CITY OF GRANITE FALLS

ORDINANCE NO. 740-07

AN ORDINANCE OF THE CITY OF GRANITE FALLS ADOPTING A UNIFIED DEVELOPMENT CODE FOR THE CITY OF GRANITE FALLS IN ACCORDANCE WITH THE GROWTH MANAGEMENT ACT, AND REPEALING ALL OTHER ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the state requires that Snohomish County and cities within Snohomish County adopt a Unified Development Code (UDC) in accordance with Section 36.70A.130(1)(a) of the Growth Management Act; and

WHEREAS, the City of Granite Falls has completed the UDC which reflects consistency with the Granite Falls Comprehensive Plan (November 2005) and incorporates Best Available Sciences; and

WHEREAS, the City Planning Commission and City Council held public meetings and public hearings throughout the entire process of developing a revised Unified Development Code; now

THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF GRANITE FALLS:

1) The document consisting of the text and map entitled "The City of Granite Falls Unified Development Code", hereto attached as Exhibit "A", is the adopted Unified Development Code for the City of Granite Falls.

2) All other Ordinances and Sections of Ordinances in conflict therewith are hereby repealed.

Passed by the City Council of the City of Granite Falls, Washington, at its regular meeting thereof and approved by the Mayor this 2 day of MAY, 2007.

MAYOR

Attest:

Benny James
City Clerk

DATE OF FIRST READING: April 18, 2007
DATE OF SECOND READING: May 2, 2007
DATE OF PUBLICATION: April 28, 2007
EFFECTIVE DATE: May 4, 2007

CERTIFICATION

I, Gerry James, being first duly appointed, qualified, and Clerk of the City of Granite Falls, Washington, a municipal corporation, do hereby certify that the foregoing Ordinance No. 740-07 is a full, true, and correct copy of the original Ordinance passed on the 2 day of May, 2007, as said Ordinance appears in the Ordinance Book of the City and said Ordinance became effective on the 4 day of May, 2007.

GRANITE FALLS

The City of Granite Falls

Unified Development Code

May 2007

Prepared by:
Granite Falls Planning Commission
Granite Falls City Council

City of Granite Falls
Unified Development Code

May 2007

Prepared Under the Guidance
of the City of Granite Falls'

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CHAPTER 19.1
GENERAL PROVISIONS

19.1.010 TITLE: This title shall be known as the GRANITE FALLS UNIFIED DEVELOPMENT CODE.

19.1.020 PURPOSE: The general purposes of the development code are:

A. Implement Comprehensive Plan: To implement the comprehensive plan in accordance with Revised Code of Washington 36.70 et seq. (planning enabling act) and 36.70A et seq. (growth management act);

B. Promote Health and Safety: To promote public health, safety, and general welfare through regulation of physical development of the City;

C. Orderly Development: To plan for future development of the City in an orderly and predictable fashion;

D. Adequate Public Facilities: To provide for adequate public facilities and services to support land development;

E. Promote Well Being: To promote social and economic well being through integration of aesthetic, environmental, and economic values;

F. Protect Property Rights: To protect property rights;

G. Protect Resources: To encourage protection of environmentally critical or historically significant resources;

H. Ensure Adequate Space: To ensure provision of adequate space for commercial, industrial, residential, and other activities necessary for public welfare;

I. Administration of Regulations: To provide for efficient and effective administration and enforcement of the regulations;

J. Provide Light and Access: To provide adequate light, air, privacy, and convenience of access to property;

K. Elimination of Nonconforming Uses: To provide for the gradual elimination of those uses of land, buildings and structures which do not conform to the standards of the district in which they are located and

are adversely affecting the development and taxable value of property in the district.

19.1.030 INTERPRETATION AND APPLICATION; GENERAL:

A. Minimum Requirements: In interpreting and applying the provisions of this title, they shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. It is not intended by this title to interfere with or revoke or invalidate any easement, covenant, or other agreement between parties.

B. Greater Restrictions: When the provisions of this title impose greater restrictions than are imposed by other applicable City, Snohomish County, state, and federal regulations, the provisions of this title shall control.

C. Ambiguities or Differences: In case of any ambiguity or difference of meaning or inconsistencies between the text and any illustrations or other graphics, the text throughout this title shall control.

D. Construction of Words: Unless the context clearly indicates otherwise, words in the present tense can include the future tense, and words in the singular can include the plural, or vice versa. Except for words and terms defined in the beginning of each chapter of this title and in chapter 2 of this title, all words and terms used in this title shall have their customary meanings.

E. Shall, Should, May: The words "shall" and "should" are always mandatory and not discretionary. The word "may" is discretionary.

19.1.040 SEVERABILITY:

If any section, subsection, clause, or phrase of this title is for any reason held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this title.

19.1.050 USER'S GUIDE:

A. Chapters: The development code, this title, contains eight (8) chapters:

1. General Provisions: Establishes the purpose, title and basic rules for using the City development code.

2. Basic Definitions: Provides definitions for words used throughout the title. Words or terms used only in one chapter may be defined in that chapter.

3. Zoning: Lists and describes the zoning classifications, allowed uses for each zone, and categorization of uses.

4. Code Administration: Allows temporary uses and structures and provides standards and conditions for regulating such uses and structures.

5. General Permits and Subdivision Regulations: Provides development standards, such as density, setbacks, height, lot width, landscaping, buffering, parking, access, and other standards to cover general and specific uses; also covers home occupations, accessory dwelling units, adult entertainment, transfer of development rights, and sign standards.

6. Development Standards: Establishes the permit processes and criteria for permits provided by this title, e.g., nonconforming use permits, conditional use permits, planned unit development permits, and variances.

7. Environmental Regulations: Established the regulatory process for review of projects under SEPA and the review of Critical Areas.

8. Siting Essential Public Facilities: All jurisdictions within Snohomish County are obligated to address the potential siting of essential public facilities within their boundaries. As guidance for this process Snohomish County has adopted guidelines for siting essential public facilities. These guidelines will be used by the City of Granite Falls should a public facility be proposed to be cited in the Granite Falls UGA.

B. Numbering Scheme: The numbering scheme used in this title operates as shown below:

TITLE	CHAPTER	SECTION	SUBSECTION
19.	5.	010.	A.1.a.(i)(ii)(iii)

C. Format: Each chapter begins a purpose statement for the chapter. Basic Definitions are contained in Chapter 2 of this title; specialized definitions may be found at the beginning of the chapter where those definitions are used. Cross references to other chapters and sections of this title can be found throughout the title.

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CHAPTER 19.2
BASIC DEFINITIONS

19.2.010 A:

ACCESSORY BUILDING: A building which is subordinate to the main building, and is incidental to the use of the main building on the same lot.

ACCESSORY DWELLING UNIT: A separate, complete dwelling unit attached to or contained within the structure of the primary dwelling; or contained within a separate structure that is accessory to the primary dwelling unit on the premises.

ACCESSORY STRUCTURE: A building or other structure that is subordinate to the principal building and is incidental to the use of the principal building on the same lot.

ACCESSORY USE: A use that is clearly incidental and subordinate to the principal use on the same lot.

