elevated Building: For insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Essential Facility: This term has the same meaning as "Essential Facility" defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

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

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Farmhouse: A single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

***Flood or Flooding:**

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

an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

***Flood elevation study:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

***Flood Insurance Rate Map (FIRM):** The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

***Floodplain or flood-prone area:** Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

***Floodplain administrator:** The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain management regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

***Flood proofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

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

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

***Highest adjacent grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

***Historic structure:** Any structure that is:

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

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

***Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance (i.e. provided there are adequate flood ventilation openings).

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

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

***Mean Sea Level:** For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

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

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

One-hundred-year flood or 100-year flood: See "Base flood."

Reasonably Safe from Flooding: Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

***Recreational Vehicle:** A vehicle,

- 1) Built on a single chassis;
- 2) 400 square feet or less when measured at the largest horizontal projection;
- 3) Designed to be self-propelled or permanently towable by a light duty truck; and
- 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

***Start of construction:** Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement

<p>of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.</p> <p>*Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.</p> <p>*Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.</p> <p>*Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:</p> <ol style="list-style-type: none"> 1) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or 2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." <p>*Variance: A grant of relief by a community from the terms of a floodplain management regulation.</p> <p>Water surface elevation: The height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.</p> <p>Water Dependent: A structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.</p>	
<p>Section 3.0 – General Provisions</p>	
<p>3.1 Lands to Which This Ordinance Applies</p> <p>This ordinance shall apply to all special flood hazard areas within the boundaries of {Community Name}.</p>	<p style="text-align: center;"><i>44 CFR 59.22(a)</i></p>
<p>3.2 Basis for Establishing the Areas of Special Flood Hazard</p> <p>The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for {exact title of study}" dated {date}, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated {date}, and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and the FIRM are on file at {community address}. The best available information for flood hazard area identification as outlined in Section 4.3-2 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 4.3-2.</p>	<p><i>Mandatory (44 CFR 60.3 (preamble) and 44 CFR 60.2(h)). *In some communities, the phrase "and any revisions thereto" is not considered legally binding and should not be adopted.</i></p>

<p>3.3 Compliance</p> <p>All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.</p>	<p><i>Mandatory (44 CFR 60.2(h))</i></p>
<p>3.4 Penalties for Noncompliance</p> <p>No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than _____ or imprisoned for not more than __ days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the _____ from taking such other lawful action as is necessary to prevent or remedy any violation.</p>	<p><i>Mandatory (44 CFR 60.2(h))</i></p>
<p>3.5 Abrogation and Greater Restrictions</p> <p>This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.</p>	
<p>3.6 Interpretation</p> <p>In the interpretation and application of this ordinance, all provisions shall be:</p> <ol style="list-style-type: none"> 1) Considered as minimum requirements; 2) Liberally construed in favor of the governing body; and, 3) Deemed neither to limit nor repeal any other powers granted under state statutes. 	<p><i>Recommended (Not mandatory)</i></p>
<p>3.7 Warning and Disclaimer of Liability</p> <p>The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of {Community Name}, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.</p>	<p><i>Recommended (Not mandatory)</i></p>
<p>3.8 Severability</p> <p>This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.</p>	<p><i>Mandatory (44 CFR 60.1(b)) The severability clause may be included in the adopting ordinance and left uncodified.</i></p>

Section 4.0 – Administration	
<p>4.1 Establishment of Development Permit</p> <p>4.1-1 Development Permit Required</p> <p>A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the “Definitions,” and for all development including fill and other activities, also as set forth in the “Definitions.”</p>	<p><i>Mandatory (44 CFR 60.3(b)(1))</i></p>
<p>4.1-2 Application for Development Permit</p> <p>Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:</p> <ol style="list-style-type: none"> 1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator. 2) Elevation in relation to mean sea level to which any structure has been flood proofed; 3) Where a structure is to be flood proofed, certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet flood proofing criteria in Section 5.2-2; 4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development; 5) Where a structure is proposed in a V, V1-30, or VE zone, a V-zone design certificate; 6) Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and 7) Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application. 	<p><i>The format of Section 4.1-2 is not mandatory but the elevation information in subsection 1 and information in subsections 2 through 7 is mandatory. Elevation Certificates are not mandatory outside of CRS communities but highly recommended.</i></p>
<p>4.2 Designation of the Floodplain Administrator</p> <p>The {job title of the appropriate administrative official} is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.</p>	<p><i>Mandatory (44 CFR 59.22(b)(1))</i></p>
<p>4.3 Duties & Responsibilities of the Floodplain Administrator</p> <p>Duties of the (<i>Floodplain Administrator</i>) shall include, but not be limited to:</p>	<p><i>Mandatory (44 CFR 60.1(b))</i></p>
<p>4.3-1 Permit Review</p> <p>Review all development permits to determine that:</p> <ol style="list-style-type: none"> 1) The permit requirements of this ordinance have been satisfied; 2) All other required state and federal permits have been obtained; 3) The site is reasonably safe from flooding; 4) The proposed development is not located in the floodway. If located in the floodway, assure the 	<p><i>Mandatory (44 CFR 60.1(b))</i></p>

<p>encroachment provisions of Section 5.4-1 are met.</p> <p>5) Notify FEMA when annexations occur in the Special Flood Hazard Area.</p>	
<p>4.3-2 Use of Other Base Flood Data (In A and V Zones)</p> <p>When base flood elevation data has not been provided (in A or V zones) in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer Sections 5.2, SPECIFIC STANDARDS, and 5.4 FLOODWAYS.</p>	<p><i>Mandatory (44 CFR 60.3(b)(4))</i></p>
<p>4.3-3 Information to be Obtained and Maintained</p> <ol style="list-style-type: none"> 1) Where base flood elevation data is provided through the FIS, FIRM, or required as in Section 4.3-2, obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. 2) Documentation of the elevation of the bottom of the lowest horizontal structural member in V or VE zones. 3) For all new or substantially improved flood proofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 4.3-2: <ol style="list-style-type: none"> a) Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was flood proofed. b) Maintain the flood proofing certifications required in Section 4.1-2(3). 4) Certification required by Section 5.4.1 (floodway encroachments). 5) Records of all variance actions, including justification for their issuance. 6) Improvement and damage calculations. 7) Maintain for public inspection all records pertaining to the provisions of this ordinance. 	<p><i>Required verbatim (44 CFR 60.3 (b)(5)); (44 CFR 60.3(b)(5)(i) and (iii)); (44 CFR 60.3(e)(2)); (44 CFR 60.3(b)(5)(i) and (iii)); (44 CFR 60.3(b)(5)(ii)); (44 CFR 60.3(b)(5)(iii)); (44 CFR 60.3(d)(3)); (44 CFR 60.6(a)(6)); (44 CFR 60.3(b)(5)(iii))</i></p>
<p>4.3-4 Notification to Other Entities</p> <p>Whenever a watercourse is to be altered or relocated:</p> <ol style="list-style-type: none"> 1) Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means, and 2) Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained. 	<p><i>Mandatory (44CFR 60.3(b)(6)) & (44CFR 60.3(b)(7))</i></p>
<p>4.3-5 Interpretation of FIRM Boundaries</p> <p>Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.</p>	<p><i>This section is not required, but if Local Admins are performing this task on a regular basis, it should be adopted. (44 CFR 59-76)</i></p>

<p>4.3-6 Review of Building Permits</p> <p>Where elevation data is not available, either through the FIS, FIRM, or from another authoritative source (Section 4.3-2), applications for floodplain development shall be reviewed to assure that proposed construction will be <i>reasonably safe from flooding</i>. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. (Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.)</p>	<p><i>Mandatory (44 CFR 60.3(a)(3))</i></p>
<p>4.3-7 Changes to Special Flood Hazard Area</p> <ol style="list-style-type: none"> 1) If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR. 2) If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications. 	<p><i>Recommended. However, be aware that 44 CFR 65.3 requires communities to submit new technical information regarding changes affecting flooding conditions. Section 4.3-7 gives a community the authority to require necessary information from project proponents.</i></p>
<p>Section 5.0 – Provisions for Flood Hazard Reduction</p>	<p><i>Section 5.0 is required</i></p>
<p>5.1 General Standards</p> <p>In all areas of special flood hazards, the following standards are required:</p>	
<p>5.1-1 Anchoring</p> <ol style="list-style-type: none"> 1) All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy. 2) All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. 	<p><i>Mandatory (44 CFR 60.3(a)(b)); (44 CFR 60.3(a)(3)(i)); (44 CFR 60.3(b)(8)); For more information, refer to guidebook, FEMA-85, "Manufactured Home Installation in Flood Hazard Areas."</i></p>
<p>5.1-2 Construction Materials and Methods</p> <ol style="list-style-type: none"> 1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. 2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. 3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. 	<p><i>Mandatory (44 CFR 60.3(a)(3)(ii-iv))</i></p>

<p>5.1-3 Storage of Materials and Equipment</p> <ol style="list-style-type: none"> 1) The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas. 2) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning. 	<p style="text-align: center;"><i>FEMA Recommended</i></p>
<p>5.1-4 Utilities</p> <ol style="list-style-type: none"> 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems; 2) Water wells shall be located on high ground that is not in the floodway;* 3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; 4) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. 	<p style="text-align: center;"><i>Mandatory (44 CFR 60.3(a)(5)(6)); WAC 173-160-171 prohibits new water wells in floodways.</i></p>
<p>5.1-5 Subdivision Proposals and Development</p> <p>All subdivisions, as well as new development shall:</p> <ol style="list-style-type: none"> 1) Be consistent with the need to minimize flood damage; 2) Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage; 3) Have adequate drainage provided to reduce exposure to flood damage. 4) Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation data shall be included as part of the application. 	<p style="text-align: center;"><i>Mandatory (44 CFR 60.3(a)(4) & (b)(3))</i></p>
<p>5.2 Specific Standards</p> <p>In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or Section 4.3-2, USE OF OTHER BASE FLOOD DATA. The following provisions are required:</p>	<p style="text-align: center;"><i>Mandatory (44 CFR 60.3(c)(1)) (Additional standards clarified in FEMA Technical Bulletin 11-01 to allow below-grade crawlspace construction for buildings located in the SFHA. However, the standards in 11-01 must be specifically adopted, and adopting them can result in a 20% increase in flood insurance premiums.)</i></p>
<p>5.2-1 Residential Construction</p> <ol style="list-style-type: none"> 1) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproof or elevated at least one foot above the BFE. 	<p style="text-align: center;"><i>Mandatory (44 CFR 60.3(c)(2) and (5));(44 CFR 60.3(c)(7)); (44 CFR 60.3(b)(2)); (44 CFR 60.3(e)); (44 CFR 60.3(c)(5))</i></p>

- 2) New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Appendix A.
- 3) New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- 4) New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone shall meet the requirements in Appendix B.
- 5) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet or exceed the following minimum criteria:
 - a) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - b) The bottom of all openings shall be no higher than one foot above grade.
 - c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
 - d) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

Mandatory (44 CFR 60.3(c)(3) and (4))

5.2-2 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection 1 or 2, below.

- 1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
 - a) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained:
 New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.
 - b) If located in an AO zone, the structure shall meet the requirements in Appendix A.
 - c) If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
 - d) If located in a V, V1-30, or VE zone, the structure shall meet the requirements in Appendix B.
 - e) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - ii) The bottom of all openings shall be no higher than one foot above grade.

<ul style="list-style-type: none"> iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater. iv) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters. <p>Alternatively, a registered engineer or architect may design and certify engineered openings.</p> <p>2) If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:</p> <ul style="list-style-type: none"> a) Be dry flood proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater; b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.3-3(2); d) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in 5.2-1(2); <p>(Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as one foot below). Flood proofing the building an additional foot will reduce insurance premiums.)</p>	
<p>5.2-3 Manufactured Homes</p> <p>1) All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement*.</p> <p>This applies to manufactured homes:</p> <ul style="list-style-type: none"> a) Outside of a manufactured home park or subdivision, b) In a new manufactured home park or subdivision, c) In an expansion to an existing manufactured home park or subdivision, or d) In an existing manufactured home park or subdivision on a site which a manufactured home has incurred “substantial damage” as the result of a flood; and <p>2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions be elevated so that either:</p> <ul style="list-style-type: none"> a) The lowest floor of the manufactured home is elevated one foot or more* b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. 	<p><i>Mandatory (44 CFR 60.3(c)(6)(12))</i> <i>(* If this phrase is applied to all manufactured homes in the floodplain, then the remaining verbiage is not necessary to adopt.)</i></p>

<p>5.2-4 Recreational Vehicles</p> <p>Recreational vehicles placed on sites are required to either:</p> <ol style="list-style-type: none"> 1) Be on the site for fewer than 180 days, or 2) Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or 3) Meet the requirements of 5.2-3, above. 	<p><i>Mandatory (44 CFR 60.3(c)(14))</i></p>
<p>5.2-5 Enclosed Area Below the Lowest Floor</p> <p>If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.</p>	<p><i>Mandatory (44 CFR 60.3(c)(5))</i></p>
<p>5.2-6 Appurtenant Structures (Detached Garages & Small Storage Structures)</p> <p>For A Zones (A, AE, A1-30, AH, AO):</p> <ol style="list-style-type: none"> 1) Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements: <ol style="list-style-type: none"> a) Use of the appurtenant structure must be limited to parking of vehicles or limited storage; b) The portions of the appurtenant structure located below the BFE must be built using flood resistant materials; c) The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement; d) Any machinery or equipment servicing the appurtenant structure must be elevated or flood proofed to or above the BFE; e) The appurtenant structure must comply with floodway encroachment provisions in Section 5.4-1; f) The appurtenant structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with Section 5.2-1(5). g) The structure shall have low damage potential, and h) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use. i) The structure shall not be used for human habitation. 2) Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 5.2-1. 3) Upon completion of the structure, certification that the requirement of this section have been satisfied shall be provided to the Floodplain Administrator for verification. 	<p><i>FEMA Recommended</i></p>

<p>5.3 AE and A1-30 Zones with Base Flood Elevations but No Floodways</p> <p>In areas with BFEs (when a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.</p>	<p><i>Mandatory (44 CFR 60.3(c)(10))</i></p>
<p>5.4 Floodways</p> <p>Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:</p>	<p><i>(Note the more restrictive language for floodway development per RCW 86.16)</i></p>
<p>5.4-1 No Rise Standard</p> <p>Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.</p>	<p><i>(44 CFR 60.3(d)(3))</i></p>
<p>5.4-2 Residential Construction in Floodways</p> <p>Construction or reconstruction of residential structures is prohibited within designated floodways*, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair, or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.</p> <p>1) Replacement of Farmhouses in Floodway Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:</p> <ol style="list-style-type: none"> a) The new farmhouse is a replacement for an existing farmhouse on the same farm site; b) There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway; c) Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse; d) A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing; 	<p><i>Mandatory (RCW 86.16.041) However, subsections 1 and 2 can be eliminated at local option.</i></p>