ADULT BUSINESS: Any business which sells, rents, displays, or provides adult stock in trade depicting, describing or relating to specified sexual activities or specified anatomical areas, or engages in or permits specified sexual activities on the premises, and which excludes any person by virtue of age from all or part of the premises. Adult businesses include, but are not limited to:

1. Adult bathhouse;
2. Adult bookstore in which ten percent (10%) or more of the stock in trade is adult stock in trade;
3. Adult cabaret which presents go-go dancers, strippers, male or female impersonators or similar entertainment;
4. Adult massage parlor in which massage or touching of the human body is provided for a fee;
5. Adult retail store in which ten percent (10%) or more of the stock in trade is adult stock in trade;
6. Adult sauna parlor;
7. Adult theater, including a building, portion of a building, enclosure or drive-in theater which displays adult stock in trade;

8. Adult video store in which ten percent (10%) or more of the stock in trade is adult stock in trade;

ADULT FAMILY HOME: A residence licensed by the state of Washington where personal care, room and board are provided for more than one but not more than six (6) adults who are not related by blood or a marriage to the person or persons providing the services.

ADULT STOCK IN TRADE: All books, pictures or other printed materials, products or equipment, prerecorded videotapes, discs, or similar material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas where such material is generally available for rental, purchase, viewing, or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons.

ALLEY: A public or private way permanently reserved as a secondary means of access to abutting property. Alleys shall generally only serve utility vehicles, residents or employees of abutting properties.

ALTERATION: A change or rearrangement of the structural parts of existing facilities or an enlargement by extending the side or increasing the height or depth or moving from one location to another. In buildings for businesses, commercial, industrial or similar uses, the installation or rearrangement of partitions affecting more than one-third (1/3) of a single floor area shall be considered an alteration.

AMORTIZATION PERIOD: The time within which a non-conforming sign must be made conforming.

ANIMAL CLINIC: An establishment that is under the direction of a veterinarian licensed by the state of Washington for medical services to small pet animals not including poisonous reptiles or farm animals and not requiring confinement or supervised care on the premises.

ANTENNA: A wire or system of wires, rods, poles, or similar devices; or satellite dishes used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any building.

APARTMENT: Any portion of a multi-family or mixed use building that is designed, built, rented, leased or offered to be occupied as an independent living unit with self-contained cooking facilities.

APPLICANT: A person seeking development approval from the City.

19.2.020 B:

BED AND BREAKFAST: A single-family residence that provides overnight lodging and limited meal service for guests and which is limited to five (5) guestrooms or less.

BLOCK: A group of continuous lots, tracts or parcels within well defined and fixed boundaries.

BOARDING HOUSE: A rooming house with no more than five (5) guestrooms operated for compensation in which meals (with or without lodging) are provided.

BOUNDARY STRUCTURE: Landscape features such as masonry walls, rockeries, picket fences, rail fences and other low structures used to visually define yard areas.

BUILDING: A structure having a roof for the shelter of persons or property.

BUILDING AREA, BUILDING SITE: An area within a lot upon which a building to accommodate the principal use of the lot could be practicably built, bound by the setbacks.

BUILDING COVERAGE, MAXIMUM: The coverage of a lot with roofed structures.

BUILDING FACE: The outer surface of any building which is visible from any private or public street, highway or alley.

BUILDING, PRINCIPAL OR MAIN: The building which accommodates the principal use of a site or lot.

19.2.030 C:

CITY: The City of Granite Falls, Washington.

CITY DESIGNATED OFFICIAL: The City Designated Official of the City of Granite Falls or his/her designee.

CITY COUNCIL: The City Council of Granite Falls.

CLOSED RECORD APPEAL: An appeal to the City Council based on the existing record.

COMMERCIAL: Property zoned and used for business purposes, such as a restaurant or an office building; as distinguished from residential, industrial, or agricultural property.

COMMUNITY SERVICE EVENT OR CIVIC EVENT: An event (e.g. festival, parking, fun run, and/or meeting) sponsored by a private or public organization, and benefiting a non-profit cause or governmental program, including but not limited to events sponsored by schools, churches or civic fraternal organizations.

COMPREHENSIVE PLAN: The Granite Falls comprehensive plan adopted in 2005, as amended.

CONCURRENCY: The requirement of the Growth Management Act that requires developments to pay for the impact(s) at the time or within six (6) years of the impact(s).

CONDITIONAL USE: A use allowed in one or more zones as defined by this zoning title, but which has peculiar characteristics such as: size, technological processes or equipment, location with reference to surroundings, streets, and existing improvements or demands upon public facilities and therefore, requires a special permit in order to assure proper control to make the use consistent and compatible with other existing or permissible uses in the same zone and mitigate adverse impacts of the use. Typical conditional uses are listed in this title. Others may be established by the City upon application.

CONDOMINIUM: A type of real property ownership in projects composed of two (2) or more dwelling units, offices, or other establishments that are individually owned and within which common building areas or land areas of the project are owned cooperatively in fixed percentages by the owners of the individual dwelling units or establishments. This type of development requires the preparation of a plat under the provisions of the state Horizontal Property Regime Act 1 and the formation of a legal homeowners' association to guide the financial and maintenance arrangements for the units within the development.

CONGREGATE CARE FACILITY/RETIREMENT CENTER: A residential facility designed for and occupied by at least one person per unit who is able to live independently and without twenty four (24) hour supervision; and providing centralized services for the residents including meals, recreation, housekeeping, laundry and transportation.

CRITICAL AREAS: Areas of environmental sensitivity, which include the following areas and ecosystems: a) wetlands; b) areas with a critical recharging effect on aquifers used for potable water; c) fish and wildlife habitat conservation areas; d) frequently flooded

areas; and e) "geologically hazardous areas", as defined in chapter 7 of this code.

CUL-DE-SAC: A short street intersecting with another street at one end and terminated by a vehicular turnaround at the other end.

19.2.040 D:

DATE OF DECISION: The date on which final action occurs and from which the appeal period is calculated.

DAYCARE CENTER (COMMERCIAL): An establishment licensed by the state, used to provide adult or childcare services during part of the twenty four (24) hour day in a facility that is not the primary residence of the operator(s) and has six (6) or more adults or children.

DEDICATION: The deliberate appropriation of land or rights in land by its owner for any general and public use, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public use 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, short plat or other legal means that show the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such document for filing by the City.

DENSITY: The number of permitted dwelling units allowed on each acre of land or fraction thereof.

DESIGNATED OFFICIAL: The City Designated Official, chief supervisory staff person or his/her designee.

DETACHED: A type of building or dwelling unit surrounded on all sides by open space and not connected to other buildings or structures except for permitted accessory structures.

DEVELOPER: See definition of Applicant in this chapter.

DEVELOPMENT CODE: Granite Falls Municipal Code, this Title.

DRIVE-IN RESTAURANT: A food and beverage establishment that contains an outside service window and/or provision for food service to occupants of automobiles parked on the premises.

DRIVING SURFACE: That portion of a street intended for vehicular travel or parking.

DUPLEX: A building with two (2) attached dwelling units with common separation walls joining the units, neither of which overlaps the other vertically.

DWELLING UNIT: A building or portion thereof providing complete housekeeping facilities for one family. Dwelling unit does not include recreation vehicles or mobile homes. (See also definitions of Multi-Family Dwelling and Single-Family in this chapter.)

19.2.050 E:

EASEMENT, ACCESS: A private access no less than twenty five feet (25') wide which provides vehicular access to a street from no more than four (4) existing or potential lots.

EAVE LINE: The juncture of the roof and the perimeter of the wall of the structure.

ERECT: To build, construct, attach, place, affix, raise, assemble, create, paint, draw or in any other way bring into being or establish.

19.2.060 F:

FAMILY: An individual or two (2) or more persons related by genetics, adoption or marriage, or a group of five (5) or fewer persons who are not related by genetics, adoption or marriage and none of whom are wards of the court.

FAMILY DAYCARE: A facility licensed by the state of Washington located in the family abode of a person or persons for regularly scheduled care of six (6) or fewer adults or children, for periods less than twenty four (24) hours in any given day.