- e) A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;
 - f) For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;
 - g) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwaters into the system;
 - h) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters; and
 - i) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.
- 2) Substantially Damaged Residences in Floodway
- a) For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).
 - b) Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:
 - i) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
 - ii) A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
 - iii) Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
 - iv) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.
 - v) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system.
 - vi) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters.
 - vii) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

<p>5.4-3 All Other Building Standards Apply in the Floodway</p> <p>If Section 5.4-1 is satisfied or construction is allowed pursuant to Section 5.4-2, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, Provision For Flood Hazard Reduction.</p>	<p><i>Mandatory (44 CFR 60.3(d)(1-4)</i></p>
<p>5.5 General Requirements for Other Development</p> <p>All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the state building codes with adopted amendments and any {community name} amendments, shall:</p> <ol style="list-style-type: none"> 1) Be located and constructed to minimize flood damage; 2) Meet the encroachment limitations of this ordinance if located in a regulatory floodway; 3) Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood; 4) Be constructed of flood damage-resistant materials; 5) Meet the flood opening requirements of Section 5.2-1(5), and 6) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations. 	<p><i>FEMA Recommended</i></p>
<p>5.6 Critical Facility</p> <p>Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities to the extent possible.</p>	<p><i>FEMA Recommended</i></p>
<p>5.7 Livestock Sanctuary Areas</p> <p>Elevated areas for the for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter.</p> <p>Note: To be “elevated sufficiently to protect livestock” typically means to be elevated at least one foot above the BFE.</p>	<p>Required by RCW 86.16.190. This section should be included by all counties. A city that does not allow livestock can forgo this section. While state law requires that local governments make provision for critter pads, it is extremely important to note that RCW 86.16.190 does not relax NFIP standards, including the no rise standard in floodways, in any way.</p>

<p>Section 6.0 - Variances</p>	
<p>The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.</p> <p>It is the duty of the {governing body} to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.</p>	<p><i>FEMA Recommended</i></p>
<p>6.1 Requirements for Variances</p> <p>1) Variances shall only be issued:</p> <ol style="list-style-type: none"> a) Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; b) For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure; c) Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; d) Upon a showing of good and sufficient cause; e) Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant; f) Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 2.0 {or the numbering system used by the community} of this ordinance in the definition of “Functionally Dependent Use.” <p>2) Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.</p> <p>3) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of Sections 4.0 and 5.0 {or the numbering system used by the community} of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.</p>	<p><i>FEMA Recommended. However, any variance provisions must meet the standards in 44 CFR 60.6</i></p>

<p>6.2 Variance Criteria</p> <p>1) In considering variance applications, the {Governing Body} shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:</p> <ol style="list-style-type: none"> a) The danger that materials may be swept onto other lands to the injury of others; b) The danger to life and property due to flooding or erosion damage; c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; d) The importance of the services provided by the proposed facility to the community; e) The necessity to the facility of a waterfront location, where applicable; f) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage; g) The compatibility of the proposed use with existing and anticipated development; h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area; i) The safety of access to the property in time of flood for ordinary and emergency vehicles; j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and, k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges. 	<p><i>FEMA Recommended. However, any variance provisions must meet the standards in 44 CFR 60.6</i></p>
<p>6.3 Additional Requirements for the Issuance of a Variance</p> <p>1) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:</p> <ol style="list-style-type: none"> a. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and b. Such construction below the BFE increases risks to life and property. <p>2) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.</p> <p>3) The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.</p> <p>Variations as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.</p>	<p><i>FEMA Recommended. However, any variance provisions must meet the standards in 44 CFR 60.6</i></p>

APPENDIX A - STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)	(44 CFR 60.3(c)7, 8 and 11)
<p>Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code, the following additional provisions also apply in AO zones:</p> <ol style="list-style-type: none"> 1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade to the structure, one foot or more above* the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified). 2. New construction and substantial improvements of nonresidential structures within AO zones shall either: <ol style="list-style-type: none"> a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above* the depth number specified on the FIRM (at least two feet if no depth number is specified); or b. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer, or architect as in section 5.2-2(3). 3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures. 4. Recreational vehicles placed on sites within AO zones on the community's FIRM either: <ol style="list-style-type: none"> a. Be on the site for fewer than 180 consecutive days, or b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or c. Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (Section 5.1-1(2)). 	<p><i>Optional Provision 44 CFR 60.3(c)(7); 44 CFR 60.3(c)(8); 44 CFR 60.3(c)(8)(ii); 44 CFR 60.3(c)(11)</i></p>

APPENDIX B - STANDARDS FOR COASTAL HIGH HAZARD AREAS (V ZONES)	44 CFR 60.3(e)(2-8)
<p>Located within areas of special flood hazard established in Section 3.2 are Coastal High Hazard Areas, designated as zones V1-30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this ordinance, the following provisions shall also apply:</p> <ol style="list-style-type: none"> 1. All new construction and substantial improvements in zones V1-30 and VE (V if base flood elevation data is available) on the community's FIRM shall be elevated on pilings and columns so that: <ol style="list-style-type: none"> a) Elevation: <ol style="list-style-type: none"> i) Residential Buildings The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level. ii) Nonresidential buildings The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level or meets the elevation requirements of ASCE 24, whichever is higher; and b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). <p>A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (1)(a)(i) and (2)(a)(ii).</p> 2. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in zones V1-30, VE, and V on the community's FIRM and whether or not such structures contain a basement. The (Floodplain Administrator) shall maintain a record of all such information. 3. All new construction within zones V1-30, VE, and V on the community's FIRM shall be located landward of the reach of mean high tide. 4. Provide that all new construction and substantial improvements within zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions: <ol style="list-style-type: none"> a) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water 	<p><i>Optional Provision 44 CFR 60.3(e)(4); 44 CFR 60.3(e)(4)(i); 44 CFR 60.3(e)(4)(ii); 44 CFR 60.3(e)(2); 44 CFR 60.3(e)(3); 44 CFR 60.3(e)(5); 44 CFR 60.3(e)(5)(i); 44 CFR 60.3(e)(6); 44 CFR 60.3(e)(7); 44 CFR 60.3(e)(8)(i-iv); 44 CFR 60.3(e)(9)(i-iii)</i></p>

loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

5. Prohibit the use of fill for structural support of buildings within zones V1-30, VE, and V on the community's FIRM.
6. Prohibit man-made alteration of sand dunes within zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.
7. All manufactured homes to be placed or substantially improved within zones V1-30, V, and VE on the community's FIRM on sites:
 - a) Outside of a manufactured home park or subdivision,
 - b) In a new manufactured home park or subdivision,
 - c) In an expansion to an existing manufactured home park or subdivision, or
 - d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; shall meet the standards of paragraphs (1) through (6) of this section and manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1-30, V, and VE on the FIRM shall meet the requirements of Section 5.2-3.
8. Recreational vehicles placed on sites within V or VE zones on the community's FIRM shall either:
 - a) Be on the site for fewer than 180 consecutive days, or
 - b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
 - c) Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (Section 5.1-1(2))

15.08.010 - Definitions of basic terms.

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

-A-

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

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

"Accessory dwelling units" are defined as a second, subordinate dwelling unit for use as a complete, independent dwelling with permanent provisions for living, sleeping, eating, cooking, and sanitation. Accessory dwelling units may be attached or detached.

Accessory Use. See Section 15.40.050.

Administrator. See Section 15.12.100.

"Adult day care" means the provision of supplemental adult care and supervision for nonrelated adults on a regular basis, for less than twenty-four hours a day, and under license by the Washington State Department of Social and Health Services.

"Adult entertainment" means any exhibition or dance of any type conducted in premises where such exhibition or dance involves the exposure to view of any portion of the breast below the top of the areola or any portion of the pubic hair, anus, buttocks, vulva and/or genitals.

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

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

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

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

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

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

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

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

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

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

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

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

"Area of shallow flooding" means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area designated AE zone on the FEMA flood insurance rate map (FIRM), this does not mean that actual flooding has or will occur. The base flood depths range from one to three feet.

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

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

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

"Attached accessory dwelling units" means an accessory dwelling unit located within or attached to a single-family residence. To be considered attached the roof and wall of the accessory dwelling unit must be an extension of the roof and wall of the existing single-family residence. In no case shall the attachment be made through an unenclosed structure. (Note: Definition from residential design guidelines.)

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

-B-

"Banks, including credit unions + savings institutions" means the office or quarters of an institution for receiving, lending, exchanging and safeguarding money and, in some cases, issuing notes and transacting other financial business. (Note: Definition from Webster's.)

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "one hundred-year flood." Designation on maps always includes the letters A or V.

Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Building height" means the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.

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

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

-C-

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

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

"Child care" means the provision of supplemental parental care and supervision for a nonrelated child or children, on a regular basis, for less than twenty-four hours a day, and under license by the Washington State Department of Social and Health Services. As used in this title, the term is not intended to include babysitting services of a casual, nonrecurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocal child care by a group of parents in their respective homes.

Child Care Center, Commercial. "Commercial child care center" means any child care arrangement that provides day care on a regular basis for more than twelve children of whom at least one is unrelated to the provider.

"Child care facility" means a building or structure in which an agency, person or persons regularly provide care for a group of children for periods less than twenty-four hours a day. Child day care facilities include family day care homes, child mini-day care centers, and child day care centers as defined and regulated by the Washington State Department of Health and Social Services (RCW 74.15, WAC 388-73-422).

Child Care, In-Home. "In-home child care" means any child care arrangement that provides day care on a regular basis for less than twelve children of whom at least one is unrelated to the provider.

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

"City" means the city of Carnation.

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

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

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

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

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

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

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

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

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

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

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

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

"Convenience store" means a one-story, retail store containing less than two thousand square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "Arco AM/PM" and "7/11" chains.

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

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

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

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

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

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

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

-D-

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

the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

"Detached accessory dwelling units" means a detached accessory dwelling unit located on the same lot as a single-family detached dwelling unit. (Note: Definition from residential design guidelines.)

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

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

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

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

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

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

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

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

"Double frontage lot" means a lot having frontage on two parallel, or approximately parallel, streets.

"Drainage basin" means a geographic and hydrologic subunit of a watershed.

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

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

"Dwelling unit" means an enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

-E-

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

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

"Ecology" means the Washington State Department of Ecology.

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

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

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

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

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

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

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

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

"Excavation" means the mechanical removal of earth material.

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

"Existing site conditions" means:

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

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

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

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

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

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

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

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

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

"Financial + estate planning, including brokerages" means a business establishment where financial and estate planning services are offered for remuneration.

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

"Flood" or "flooding" means ~~a general and temporary condition of partial or complete inundation of normally dry land areas from:~~

~~— A general~~

~~1) and temporary condition of partial or complete inundation of normally dry land areas from:~~

~~a. The overflow of inland or tidal waters~~

~~b. The unusual and rapid accumulation or runoff of surface waters from any source~~

~~c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.~~

~~2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.~~

~~— 1. The overflow of inland waters; or~~

~~2. The unusual and rapid accumulation or runoff of surface waters from any source.~~

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

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

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

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.55" + Indent at: 0.8"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.55" + Indent at: 0.8"

Formatted: Indent: Left: 0.3", First line: 0", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.55" + Indent at: 0.8"

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

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

Freestanding Sign. See Sign, Freestanding.

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

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

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

-G-

"G.I.S." means geographic information system.

"G.P.S." means global positioning system.

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

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

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

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

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

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

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

-H-

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

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

"Halfway house" means a home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, eleven of whom live together as a single housekeeping unit.

"Handicapped or infirm home" means a residence within a single dwelling unit for at least six but not more than nine persons who are physically or mentally handicapped or infirm, together with not more than two persons providing care or assistance to such persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

"Handicapped or infirm facility or institution" means an institutional facility housing and providing care or assistance for more than nine persons who are physically or mentally handicapped or infirm. Persons residing in such homes, including the aged or disabled, principally need residential care rather than medical treatment.

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

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

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

"Height" of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.

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

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

Historic structure: Any structure that is:

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

a) By an approved state program as determined by the Secretary of the Interior, or

b) Directly by the Secretary of the Interior in states without approved programs.

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

"Housing for people with functional disabilities" means housing used, or intended for use, by persons with functional disabilities. The term includes, but is not limited to, adult family homes, residential care facilities, and housing for any supported living arrangement, as herein defined.

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

-I-

"Illicit discharge" means all 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.

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

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

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

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

"Intermediate care facility or institution" means an institutional facility maintained for the purpose of providing accommodations for more than nine persons needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

"Intermediate care home" means a facility maintained for the purpose of providing accommodations for not more than seven occupants needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

"Internally illuminated signs" means signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that: (1) are filled with neon or some other gas that glows when an electric current passes through it; and (2) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.

-J-

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

"Junkyard" means any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

-K-

"Kennel" means a commercial operation that: (1) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian); or (2) engages in the breeding of animals for sale.

-L-

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

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

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

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

"Livestock or poultry merchant wholesalers" means an establishment selling poultry, sheep, cows or other animals or their meat or other products on a wholesale basis.

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

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

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

"Lot area" means the total area circumscribed by the boundaries of a lot, except that: (1) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and thirty feet from the center of the

traveled portion of the street, and (2) in a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

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

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

-M-

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

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

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

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

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

[Mean Sea Level: For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.](#)

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

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

1. The home has a length not exceeding four times its width;
2. The pitch of the home's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
3. The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;

4. A continuous, permanent masonry foundation, un-pierced except for required ventilation and access, is installed under the home; and
5. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

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

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

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

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

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

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

"Mortgage brokers" means an establishment where mortgages brokers conduct business.

"Movie theaters" means a place where the primary use is to show movies to the public.

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

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

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

-N-

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

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

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

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

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

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

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

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

"Nursing care facility or institution" means an institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine persons.

"Nursing care home" means a facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to not more than nine persons.

-O-

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

On-Premises Sign. See Sign, On-Premises.

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

-P-

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

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

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

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

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

"People with functional disabilities" means:

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

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

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

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

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

"Pet daycare facility" means any commercial facility where four or more dogs or other pet animals are left by their owners for periods of supervised social interaction in play groups with other animals of the same species; for the majority of the time the pets are at the facility during the hours the facility is open to the public.