FINAL DECISION: The final action by the Designated Official, Planning Commission, hearing examiner or City Council.

FLOOR AREA: The sum of the gross horizontal area of the floor or floors of all the buildings on a building site, measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and all areas having a ceiling height of seven feet (7') or more; but excluding all parking and loading spaces inside the building, unroofed areas, roofed areas open on two (2) or more sides, areas having a ceiling height of less than seven feet (7'), and basements used exclusively for storage or housing of fixed mechanical equipment or central heating or cooling equipment.

FLOOR AREA RATIO: The ratio of building floor area to the area of the lot upon which the building is located.

FOSTER HOME: A home licensed and regulated by the state and classified by the state as a foster home, providing care and guidance for not more than three (3) unrelated juveniles.

FRONT LOT LINE: See "Street lot."

19.2.070 G:

GARAGE, PARKING OR COMMERCIAL: A building used for storage, repair or servicing of motor vehicles as a commercial use.

GARAGE, PRIVATE: An accessory building or space within the principal building used for storage of vehicles.

GASOLINE SERVICE STATION: An establishment that sells motor vehicle fuels, lubricants, and auto accessories, and may include vehicle washing and servicing, not including painting, bodywork or major engine repair.

GRADE: The surface of the ground.

GREENBELT: An area of vegetation, either native stock or replanted, in public or private ownership lying outside and adjacent to the right of way line of streets or along real property lines. Greenbelts are intended to visually and physically screen and separate land uses or activities from each other.

GROUND COVER: Small plants that grow close to the ground.

19.2.080 H:

HAZARDOUS WASTE: Hazardous waste means all dangerous and extremely hazardous waste as defined in Revised Code of Washington 70.105.010(15), or its successor, except for moderate risk waste as set forth in Revised Code of Washington 70.105.010(17), or its successor.

HAZARDOUS WASTE STORAGE: The holding of hazardous waste for a temporary period as regulated by the state dangerous waste regulations, Washington administrative code chapter 173-303, or its successor.

HAZARDOUS WASTE TREATMENT: The physical, chemical, or biological processing of hazardous waste for the purpose of rending these wastes non-dangerous or less dangerous, safer for transport, amenable for storage, or reduced in volume, as regulated by the state dangerous waste regulations, Washington administrative code chapter 173-030, or its successor.

HAZARDOUS WASTE TREATMENT AND STORAGE FACILITY ON SITE: Storage and treatment facilities which treat and store hazardous wastes generated on the same property.

HEARING EXAMINER: The official appointed by the mayor to adjudicate land use decisions as set forth in this code.

HEALTH CARE FACILITY: A building designed and used for the provision of human health care services.

HEDGE: A fence or boundary formed by a dense row of shrubs or low trees.

HEIGHT, BUILDING: The vertical distance from the average of the lowest and highest point exposed by the finished ground level to the highest point of the building, excluding chimneys.

HOME OCCUPATION: An economic enterprise to make a product or perform a service that is conducted or operated within a residential dwelling unit, or building accessory to a residential dwelling unit, by the resident occupant or owner, and which use shall be clearly incidental and secondary to the residential use of the dwelling unit, including the use of the dwelling unit as a business address in a directory or as a business mailing address.

HOTEL: Any building containing six (6) or more guestrooms where lodging, with or without meals, is provided for compensation, where no provisions are made for cooking in any individual room or suite.

19.2.090 I:

IMPERVIOUS SURFACE: Paved or compacted surfaces, including roofs that prevent or retard the percolation of water into the underlying soil relative to the native soil in the immediate area of the site.

IMPOUND YARD: A site used for the storage of impounded vehicles on a temporary basis (less than 90 days).

INTERIOR LOT: A lot fronting on only one street (also see "Lot").

INTERIOR SIDE YARD: The side yard adjacent to another building site.

IRREGULAR LOT: A lot which is shaped so that application of setback requirements is difficult. Examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line.

19.2.0100 J:

19.2.0110 K:

KENNEL: A structure or lot on which four (4) or more domestic animals at least four (4) months of age are kept.

KITCHEN: Any room used or intended or designed to be used for cooking or preparation of food.

19.2.0120 L:

LANDSCAPE: Site or development area characterized by plantings, screens, buffers, and other features intended to provide aesthetic or functional relief.

LIGHTING: The illumination of structures and/or buildings and signs.

LOT: 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.

LOT AREA: The total horizontal area within the boundary lines of a lot, excluding any street right of way or access easement.

LOT, CORNER: A lot which has frontage on two (2) or more streets where the streets meet.

LOT COVERAGE: The total ground coverage of all buildings or structures on a site measured from the outside of external walls or support members.

LOT DEPTH: The length of the lot measured on a line approximately perpendicular to the fronting street and midway between the side lot lines of the lot.

LOT LINE: Any line enclosing the lot area.

LOT LINE ADJUSTMENT: The adjustment of a boundary line between existing lots which results in no more lots than existed before the adjustment.

LOT LINE, FRONT: The line separating any lot or parcel of land from a street right of way. On a through lot, the line abutting the street providing primary access to the lot.

LOT LINE, REAR: A lot line or lines which are opposite and most distant from the front lot line.

LOT LINE, SIDE: Any lot line that is not a street or rear lot line.

LOT OF RECORD: An area or parcel of land as shown on an officially recorded plat or subdivision, or an area or parcel of land to which a deed or contract is officially recorded as a unit of property, or which is described by metes and bounds or as a fraction of a section.

LOT, THROUGH: A lot fronting on two (2) streets that is not a corner lot.

LOT WIDTH: The distance between the side lot lines measured at right angles to the line establishing the lot depth at a point midway between the front lot line and the rear lot line. Any area used as an access easement shall be excluded from the computation of the lot width.

LOW INCOME: Defined by the US Bureau of Census and included in the Granite Falls Comprehensive Plan, Housing Element, page HO-10 and HO – 11.

19.2.0130 M:

MAINTAINED: In good, unbroken, clean or working condition, with a minimum of tears or rips, or faded paint or lettering, and securely attached or affixed to the supporting structure.

MAIN BUILDING: See "Building, principal."

MANUFACTURED HOME: See 19.6.090 for definitions of Type A manufactured homes, Type B manufactured homes and mobile homes.

MANUFACTURED HOME PARK: A residential development in which the land is owned, operated, and maintained as a commercial business and the individual manufactured homes are either leased or are located on leased sites.

MITIGATION CONTRIBUTION: A cash donation or other valuable consideration offered by the applicant in lieu of: a) a required dedication of land for public park, recreation, open space, public facilities, or schools; or b) road improvements needed to maintain adopted levels of service or to ameliorate identified impacts and

accepted on the public's behalf as a condition of approval of a subdivision, plat or Official Site Plan. Voluntary contributions may be accepted by the City.

MOBILE HOME: A vehicle bearing the "mobile home" insignia of the Washington state department of labor and industries.

MOTEL: A building containing units which are used as individual sleeping units having their own private toilet facilities and sometimes their own kitchen facilities, designed primarily for the accommodation of transient automobile travelers. Accommodations for recreational vehicles are not included.

MULTI-FAMILY DWELLING: A building containing two (2) or more dwelling units.

19.2.0140 N:

NET LAND AREA: Land area left after roads, right-of-ways, and dedications.

NONCONFORMING LOT: A lawfully established lot which does not conform to the provisions of the development code.

NONCONFORMING STRUCTURE: A lawfully erected structure which does not conform to the provisions of the development code.

NONCONFORMING USE: A lawfully established use which does not conform to the provisions of the development code.

NONPROFIT ORGANIZATION: An organization incorporated under provisions of the federal tax code 501(c)(3).