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

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

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

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

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

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

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

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

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

"Public place of adult entertainment" means any exhibition or dance constituting "adult entertainment," as defined in this section, which is for the use or benefit of a member or members of the adult public, or advertised for the use or benefit of a member or members of the adult public, held conducted, operated or maintained for a profit, direct or indirect.

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

-R-

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

"Receive-only earth station" means an antenna and attendant processing equipment for reception of electronic signals from satellites.

[Reasonably Safe from Flooding: Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.](#)

"Recreational vehicle," for floodplain management purposes, means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

"Regional retention/detention system" means a stormwater quantity control structure designed to correct existing excess surface water runoff problems of a basin or sub-basin. The area downstream has been previously identified as having existing or predicted significant and regional flooding and/or erosion problems. This term is also used when a detention facility is used to detain stormwater runoff from a number of different businesses, developments or areas within a catchment.

"Religious organizations" (including houses of worship), means a place where people congregate to worship or otherwise participate in religious activities. Includes but is not limited to churches, synagogues, temples and mosques.

"Retention/detention facility (R/D)" means a type of drainage facility designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration, and/or infiltration into

the ground; or to hold surface and stormwater runoff for a short period of time and then release it to the surface and stormwater management system.

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

"Riding stables" means a place where horses are lodged and fed and made available for riding.

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

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

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

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

Rooming House. See "Boarding house."

-S-

"Senior housing" means multifamily dwellings specifically designed for occupancy by persons of fifty-five years of age or older and able to live independently. (Note: Definition from residential design guidelines.)

Sensitive areas. See definition for "Critical areas."

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

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

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

Short Plat. See Plat, Preliminary.

Short Subdivision. See Subdivision, Short.

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

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

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

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

"Sign area" means the entire area of a sign on which copy is to be placed. Only one side of a double-faced sign shall be included. Sign structure, architectural embellishments, framework and decorative features which contain no written or advertising copy shall not be included. Sign area shall be calculated by measuring the area determined by the perimeter as previously defined in this section.

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

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

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

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

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

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

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

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

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

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

"Sign height" means the greater of:

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

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

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

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

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

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

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

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

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

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

Sign, Political. "Political sign" means a sign which exclusively advertises a candidate or candidates for public elective office, a political party, or exclusively promotes a position on a public or ballot issue.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Social and fraternal clubs, lodges" means places where club members may congregate and where food and drink may be provided.

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

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

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

"Special needs child care home" means a home for not more than nine orphaned, abandoned, dependent, abused, or neglected children, together with not more than two adults who supervise such children, all of whom live together as a single housekeeping unit.

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

"Standard record of survey" means a record of survey form approved by the city and in accordance with RCW 58.09.

"Start of construction" means and includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or

walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subdivision, Architecturally Integrated. "Architecturally integrated subdivision" means a subdivision in which approval is obtained not only for the division of land into lots but also for a configuration of principal buildings to be located on such lots. The plans for an architecturally integrated subdivision shall show the dimensions, height, and location of all such buildings to the extent necessary to comply with the purpose and intent of architecturally integrated subdivisions as set forth in Section 15.48.080.

Subdivision, Formal. "Formal subdivision" means the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

Subdivision, Major. "Major subdivision" means the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

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

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

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

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

"Supported living arrangement" means a living unit owned or rented by one or more persons with functional disabilities who receive assistance with activities of daily living, instrumental activities of daily living, and/or medical care from an individual or agency licensed and/or reimbursed by a public agency to provide such assistance.

-T-

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

Temporary Sign. See Sign, Temporary.

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

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

"Tourist home" means a single-family structure in which rooms are rented by the day or week.

"Tower" means any structure whose principal function is to support an antenna.

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

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

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

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

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

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

Black Locust (*Robinia pseudoacacia*)

Black cottonwood (*Populus trichocarpa*)

Cottonwood (*Populus freemontii*)

Native alder (Native *Alnus* only)

Native willow (Native *Salix* only)

Lombardy poplar (*Populus nigra*)

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

-U-

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

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

"Use" means the activity or function that actually takes place or is intended to take place on a lot.

Use, Principal. "Principal use" means a use listed in the table of permissible uses.

"Utility facilities" means any above ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a

governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by RCW 80.04.015 and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Excepted from this definition are utility lines and supporting structures listed in subsection 151(2).

Utility Facilities, Community or Regional. "Community or regional utility facilities" means all utility facilities other than neighborhood facilities.

Utility Facilities, Neighborhood. "Neighborhood utility facilities" means utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located above ground in or near the neighborhood where such facilities are proposed to be located.

-V-

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

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

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

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

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

-W-

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

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

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

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

"Wholesale sales" means on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

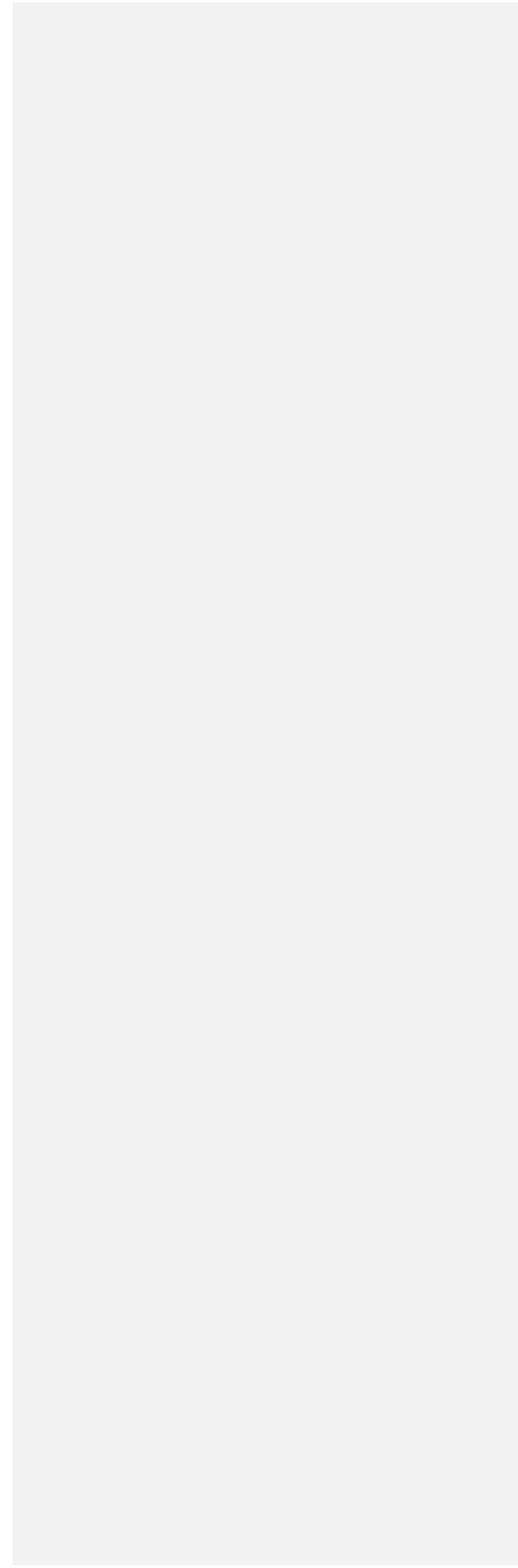
"Wooded area" means an area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per three hundred twenty-five square feet of land and where the branches and leaves form a contiguous canopy.

-Y-

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

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

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



Chapter 15.64 - FLOODWAYS, FLOODPLAINS, DRAINAGE, AND EROSION

Part I. - Floodways and Floodplains

15.64.010 - Findings—Purpose—Flood loss reduction.

Commented [HB1]: All comments in this section are suggestions – not mandatory.

- A. Findings. The flood hazard areas of the ~~city~~ City of Carnation are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.
- B. Purpose. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
- (1) To protect human life and health;
 - (2) To minimize expenditure of public money and costly flood control projects;
 - (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) To minimize prolonged business interruptions;
 - (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
 - (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
 - (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
 - (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
 - (9) To ensure that development within the special flood hazard area complies with applicable local, state and federal regulations.
- (10) Participate in and maintain eligibility for flood insurance and disaster relief.
- C. Flood loss reduction. In order to accomplish its purposes, this ordinance includes methods and provisions for:
- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
 - (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
 - (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
 - (5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas.

(Ord. 634 § 4, 2001)

(Ord. No. 864, § 2, 8-4-2015)

15.64.015 - General provisions.

- A. Applicability. The floodplain management regulations set forth in this chapter shall apply to all areas of special flood hazard within the jurisdiction of ~~city~~ the City of Carnation.
- B. Basis ~~f~~For Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for King County and Incorporated Areas" (FIS) dated ~~December 6, 2001~~ August 19, 2020, and ~~letter of map revision (LOMR) dated May 1, 2002~~, and any revisions thereto, with an accompanying flood insurance rate map (FIRM), dated August 19, 2020, and any revisions thereto, are adopted by reference and declared to be a part of this chapter. The ~~flood insurance study~~ (FIS) and the FIRM are on file at the city and available for public inspection and copying. The best available information for flood hazard area identification as outlined in CMC Section 15.64.020(D)(4) shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under CMC Section 15.64.020(D)(4).
- C. Penalties. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one thousand dollars or imprisoned for not more than ninety days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.
- D. Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. Interpretation. In the interpretation and application of this chapter, all provisions shall be:
 - (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
- F. Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Commented [HB2]: Suggestion.

Commented [HB3]: Please be more specific as to location of records.

(Ord. 684 § 2, 2005; Ord. 634 § 5, 2001)

15.64.020 - Administration.

- A. Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in CMC 15.64.015(B). The

permit shall be for all structures including manufactured homes, as set forth in CMC 15.08.010 and for all development including fill and other activities, also defined in CMC 15.08.010.

B. Application for Development Permit. Application for a development permit shall be made on forms furnished by the city and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been floodproofed;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in CMC 15.64.035(B); and
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.
5. A Floodplain Habitat Assessment as required by 44 C.F.R. 60. Assessment of the potential impacts of any development on the critical habitat of threatened and endangered salmon to ensure compliance with the Endangered Species Act (ESA) per the 2008 Biological Opinion on the implementation of the NFIP in the Puget Sound Region.
6. Where development is proposed in the floodway, an engineering analysis indicating no rise of the base flood elevation
7. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

C. Designation of local administrator. The building official is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

D. Duties and responsibilities of local administrator. The duties of the building official under this chapter shall include, but not be limited to:

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
2. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required;
3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of CMC 15.64.040 are met;
4. When base flood elevation data has not been provided (A or V zone) in accordance with CMC Section 15.64.015(B), the building official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer CMC Sections 15.64.035 and 15.64.040;
5. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in CMC 15.64.020(D)(4), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
6. For all new or substantially improved flood-proofed nonresidential structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in subsection (D)(4) of this section:
 - a. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed; and

Commented [HB4]: Suggested rewrite. Having language like this is highly recommended but it should refer to the BiOp, not to CFR.

Commented [HB5]: #6 and #7 are required additions.

Commented [HB6]: See ordinance checklist 4.3-1 for required additions #3 (reasonable safe from flooding) and #5 (notification of FEMA)

Commented [HB7]: Please see ordinance checklist 4.3-3 for missing language. Additions are required.

- b. Maintain the floodproofing certifications required in CMC 15.64.020(B);
- 7. Maintain for public inspection all records pertaining to the provisions of this chapter;
- 8. Notify adjacent communities and the department of ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
- 9. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished; and
- 10. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in CMC 15.64.025.

(Ord. 684 §§ 3, 4, 2005; Ord. 634 § 6, 2001)

(Ord. No. 864, § 3, 8-4-2015)

15.64.025 - Appeals and variances.

- A. The hearing examiner shall hear and decide appeals and requests for variances from the requirements of this chapter. The hearing examiner shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the building official in the enforcement or administration of this ordinance. Those aggrieved by the decision of the building official, or any taxpayer, may appeal such decision to the hearing examiner, as provided in Chapter 15.11 of the CMC.
- B. In passing upon such applications, the hearing examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - 1. The danger that materials may be swept onto other lands to the injury of others;
 - 2. The danger to life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. The importance of the services provided by the proposed facility to the community;
 - 5. The necessity to the facility of a waterfront location, where applicable;
 - 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - 7. The compatibility of the proposed use with existing and anticipated development;
 - 8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- C. Upon consideration of the factors of CMC 15.64.025(B) and the purposes of this chapter, the hearing examiner may attach such conditions to the granting of variances as it deems necessary to

further the purposes of this chapter. The hearing examiner shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

D. Conditions for Variances.

1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) in CMC 15.64.025(B) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases;
2. Variances may be issued for the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure; for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section;
3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result;
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

Commented [HB8]: 6.1(3)

Commented [HB9]: 6.1(1)(b)

Commented [HB10]: 6.1(2)

Commented [HB11]: 6.1(1)(c)

Commented [HB12]: 6.1(1)(d)

Commented [HB13]: 6.1(1)(e)

Commented [HB14]: 6.1(1)(a)

E. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

~~F. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except CMC 15.64.025(D)(1), and otherwise complies with CMC 15.64.030(A), (C), and (D).~~

G. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. 634 § 7, 2001)

15.64.030 - General standards.

In all areas of special flood hazards, the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement

of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy; and

2. All manufactured homes shall be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- B. AH Zone Drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.
- C. Construction Materials and Methods.
1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and
 3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- D. Utilities.
1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
 2. A water well shall be located on high ground that is not in the floodway (WAC 173-160-171);
 3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and
 4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- E. Subdivision Proposals.
1. All subdivision proposals shall be consistent with the need to minimize flood damage;
 2. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 4. For subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less), base flood elevation data shall be included with the proposal. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated by the project proponent.
- F. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

(Ord. 684 §§ 5, 6, 2005; Ord. 634 § 8, 2001)

15.64.035 - Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in CMC 15.64.015(B) or CMC 15.64.020(D)(4), the following provisions are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the ~~base flood elevation~~BFE. Mechanical equipment and utilities shall be waterproof or elevated at least one foot above the BFE.;
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs ~~for meeting this requirement must either be certified by a registered professional engineer or architect or~~ must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one foot above grade; and,
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

B. ~~Nonresidential Construction.~~ New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the building official as set forth in CMC 15.64.020(D)(6);
4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in CMC 15.64.035(A)(2); and,
5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below).