NURSING OR CONVALESCENT HOME: An establishment which provides full time care for three (3) or more chronically ill or infirm persons. Such care shall not include surgical, obstetrical or acute illness services.

19.2.0150 O:

OFFICE: A building or separately defined space within a building used for business. The use of an office does not include on premises sales or manufacture of goods.

OPEN SPACE: Land area not covered by buildings, roads, driveways and parking areas, or outdoor storage areas, including but not limited to, landscape areas, gardens, woodlands, walkways, courtyards, or lawns and outdoor recreation areas. Except as

otherwise provided by this Title, open space includes setback areas that meet the requirements defined in this Title.

19.2.0160 P:

PARKING FACILITIES: A land area or building used for the storage of four (4) or more vehicles excluding parking areas for single-family residences. Parking facilities exclude wrecking yards, impound lots and lots used for the storage of damaged vehicles.

PARKING SPACE: An area accessible to vehicles and used exclusively or principally for temporary vehicle parking.

PARTY OF RECORD: Any person who has testified at a hearing or has submitted a written statement related to a development action and who provides the City with a complete address.

PERSON: Any person, firm, business, corporation, partnership or other association or organization, marital community, municipal corporation, or governmental agency.

PERSONAL SERVICE: Businesses engaged in providing care of the corporeal person or his apparel, not including healthcare.

PLANNING COMMISSION: The Planning Commission of the City of Granite Falls.

PLANNED ACTION: A significant development proposal as defined in Revised Code of Washington 43.21C.031, as amended.

PLANNED RESIDENTIAL DEVELOPMENT: A flexible method of land development which accomplishes the purposes of chapter 6 of this title.

PRIMARY OR PRINCIPAL USE: The predominant use (60% of usable floor area and/or land area) to which all other uses are secondary.

PRIVATE PARKING: Parking facilities for the noncommercial use of the occupant and guests of the occupant.

PROJECT: A proposal for development.

PROPERTY BUFFER: A greenbelt of varying width located on private property intended to serve as a tree preservation area and/or to separate contiguous developments. The property buffer may be a separate tract or an easement across property and shall be clearly depicted on the face of a plat or Official Site Plan.

PROPERTY LINE: A portion of the boundary of a parcel of land dividing it from other abutting parcels.

PUBLIC FACILITIES AND UTILITIES: Land or structures owned by or operated for the benefit of the public use and necessity, including, but not limited to, public facilities defined in Revised Code of Washington 36.70A.030, as amended, and private utilities serving the public.

PUBLIC HEARING: An open record hearing at which evidence is presented and testimony is taken.

PUBLIC IMPROVEMENT: Any structure, utility, roadway or sidewalk for use by the public, required as a condition of development approval.

PUBLIC OPEN SPACE: Any publicly owned land, including, but not limited to, parks, playgrounds, waterways, and trails.

19.2.0170 Q:

19.2.0180 R:

RECREATIONAL FACILITIES: Facilities for recreational use such as swimming pools, athletic clubs, tennis courts, ball fields, play fields, and the like.

RECREATIONAL VEHICLE: A wheeled vehicle designed for recreational, camping, or travel uses that either has its own mode of power or is mounted on or drawn by another vehicle, including, but not limited to, camping trailers, truck campers, motor homes, and fifth wheels; not designed or used as a dwelling unit.

REMODEL, EXTERIOR: Any renovation, upgrading, or otherwise changing the exterior of a building, including repainting, except when using previously approved colors.

REZONE: A change in classification from one zoning district to another.

ROADWAY BUFFER/CUTTING PRESERVE: A greenbelt lying outside and adjacent to the right of way line of collector and arterial roadways. Roadway buffers/cutting preserves shall be separate, designated tracts and depicted on the face of a plat or Official Site Plan as required by the City as a condition of approval.

19.2.0190 S:

SCREEN, SCREENING: A continuous fence, hedge or combination of both which obscures vision through eighty percent (80%) or more of the screen area, not including drives or walkways.

SECONDARY USE: A use, subordinate (less than 40% of the usable building floor and/or land area) to the primary use, which may exist only when a primary use is existing on the same lot.

SEMIPUBLIC BODY: Means any organization operating as a nonprofit activity and serving a public purpose or service that includes, without limitation, such organizations as noncommercial clubs, lodges, theater groups, recreational and neighborhood associations, cultural activities and schools.

SETBACK: The minimum distance required by this title for buildings to be set back from the front, side or rear lot lines, rights of way or access easements.

SETBACK AREA: The lot area between the lot lines and the setback lines.

SETBACK LINE: A line which is parallel to a lot line or access easement located at the distance required by the setback.

SHED: An accessory structure, with or without a permanent foundation, without plumbing, used for storage and located in area or side yard, generally less than one hundred (100) square feet in area.

SIGN: Any one or collection of letters, figures, designs, symbol, trademarks, or devices, including artificial representations of stock in trade, which acts as a communication, or is used to attract attention to any activity, service, place, subject, person, firm corporation or business, but does not include actual un-priced stick in trade on display and available for sale. For specific definitions see section 19.6.010.

SINGLE-FAMILY DWELLING: A building containing only one dwelling unit.

SITE PLAN: A scale drawing which shows the areas and locations of all buildings, streets, roads, improvements, easements, utilities, open spaces and other principal development features for a specific parcel of property.

SITE PLAN, BINDING: A site plan reviewed and approved pursuant to this title, containing the inscriptions or attachments setting forth the limitations and conditions of use for a specific parcel of property and meeting the requirements of the Snohomish County Auditor for recording.

STOCK IN TRADE: Any item or goods that: a) is produced, purchased, processed, finished or fabricated as part of a home occupation; or b) is incorporated into any such item; or c) is used to make, manufacture, produce, process, finish or fabricate any such item; or d) is intended for resale on site; provided, that it does not include samples.

STREET: A public or private thoroughfare which provides the principal means of access to abutting properties.

STREET LOT LINE: The lot line or lines along the edge of a street.

STRUCTURE: A combination of materials constructed and erected permanently in or on the ground or attached to something having a permanent location on the ground, not including utility poles and related ground or pad mounted equipment, residential fences less than six feet (6') high, retaining walls, rockeries and other similar improvements of a minor character less than three feet (3') high.

SUBDIVISION: A division of land into five (5) or more lots, tracts or other divisions. Subdivision includes re-subdivisions of previously subdivided land.

SUBDIVISION CODE: Chapter 19.5 of this code.

SUBDIVISION, SHORT: A division of land into four (4) or fewer lots or tracts.

19.2.0200 T:

TEMPORARY BUILDING OR STRUCTURE: A building or structure not having or requiring permanent attachment to the ground or to other structures which have no required attachment to the ground.

THROUGH LOT: See "Lot, through"

TOWNHOUSE: A multiple dwelling unit meeting the following criteria: a) no dwelling unit overlapping another vertically; b) common side walls joining units; and c) not more than six (6) dwelling units in one structure.

TRACT OR PARCEL: A portion of a subdivision having fixed boundaries, not including lot.

19.2.0210 U:

USE: The purpose which lands or structures serve or for which they are occupied, maintained, arranged, designed or intended.

19.2.0220 V:

VARIANCE: A grant of permission by the appropriate authority that authorizes the recipient to do that which, according to the strict letter of this Title, he could not otherwise legally do.

VEGETATIVE SCREEN: A planted buffer that is opaque to a height of six feet (6') minimum, accomplished through any combination of solid row(s) of evergreen trees or shrubs; the same on an earthen berm; and/or fencing. Ground surfaces of the planting area are to be seventy five percent (75%) covered with ground cover plants within three (3) years of installation.