C. Manufactured Homes.

1. All manufactured homes to be placed or substantially improved on sites ~~shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement:~~

Commented [HB15]: Please see 5.2-2 on the checklist for language that must be updated to match.

Commented [HB16]: See checklist 5.2-3.

- a. Outside of a manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;
 - c. In an expansion to an existing manufactured home park or subdivision; or,
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, ~~and shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.~~
2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions be elevated so that either:
- a. The lowest floor of the manufactured home is elevated one foot or more above the base flood elevation; or,
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.
- D. Recreational vehicles. Recreational vehicles, if otherwise permitted by this title, are required to either:
- 1. Be on the site for fewer than one hundred eighty consecutive days;
 - 2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - 3. Meet the requirements of CMC 15.64.035(C) and the elevation and anchoring requirements for manufactured homes.

(Ord. 634 § 9, 2001)

15.64.040 - Floodways.

Located within areas of special flood hazard established in CMC 15.64.015(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Encroachments, including fill, new construction, substantial improvements, and other development are prohibited within the designated floodway unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:
 - (1) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area;
 - (2) Repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the market value of the structure either: (a) before the repair, or reconstruction is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred;

- (3) Repairs or reconstruction of a substantially damaged residential structure as provided in RCW 86.16.041 as said section presently exists or is hereafter amended; and
 - (4) Repairs, reconstruction, or replacement of existing farmhouses in designated floodways as provided in RCW 86.16.041 as said section presently exists or is hereafter amended. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or any projects for improvements to structures identified as historic places shall not be included in the fifty percent.
- C. If CMC 15.64.040(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of CMC 15.64.030, 15.64.035, 15.64.040, 15.64.045, and 15.64.050.
- D. Excavation in the designated floodway is prohibited, except: (1) as otherwise required by law; (2) as part of a government funded or sponsored wildlife habitat enhancement project.

(Ord. 684 § 7, 2005; Ord. 634 § 10, 2001)

15.64.045 - Standards for shallow flooding areas (AO Zones).

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

- A. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade to the structure, one foot or more above the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified);
- B. New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - 1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - 2. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in CMC 15.64.035(B)(3).
- C. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- D. Recreational vehicles placed on sites within AO Zones on the community's FIRM either:
 - 1. Be on the site for fewer than one hundred eighty consecutive days;
 - 2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
 - 3. Meet the requirements of CMC 15.64.045(A) and (C) and the anchoring requirements for manufactured homes set forth in CMC 15.64.030(A)(2).

(Ord. 634 § 11, 2001)

15.64.050 - Critical facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (one hundred year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or to the height of the five hundred year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

(Ord. 634 § 12, 2001)

~~Part II.—Drainage, Erosion Control, Stormwater Management¹⁷~~

~~Footnotes:~~

~~— (7) —~~

~~Editor's note — Ord. No. 781, § 2(Exh. A), adopted July 20, 2010, amended Ch. 15.64, part II, to read as set out here. Former Ch. 15.64, part II, pertained to similar subject matter.~~

~~15.64.160 — Purpose; intent.~~

~~The purpose of this part is to establish drainage standards governing the development and redevelopment of land within the city. The city of Carnation does not own or operate a stormwater utility or any other comprehensive system for the collection and treatment of storm runoff. As such, insuring adequate drainage of storm runoff must be accomplished exclusively through on-site retention and/or infiltration. The primary component of these standards is the requirement that the rate of stormwater discharge resulting from new development or redevelopment sites will not exceed the predeveloped condition rate of stormwater discharge. Another critical aspect of the following regulations is to place the financial and legal responsibility for the design, maintenance, operation and repair of private drainage facilities exclusively upon the owner(s) of the underlying property. Unless otherwise expressly provided in this part, the following provisions shall be interpreted in furtherance of these objectives.~~

~~(Ord. No. 781, § 2(Exh. A), 7-20-2010; Ord. No. 816, § 2, 10-2-2012)~~

~~15.64.165 — Definitions.~~

~~A. — "Predeveloped condition" shall mean the existing condition prior to submission of development application.~~



City of Carnation Meeting Calendar and Preliminary Agendas

This list is intended to be used for planning purposes only. Agenda items and dates may change.

4/28/2020 Planning Board

UNFINISHED BUSINESS

DISCUSSION Continued review of proposed amendments to Chapter 15.18 CMC "Land Use Approvals".
Origin: 2020 Docket *Staff:* City Planner *Firm Date?*

NEW BUSINESS

DISCUSSION Proposed amendment to Section 15.64.015 CMC to adopt 2007 FEMA NFIP FIRM.
Origin: City Manager *Staff:* City Planner *Firm Date?*

DISCUSSION Proposed amendments to Chapter 15.32 CMC "Non-conforming Situations".
Origin: 2020 Docket *Staff:* City Planner *Firm Date?*

5/5/2020 City Council

OTHER BUSINESS

DISCUSSION Review of draft 2021 TIP and 2021-2026 STIP.
Origin: City Manager *Staff:* City Clerk *Firm Date?*

DISCUSSION 2020 Budget Amendment.
Origin: City Manager *Staff:* Treasurer *Firm Date?*

WORKSHOP

DISCUSSION **5:00 PM.** Water-Sewer Utility Rate Review, presentation by FCSG.
Origin: City Manager *Staff:* City Manager *Firm Date?*

5/19/2020 City Council

AGENDA BILLS

ORDINANCE 2020 Budget Amendment.
Origin: Finance & Operations *Staff:* Treasurer *Firm Date?*

RESOLUTION Approving Terms of Sale for the Old Maintenance Shop.
Origin: City Manager *Staff:* City Manager *Firm Date?*

OTHER BUSINESS

DISCUSSION Establishing a two-year fiscal biennium budget. (ordinance must be adopted by June 30 to implement starting 2021)
Origin: Council of the Whole *Staff:* City Manager *Firm Date?*

PUBLIC HEARING

DISCUSSION 2021-2026 STIP.
Origin: City Manager *Staff:* City Clerk *Firm Date?*

5/26/2020 Planning Board

UNFINISHED BUSINESS

DISCUSSION Continued review of proposed amendments to Chapter 15.32 CMC "Non-conforming Situations".
Origin: 2020 Docket *Staff:* City Planner *Firm Date?*

DISCUSSION Continued review of proposed amendment to Section 15.64.015 CMC to adopt 2007 FEMA NFIP FIRM.
Origin: City Planner *Staff:* City Planner *Firm Date?*

NEW BUSINESS

DISCUSSION Review proposed amendments to Comp Plan Chapters 7 & 9.
Origin: 2020 Docket *Staff:* City Planner *Firm Date?*

6/2/2020 City Council**AGENDA BILLS**

ORDINANCE Establishing a two-year fiscal biennium budget. (must be adopted by June 30 to implement starting 2021)

Origin: Council of the Whole *Staff:* City Manager *Firm Date?*

RESOLUTION Adopting 2021 TIP and 2021-2026 STIP.

Origin: City Manager *Staff:* City Clerk *Firm Date?*

OTHER BUSINESS

DISCUSSION 2018 Washington Building Codes (adoption due before 07/01/2020, postponed to 11/01/2020 due to COVID-19)

Origin: City Manager *Staff:* City Clerk *Firm Date?*

WORKSHOP

DISCUSSION 5:30 Workshop prior to regular meeting, first Tuesday of each month.