VEHICLE: A device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including mopeds, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

19.2.0230 W:

WALKWAY: A hard surfaced portion of a street, right of way, trail or easement intended for pedestrian use.

WATERCOURSE: The course or route followed by waters draining from the land, formed by nature or man and consisting of a bed, banks, sides and associated wetlands and headwaters. A watercourse shall receive surface and subsurface drainage waters and shall flow with some regularity, but not necessarily continuously, naturally and normally, in draining from higher to lower lands. The watercourse shall terminate at the point of discharge into a larger receiving body such as a lake. Watercourses shall include sloughs, streams, creeks, rivers and associated wetlands.

WETLAND OR WETLANDS: Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands shall be defined and determined by the classification of soils, vegetation and hydrology. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and

landscape amenities created after July 1, 1990. However, wetlands include those artificial wetlands intentionally created to mitigate conversion of wetlands.

WIRELESS COMMUNICATION FACILITY: Any un-staffed facility for the transmission and/or reception of radio frequency signals through electromagnetic energy, usually consisting of an equipment shelter or cabinet and a support tower or other structure used to attach transmission and reception devices.

19.2.0240 X:

19.2.0250 Y:

YARD: The lot area between lot lines and the building area.

YARD, FRONT: The area between the front lot line and the building line extending the full width of the lot. The front yard shall be the area between the front line which primary access is taken and the building setback line.

YARD, REAR: The area between the rear lot line and the building area extending the full width of the lot. The rear setback area.

YARD, SIDE: The side setback area between the side lot lines and the building area, extending the full length of the building area. On corner lots the side yard is that which is opposite from the front yard except when a corner lot is also a through lot, then the side yard shall be the area along the interior side lot line.

19.2.0260 Z:

ZONE, ZONE DISTRICT: A defined area of the City within which the use of land is regulated and certain uses permitted and other uses excluded as set forth in this title.

ZONING CODE: This title. (Ord. 740-07)

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CHAPTER 19.3
ZONING

19.3.010 INTRODUCTION AND PURPOSE:

The purpose of this chapter includes but is not limited to promoting the health, safety and welfare by guiding the development of the City consistent with the maps and policies of the Comprehensive Plan, which are all part; carried out by these provisions.

19.3.020 ZONING MAP:

The zoning map determines the boundaries of the following zones. Boundary interpretations shall be the responsibility of the Designated Official.

19.3.030 ZONE AND USE DESCRIPTION:

A. PURPOSES:

The purposes of the zone districts are:

To assist in the implementation of the adopted Comprehensive Plan for the physical development of the City by regulating and providing for existing uses planned for the future as specified in the Comprehensive Plan.

To protect the character and stability of residential, commercial, industrial, and other uses and to ensure the orderly and beneficial development of these uses by:

1. Reserving and retaining appropriate areas for each type of use;
2. Preventing encroachment into these areas by incompatible uses; and
3. Regulating the use of individual parcels of land to prevent unreasonable detrimental effects of nearby uses;
4. To preserve the historic, aesthetic, and natural features of the City by:
    a. Establishing high standards of environmental protection; and
    b. Providing for design and environmental review of proposed actions and projects;

B. ESTABLISHED – SCOPE:

All land within the City shall be included in a zone district, and all uses and structures shall conform to the special requirements of the zone district within which it is located and the other general requirements of this title.

C. INTERPRETATION OF USES:

The Designated Official or assignee shall make the final decision on allowed uses not included in the following sections of this chapter.

D. ESTABLISHED–BOUNDARIES:

The location of the various zone districts are shown on the official zoning map of the City which is part of this title.

E. INTERPRETATION OF BOUNDARIES:

Zone district boundaries indicated on the zoning map shall be interpreted as follows:

1. Where boundaries are indicated along streets, the boundaries shall be the centerline of the street.
2. Where boundaries are indicated along established lot lines, the boundary shall be the lot line.
3. Where boundaries are indicated on perennial watercourses, the boundary shall be the thread of the stream.
4. Where boundaries are indicated on the shorelines of the City, the boundary shall extend to the City limits.
5. Upon vacation of a street, the zone district boundaries of abutting properties shall be extended to the centerline of the vacated street.
6. All lands annexed to the City without an annexation zoning designation shall be classified as a default R-9,600 zone until such a time when annexation zoning can be established.
7. Where a zoning district boundary line shown on the zoning map divides a lot of record, the property owner shall use the zoning on the larger area for the entire lot. Under no circumstance shall an applicant move a lot line to alter the size of the areas in the two zones or include a zone not previously included in the lot.

F. RESIDENTIAL ZONES:

Residential zones are established to provide a variety of housing types, ensure efficient utility service, minimize traffic congestion, preserve and revitalize historic structures, accommodate differing land forms and natural features and reflect the intent of the comprehensive plan.

G. COMMERCIAL ZONES:

Commercial zones are established to provide for the sale of consumer goods and services appropriate to the area of the community they serve; to ensure compatibility with nearby land uses; and to accommodate the special requirements for revitalization of the City center.

H. INDUSTRIAL ZONES:

Industrial zones are established to provide areas for manufacturing, wholesaling, outdoor storage and other similar intensive uses in locations where these activities can be made compatible with nearby land use. Three zones are included in the code. These zones are intended to provide a variety of industrial opportunities. The Industrial zone is intended for heavy industrial. The Light Industrial zone is intended for industry that occurs mostly indoors. The Retail Industrial zone is located along the road and allows the retail sale of goods manufactured on site.

19.3.040 RURAL (R-2.3) ZONE

The Rural (R-2.3) Zone includes lots that are highly constrained riverfront lots in or near the floodplain of the Pilchuck River. This area was originally subdivided as recreational lots but critical areas and floodplains constrain development to a high degree. The R-2.3 zone is intended to provide for a narrow range of land uses compatible with the environmental constraints.

A. PRINCIPAL USES:

Principal uses in the Rural (R-2.3) Zone are:

1. Single-family dwellings;
2. Foster homes;
3. Mobile home parks;

B. SECONDARY USES:

Secondary uses in the Rural (R-2.3) Zone are:

1. Home occupations;

C. CONDITIONAL USES:

Conditional uses in the Rural (R-2.3) Zone are:

1. Churches and schools;
2. Public facilities;
3. Radio transmitting antennas and satellite signal receiving antennas;
4. Recreational Facilities;
5. Bed and Breakfast;

D. MINIMUM BUILDING SETBACKS:

Minimum building setbacks in the Rural (R-2.3) Zone are:

1. Front yard: Twenty (20) feet from property line except alleys which setback will be ten (10) feet;
2. Side yards: Five (5) feet on each side, provided that corner lots shall observe the front yard setback from any street or private road;
3. Rear yards: Twenty five (25) feet from property line for principal buildings and five (5) feet from property line for accessory buildings.

E. MINIMUM LOT WIDTH:

Minimum lot width in the Rural (R-2.3) Zone is one hundred (100) feet. Corner lots shall not be less than one hundred and twenty (120) feet.

F. MINIMUM LOT SIZE:

Minimum lot size in the Rural (R-2.3) Zone is 2.3 acres or 100,000 square feet.

G. MAXIMUM HEIGHT:

Maximum height in the Rural (R-2.3) Zone is thirty-three (33) feet.

H. MAXIMUM LOT COVERAGE:

Maximum lot coverage in the Rural (R-2.3) Zone is thirty percent (30%).

I. MAXIMUM DENSITY:

Maximum density in the Rural (R-2.3) Zone is one dwelling unit per 2.3 acres in a planned residential development.