Origin: Council of the Whole *Staff:* City Manager *Firm Date?*

6/16/2020 City Council**AGENDA BILLS**

ORDINANCE Adopting the 2018 Washington State Building Codes. (adoption due before 07/01/2020, postponed to 11/01/2020 due to COVID-19)

Origin: City Manager *Staff:* City Manager *Firm Date?*

RESOLUTION Adopt revised Fire Fees.

Origin: City Manager *Staff:* City Manager *Firm Date?*

WORKSHOP

DISCUSSION 2021 Budget goals and funding priorities.

Origin: City Manager *Staff:* City Manager *Firm Date?*

6/23/2020 Planning Board**PUBLIC HEARING**

DISCUSSION Proposed 2020 Amendments to Comprehensive Plan Chapters 7 & 9, and Land Use Code Chapters 15.18, 15.32, & 15.64.

Origin: 2020 Docket *Staff:* City Planner *Firm Date?*

RECOMMENDATION

MOTION Recommendation to City Council regarding 2020 Amendments to Comprehensive Plan Chapters 7 & 9, and Land Use Code Chapters 15.18, 15.32, & 15.64.

Origin: 2020 Docket *Staff:* City Planner *Firm Date?*

7/7/2020 City Council**OTHER BUSINESS**

DISCUSSION Review of Planning Board recommendation for 2020 Amendments to Comprehensive Plan (Chapters 7 & 9), and Land Use Code Chapters 15.18, 15.32, and 15.64.

Origin: City Manager *Staff:* City Planner *Firm Date?*

DISCUSSION Review of the 2020 Update to the Carnation Comprehensive Emergency Management Plan. (due in December?)

Origin: *Staff:* City Manager *Firm Date?*

WORKSHOP

DISCUSSION 5:30 Workshop prior to regular meeting, first Tuesday of each month.

Origin: Council of the Whole *Staff:* City Manager *Firm Date?*

7/21/2020 City Council**AGENDA BILLS**

RESOLUTION Adopting the 2020 Update to the Carnation Comprehensive Emergency Management Plan. (due in December?)

Origin: *Staff:* City Manager *Firm Date?*

PUBLIC HEARING

DISCUSSION Recommended amendments to Comprehensive Plan and Land Use Code (CP Chapters 7 & 9; CMC Chapters 15.18, 15.32, & 15.64 CMC)

Origin: City Manager *Staff:* City Planner *Firm Date?*

7/28/2020 Planning Board**NEW BUSINESS**

- DISCUSSION Proposed amendments to Chapter 15.76 CMC "Screening, Landscaping, and Trees"
Origin: 2020 Docket *Staff:* City Planner *Firm Date?*
- DISCUSSION Proposed amendments to Chapter 15.48 CMC "Density & Dimensions" related to garage setbacks in MU zone.
Origin: 2020 Docket *Staff:* City Planner *Firm Date?*
-

8/4/2020 City Council**AGENDA BILLS**

- ORDINANCE Adoption of recommended amendments to Comprehensive Plan and Land Use Code (CP Chapters 7 & 9; CMC Chapters 15.18, 15.32, & 15.64 CMC)
Origin: City Manager *Staff:* City Planner *Firm Date?*

OTHER BUSINESS

- DISCUSSION ILA with King County for District Court Services.
Origin: City Manager *Staff:* City Manager *Firm Date?*

WORKSHOP

- DISCUSSION 5:30 Workshop prior to regular meeting, first Tuesday of each month.
Origin: Council of the Whole *Staff:* City Manager *Firm Date?*
-

8/18/2020 City Council**AGENDA BILLS**

- MOTION Approving ILA with King County for District Court Services.
Origin: City Manager *Staff:* City Manager *Firm Date?*
-

8/25/2020 Planning Board**UNFINISHED BUSINESS**

- DISCUSSION Continued review of proposed amendments to Chapter 15.48 CMC "Density & Dimensions" related to garage setbacks in MU zone.
Origin: 2020 Docket *Staff:* City Planner *Firm Date?*
- DISCUSSION Continued review of proposed amendments to Chapter 15.76 CMC "Screening, Landscaping, and Trees".
Origin: 2020 Docket *Staff:* City Planner *Firm Date?*
-

9/1/2020 City Council**WORKSHOP**

- DISCUSSION 5:30 Workshop prior to regular meeting, first Tuesday of each month.
Origin: Council of the Whole *Staff:* City Manager *Firm Date?*
-

9/15/2020 City Council

Regular meeting.

Origin: *Staff:* *Firm Date?*

9/22/2020 Planning Board

Regular meeting.

Origin: *Staff:* City Planner *Firm Date?*

10/6/2020 City Council**OTHER BUSINESS**

- DISCUSSION Review of 2021 Proposed Preliminary Budget.
Origin: City Manager *Staff:* City Manager *Firm Date?*

WORKSHOP

- DISCUSSION 5:30 Workshop prior to regular meeting, first Tuesday of each month.
Origin: Council of the Whole *Staff:* City Manager *Firm Date?*
-

10/20/2020 City Council**OTHER BUSINESS**

- DISCUSSION Continued review of 2021 Proposed Preliminary Budget.
Origin: City Manager *Staff:* City Manager *Firm Date?*

10/27/2020 Planning Board**PUBLIC HEARING**

DISCUSSION Proposed amendments to Land Use Code Chapters 15.48 & 15.76.

Origin: 2020 Docket*Staff:* City Planner*Firm Date?* **RECOMMENDATION**

MOTION Recommendation to City Council regarding amendments to Land Use Code Chapters 15.48 & 15.76.

Origin: 2020 Docket*Staff:**Firm Date?*

11/3/2020 City Council**PUBLIC HEARING**

DISCUSSION 2021 Preliminary Budget & Revenue Sources.

Origin: City Manager*Staff:* City Manager*Firm Date?* **WORKSHOP**

DISCUSSION 5:30 Workshop prior to regular meeting, first Tuesday of each month.

Origin: Council of the Whole*Staff:* City Manager*Firm Date?*

11/17/2020 City Council**AGENDA BILLS**

ORDINANCE Adopting 2021 Property Tax Levy.

Origin: City Manager*Staff:* City Clerk*Firm Date?*

RESOLUTION Certifying the budget for the 2021 Property Tax Levy.

Origin: City Manager*Staff:* City Clerk*Firm Date?* **PUBLIC HEARING**

DISCUSSION 2021 Budget.

Origin: City Manager*Staff:* City Manager*Firm Date?*

11/24/2020 Planning Board

Regular meeting.

*Origin:**Staff:* City Planner*Firm Date?*

12/1/2020 City Council**AGENDA BILLS**

ORDINANCE Adopting 2021 Budget.

Origin: City Manager*Staff:* Treasurer*Firm Date?* **WORKSHOP**

DISCUSSION 5:30 Workshop prior to regular meeting, first Tuesday of each month.

Origin: Council of the Whole*Staff:* City Manager*Firm Date?*

12/15/2020 City Council

Regular meeting.

*Origin:**Staff:**Firm Date?*

12/22/2020 Planning Board

Regular meeting.

*Origin:**Staff:* City Planner*Firm Date?*

9/6/2022 City Council**OTHER BUSINESS**

DISCUSSION CaTV Tax 5.04.030(F)&(H).

Origin: Ordinance 914*Staff:* City Manager*Firm Date?*