19.3.050 RESIDENTIAL 9,600 (R-9,600) ZONE

The Residential (R-9,600) Zone includes a designation that is single-family in nature and should not allow units other than single-family and duplexes. This area is intended to be a transition zone between the rural areas outside the UGA and the more intense urban land uses. The character of this area is predominantly single family developments on either larger lots or on clustered, PRD lots.

A. PRINCIPAL USES:

Principal uses in the Residential 9,600 (R-9,600) Zone are:

1. Single-family dwellings;
2. Foster homes;
3. Boarding houses;
4. Manufactured or Mobile home parks;

B. SECONDARY USES:

Secondary uses in the Residential 9,600 (R-9,600) Zone are:

1. Accessory buildings;
2. Home occupations;

C. CONDITIONAL USES:

Conditional uses in the Residential 9,600 (R-9,600) Zone are:

1. Day care centers;
2. Churches and schools;
3. Public facilities;
4. Radio transmitting antennas and satellite signal receiving antennas;
5. Duplexes on lots of 12,000 square feet or larger;
6. Bed and Breakfast;
7. RV Park;

D. MINIMUM BUILDING SETBACKS:

Minimum building setbacks in the Residential 9,600 (R-9,600) Zone are:

1. Front yard: Twenty (20) feet from property line except alleys which setback will be ten (10) feet.

2. Side yards: Five (5) feet on each side, provided that the corner lots shall observe the front yard setback from any street or private road.

3. Rear yards: Ten (10) feet from property line for principal buildings and five (5) feet from property line for accessory buildings.

E. MINIMUM LOT WIDTH:

Minimum lot width in the Residential 9,600 (R-9,600) Zone is sixty (60) feet. Corner lots shall not be less than seventy (70) feet.

F. MINIMUM LOT SIZE:

Minimum lot size in the Residential 9,600 (R-9,600) Zone is 9,600 square feet.

G. MAXIMUM HEIGHT:

Maximum height in the Residential 9,600 (R-9,600) Zone is thirty-three (33) feet.

H. MAXIMUM LOT COVERAGE:

Maximum lot coverage in the Residential 9,600 (R-9,600) Zone is forty percent (40%).

I. MAXIMUM DENSITY:

Maximum density in the Residential 9,600 (R-9,600) Zone is four and a half (4.5) dwelling units per acre in a planned residential development.

19.3.060 RESIDENTIAL 7,200 (R-7,200) ZONE

The Residential 7,200 (R-7,200) Zone designation shall provide for primarily single-family residential development at a range of between 4 and 6 dwelling units per acre and compatible uses such as schools and churches where the full range of public facilities and services to support urban development exists. This zone is intended to support a wider variety of residential uses than the R-9,600 zone and be more flexible relative to the types of residential uses.

A. PRINCIPAL USES:

Principal uses in the Residential 7,200 (R-7,200) Zone are:

1. Single-family dwellings;
2. Foster homes;
3. Boarding houses;
4. Manufactured or Mobile home parks;

B. SECONDARY USES:

Secondary uses in the Residential 7,200 (R-7,200) Zone are:

1. Accessory buildings;
2. Home occupations;

C. CONDITIONAL USES:

Conditional uses in the Residential 7,200 (R-7,200) Zone are:

1. Day care centers;
2. Churches and schools;
3. Public facilities;
4. Radio transmitting antennas and satellite signal receiving antennas;
5. Duplexes on lots of 10,800 square feet or larger;
6. Bed and Breakfast;
7. RV Park;

D. MINIMUM LOT SIZE:

Minimum lot size in the Residential 7,200 (R-7,200) Zone is 7,200 square feet.

E. MINIMUM LOT WIDTH:

Minimum lot width in the Residential 7,200 (R-7,200) Zone is fifty (50) feet. Corner lots shall not be less than sixty (60) feet.

F. MINIMUM BUILDING SETBACKS:

Minimum building setbacks in the Residential 7,200 (R-7,200) Zone are:

1. Front yard: Twenty (20) feet from the property line except alleys which setback will be ten (10) feet.
2. Side yards: Five (5) feet on each side, provided that corner lots shall observe the front yard setback from any street or private road.
3. Rear yards: Ten (10) feet from property line for principal buildings and five (5) feet from property line for accessory buildings.

G. MAXIMUM HEIGHT:

Maximum height in the Residential 7,200 (R-7,200) Zone is thirty three (33) feet.

H. MAXIMUM LOT COVERAGE:

Maximum lot coverage in the Residential 7,200 (R-7,200) Zone is forty-five percent (45%).

I. MAXIMUM DENSITY:

Maximum density in the Residential 7,200 (R-7,200) Zone is six (6) dwelling units per acre in a planned residential development.

19.3.070 DOWNTOWN RESIDENTIAL (DT-2,500) ZONE

The Downtown Residential (DT-2,500) Zone designation shall provide more flexible zoning for residential uses that are compatible with the quality and character of the existing area. This area has traditionally been a single family, duplex and triplex zone of predominantly single family character. This zone is intended to discourage large scale multifamily developments but be flexible enough to allow the use of the existing small lots for densities of single family, duplex, and triplex developments.

A. PRINCIPAL USES:

Principal uses in the Downtown Residential (DT-2,500) Zone are:

1. Single-family dwellings;
2. Duplexes;
3. Triplexes;
4. Foster homes;
5. Boarding houses;
6. Nursing homes;

B. SECONDARY USES:

Secondary uses in the Downtown Residential (DT-2,500) Zone are:

1. Accessory buildings;
2. Home occupations;
3. Day care centers;

C. CONDITIONAL USES:

Conditional uses in the Downtown Residential (DT-2,500) Zone are:

1. Churches and schools;
2. Public facilities;
3. Health care facilities;
4. Radio transmitting and satellite receiving antennas;
5. Multi-family structures;
6. Bed and Breakfast;

D. MINIMUM LOT SIZE:

Minimum lot size in the Downtown Residential (DT-2,500) Zone is 2,500 square feet per dwelling unit.

E. MINIMUM LOT WIDTH:

Minimum lot width in the Downtown Residential (DT-2,500) Zone is thirty (30) feet. Corner lots shall have a lot width of not less than forty (40) feet.

F. MINIMUM BUILDING SETBACKS:

Minimum building setbacks in the Downtown Residential (DT-2,500) Zone are:

1. Front yard: ten (10) feet from property line except alleys which setback will be ten (10) feet.
2. Side yards: Five (5) feet on each side, provided that corner lots shall observe the front yard setback from any street or private road.
3. Rear yards: Ten (10) feet from property line for principal buildings and five (5) feet from property line for accessory buildings.
4. In the case of multi-story structures over two stories high, the base yard requirements of subsections (A), (B), and (C) of this section shall be increased by an amount equal to five (5) feet for the sum of the side yards and three (3) feet each for the minimum width side yard, designated rear yard and designated front yard for each story of building height over two.
5. No portion of any multi-family structure shall be closer than fifteen (15) feet from any other structure, nor, in the case of multi-storied structures over two stories high, closer than an additional five (5) feet for each story over two.

G. MAXIMUM HEIGHT:

Maximum height in the Downtown Residential (DT-2,500) Zone is thirty-three (33) feet.

H. MAXIMUM LOT COVERAGE:

Maximum lot coverage in the Downtown Residential (DT-2,500) Zone is seventy percent (70%).

I. MAXIMUM DENSITY:

Maximum density in the Downtown Residential (DT-2,500) Zone is fifteen (15) dwelling units per acre.

19.3.080 MULTIPLE RESIDENTIAL (MR) ZONE

The Multiple Residential (MR) Zone designation shall provide multi-family residential development at a range of densities between 12 and 24 dwelling units per acre plus compatible uses such as schools, churches and daycare centers where a full range of public facilities and services that support urban development exists. Generally this designation is appropriate for land which is located convenient to principal arterials and to business and commercial activity centers.

A. PRINCIPAL USES:

Principal uses in the Multiple Residential (MR) Zone are:

1. Single-family dwellings;
2. Multi-family dwellings;
3. Foster homes;
4. Boarding houses;
5. Nursing homes;

B. SECONDARY USES:

Secondary uses in the Multiple Residential (MR) Zone are:

1. Accessory buildings;
2. Home occupations;
3. Day care centers;

C. CONDITIONAL USES:

Conditional uses in the Multiple Residential (MR) Zone are:

1. Churches and schools;
2. Public facilities;
3. Health care facilities;
4. Radio transmitting and satellite receiving antennas;
5. Bed and Breakfast;

D. MINIMUM LOT SIZE:

The Multiple Residential (MR) zone has no maximum density. The density is limited by development standards like parking and landscaping. The minimum lot size shall be six thousand (6,000) square feet.

E. MINIMUM LOT WIDTH:

Minimum lot width in a Multiple Residential (MR) Zone is fifty (50) feet. Corner lots shall have a lot width of not less than thirty (30) feet.

F. MINIMUM BUILDING SETBACKS:

All dwelling units in this zone shall have the minimum yards required by Table 1, 19.3.0130.

G. MAXIMUM HEIGHT:

Maximum height in the Multiple Residential (MR) Zone is fifty (50) feet.

H. MAXIMUM LOT COVERAGE:

Maximum lot coverage in the Multiple Residential (MR) Zone is seventy percent (70%).

19.3.090 CENTRAL BUSINESS DISTRICT (CBD) ZONE

The Central Business District (CBD) Zone designation comprises mostly of retail dining, entertainment and similar businesses, which are conducted primarily indoors. Such uses include but are not limited to, grocery stores, drug stores, furniture stores, clothing stores, book stores, music stores, restaurants, movie theaters, and bowling alleys. It also includes many services such as law, accounting, and escrow offices as well as many other types of services. This zone is intended to provide for smaller scale specialty retail, entertainment and professional services in offices but not larger scale retail, facilities with outdoor storage or larger footprints. This zone provides for uses that are traditional to downtown business zones.

A. PRINCIPAL USES:

Principal uses in the Central Business District (CBD) Zone are:

1. Retail and wholesale sales;
2. Personal services, including self service;
3. Offices;
4. Restaurants and taverns;
5. Health care facilities, excluding overnight accommodations;
6. Social and recreational facilities;
7. Hotels and motels;
8. Accessory structures and uses;
9. Parking facilities;

B. SECONDARY USES:

Secondary uses in the Central Business District (CBD) Zone are:

1. Residential dwellings units in principal buildings;
2. Consumer goods repair;

C. CONDITIONAL USES:

Conditional uses in the Central Business District (CBD) Zone are:

1. Outside storage and display;
2. Veterinary clinics;
3. Churches and schools;
4. Public facilities;

5. Service stations;

6. Vehicle sales and service;

7. Multi-family dwellings on the same parcel as commercial use;

8. Bed and Breakfast;

D. MINIMUM LOT SIZE:

Minimum lot size in the Central Business District (CBD) Zone is two thousand (2,000) square feet.

E. MAXIMUM LOT COVERAGE:

Maximum lot coverage in the Central Business District (CBD) Zone is none.

F. MAXIMUM HEIGHT:

Maximum height in the Central Business District (CBD) Zone is fifty (50) feet.

G. MINIMUM BUILDING SETBACKS:

Minimum building setbacks in the Central Business District (CBD) Zone are (see additional information in Table 1, 19.3.0130):

1. Front yard: None;

2. Side yards: None;

3. Rear yard; Five (5) feet;

H. PROHIBITED USES

Uses prohibited in the Central Business District are as follows:

1. Outside storage of equipment and vehicles for purposes other than retail sales and rentals. Outdoor storage of vehicles will be limited to an area 25% or less of gross square footage of the primary use.

2. Permanent construction yards for storage of equipment and construction products.

19.3.0100 GENERAL COMMERCIAL (GC) ZONE

The General Commercial (GC) Zone designation comprises of a more intensive retail and service uses than described in the CBD. General commercial uses typically require outdoor display and/or storage of merchandise and tend to generate noise as part of the operation. Such uses include, but are not limited to, auto, boat and recreational vehicle sale lots, tire and muffler shops, equipment rental, mini-storage and vehicle storage. The types of retail outlets are typically larger footprint stores like department stores, grocery, and large specialty stores.

A. PRINCIPAL USES:

Principal uses in the General Commercial (GC) Zone are:

1. Retail and wholesale sales;
2. Personal services, including self service;
3. Offices;
4. Mini storage;
5. Restaurants and taverns;
6. Health care facilities, excluding overnight accommodations;
7. Social and recreational facilities;
8. Hotels and motels;
9. Accessory structures and uses;
10. Parking facilities;
11. Veterinary clinics;
12. Service stations;
13. Vehicle sales and service;

B. SECONDARY USES:

Secondary uses in the General Commercial (GC) Zone are:

1. Multifamily dwellings entirely above retail;
2. Consumer goods repair;

C. CONDITIONAL USES:

Conditional uses in the General Commercial (GC) Zone are:

1. Outside storage and display;
2. Churches and schools;
3. Public facilities;
4. Dwellings on the same parcel as commercial use;
5. RV Park;

D. MINIMUM LOT SIZE:

Minimum lot size in the General Commercial (GC) Zone is seven thousand two hundred (7,200) square feet.

E. MAXIMUM LOT COVERAGE:

Maximum lot coverage in the General Commercial (GC) Zone is none.

F. MAXIMUM HEIGHT:

Maximum height in the General Commercial (GC) Zone is fifty (50) feet.

G. MINIMUM BUILDING SETBACKS:

Minimum building setbacks in the General Commercial (GC) Zone are (see additional information in Table 1, 19.3.0130):

1. Front yard: None;
2. Side yards: None;
3. Rear yard; Five (5) feet;

H. OFFICIAL SITE PLAN:

The Official Site Plan as approved by the City Council will become the Official Site Plan in the General Commercial (GC) Zone on sites over one (1) acre.

19.3.0110 INDUSTRIAL (I) ZONE

The Industrial (I) Zone designation will allow uses that involve a great deal of activity and storage outside the building; large doors are open, and there may be noise, light, heat, smoke, dust and odors detected beyond the property lines. Also, the hours of operation may fall outside of the normal 9 to 5 routine. An operation may begin very early in the morning and continue late into the evening. Such uses include, but are not limited to, fabrication, processing, storage, and assembly operations.

A. PRINCIPAL USES:

Principal uses in the Industrial (I) Zone are:

1. Manufacturing; Processing, Creating, Repairing, Renovating, Cleaning, Painting, Assembly of Goods, Merchandise and Equipment;
2. Wholesale sales;
3. Warehousing;
4. Accessory uses and structures;
5. Surface Mining;
6. Auto Recycling;
7. Impound Yard;

B. SECONDARY USES:

Secondary uses in the Industrial (I) Zone are:

1. Outside storage;
2. Night watchman's quarters occupied by an employee of the operator of the principal use;

C. MINIMUM LOT SIZE:

Minimum lot size in the Industrial (I) Zone is none.

D. MAXIMUM LOT COVERAGE:

Maximum lot coverage in the Industrial (I) Zone is none.

E. MAXIMUM BUILDING HEIGHT:

Maximum building height in the Industrial (I) Zone is fifty (50) feet.

F. MINIMUM BUILDING SETBACKS:

Minimum building setbacks in the Industrial (I) Zone are:

1. Street/public right-of-way: twenty (20) feet;
2. Side yards: None, expect when abutting a residential or commercial zone or comprehensive plan designation which shall then be twenty (20) feet or one (1) foot for each foot of height of the structure nearest the side lot line, whichever is greater;
3. Rear yard: None, except when abutting a residential or commercial zone or comprehensive plan designation which shall then be twenty (20) feet or one (1) foot for each foot in height of the structure nearest the rear lot line, whichever is greater.

G. REQUIRED LANDSCAPING:

All street setback areas, and side and rear setback areas which border residential or commercial zones (or comprehensive plan designations), shall be landscaped to a depth of at least twenty (20) feet with natural or installed plant material which will form a sight obscuring screen. Landscaping in setback areas which border residential zones shall include a minimum five-foot (5) high earth berm, and plantings which will reach a mature height of eight feet (8) from the ground level of the lot within two years. Such plantings may be installed on the top of the berm and shall be spaced to provide a continuous screen at maturity.

H. OFFICIAL SITE PLAN:

The Official Site Plan as approved by the City Council will become the Official Site Plan in the Industrial (I) Zone on sites over one (1) acre.

19.3.0120 LIGHT INDUSTRIAL (LI) ZONE

The Light Industrial (LI) Zone designation is intended for clean industrial uses in which most of the operation occurs indoors with little noise and emissions of industrial by-products.

A. PRINCIPAL USES:

Principal uses in the Light Industrial (LI) Zone are:

1. Indoor Manufacturing; Assembly;
2. Wholesale sales; Indoor Wholesale sales;
3. Accessory uses and structures;

B. SECONDARY USES:

Secondary uses in the Light Industrial (LI) Zone are:

1. Outside storage;
2. Night watchman's quarters occupied by an employee of the operator of the principal use;
3. Auto Storage;

C. MINIMUM LOT SIZE:

Minimum lot size in the Light Industrial (LI) Zone is none.

D. MAXIMUM LOT COVERAGE:

Maximum lot coverage in the Light Industrial (LI) Zone is none.

E. MAXIMUM BUILDING HEIGHT:

Maximum building height in the Light Industrial (LI) Zone is fifty (50) feet.

F. MINIMUM BUILDING SETBACKS:

Minimum building setbacks in the Light Industrial (LI) Zone are:

1. Street/public right-of-way: twenty (20) feet;
2. Side yards: None, except when abutting a residential or commercial zone or comprehensive plan designation which shall then be twenty (20) feet or one (1) foot for each foot of height of the structure nearest the side lot line, whichever is greater;

3. Rear yard: None, except when abutting a residential or commercial zone or comprehensive plan designation which shall then be twenty (20) feet or one (1) foot for each foot in height of the structure nearest the rear lot line, whichever is greater.

G. REQUIRED LANDSCAPING:

All street setback areas, and side and rear setback areas which border residential or commercial zones (or comprehensive plan designations), shall be landscaped to a depth of at least twenty (20) feet with natural or installed plant material which will form a sight obscuring screen. Landscaping in setback areas which border residential zones shall include a minimum five-foot (5) high earth berm, and plantings which will reach a mature height of eight feet (8) from the ground level of the lot within two years. Such plantings may be installed on the top of the berm and shall be spaced to provide a continuous screen at maturity.

H. OFFICIAL SITE PLAN:

The Official Site Plan as approved by the City Council will become the Official Site Plan in the Light Industrial (LI) Zone on sites over one (1) acre.

19.3.0130 INDUSTRIAL/RETAIL (IR) ZONE

The Industrial/Retail (IR) Zone designation is intended to allow the sale of industrial products produced on the premises to retail customers. For example, wood products manufactured at the site could be sold in a showroom to retail buyers. This land use designation should be located near the frontage and have better visibility than the Industrial zone.

A. PRINCIPAL USES:

Principal uses in the Industrial/Retail (IR) Zone are:

1. Indoor Manufacturing & Assembly, Repair;
2. Indoor Wholesale sales;
3. Retail sales of products produced on site;
4. Accessory uses and structures;

B. SECONDARY USES:

Secondary uses in the Industrial/Retail (IR) Zone are:

1. Outside storage;
2. Night watchman's quarters occupied by an employee of the operator of the principal use;

C. MINIMUM LOT SIZE:

Minimum lot size in the Industrial/Retail (IR) Zone is none.

D. MAXIMUM LOT COVERAGE:

Maximum lot coverage in the Industrial/Retail (IR) Zone is none.

E. MAXIMUM BUILDING HEIGHT:

Maximum building height in the Industrial/Retail (IR) Zone is fifty (50) feet.

F. MINIMUM BUILDING SETBACKS:

Minimum building setbacks in the Industrial/Retail (IR) Zone are:

1. Street/public right-of-way: twenty (20) feet;
2. Side yards: Non, expect when abutting a residential or commercial zone or comprehensive plan designation which shall then be twenty (20) feet or one (1) foot for each foot of height of the structure nearest the side lot line, whichever is greater;

3. Rear yard: None, except when abutting a residential or commercial zone or comprehensive plan designation which shall then be twenty (20) feet or one (1) foot for each foot in height of the structure nearest the rear lot line, whichever is greater.

G. REQUIRED LANDSCAPING:

All street setback areas, and side and rear setback areas which border residential or commercial zones (or comprehensive plan designations), shall be landscaped to a depth of at least twenty (20) feet with natural or installed plant material which will form a sight obscuring screen. Landscaping in setback areas which border residential zones shall include a minimum five-foot (5) high earth berm, and plantings which will reach a mature height of eight feet (8) from the ground level of the lot within two years. Such plantings may be installed on the top of the berm and shall be spaced to provide a continuous screen at maturity.

H. OFFICIAL SITE PLAN:

The Official Site Plan as approved by the City Council will become the Official Site Plan in the Industrial/Retail (IR) Zone on sites over one (1) acre.

Table 1
Table of Dimensions and Density Standards
(see 19.6.010 for additional requirements)

Zone	Lot Requirements			Setbacks			Maximum Density	Maximum Coverage	Maximum Height
	Minimum Lot Area	Minimum Lot Requirements							
		Width[1]	Depth[1]	Front[1,5]	Side[1]	Rear[1]			
R-2.3	2.3 Acres	100'[1]	200'	20'	5'	25'	1 du/2.3	30%	33'[4]
R-9,600	9,600[6] SF	60'[1,5]	120'	20'	5'	10'	4.5 du/Ac	40%	33'[4]
R-7,200	7,200 SF	50'[1,]	100'	20'	5'	10'	6 du/Ac	45%	33'[4]
DT-2,500 Downtown Residential	2,500 SF	30'	85'	10'	5'	10'	15 du/Ac	70%	33'[4]
MR Multi-Residential	6,000 SF	50'	80'	10'	5'	20'	None	70%	50'[4]
CBD	2,000 SF			None[3]	None[3]	5'[3]	N/A	None	50'
GC	7,200 SF			None	None[1,3]	5'[2,3]	N/A	None	50'
I	None	None	None	None[2]	None[1,3]	5'[2,3]	N/A	None	50'
IR	None	None	None	None[2]	None[1,3]	5'[2,3]	N/A	None	50'
LI	None	None	None	None[2]	None[1,3]	5'[2,3]	N/A	None	50'

Table 1 Notes:

1. See narrative descriptions and each zoning section in this chapter.
2. Streets/public right-of-way: 20' or 1' for every foot of height of the structure nearest to the side lot line, whichever is greater.
3. Except when abutting Residential – 20'.
4. Heights specified are for principal structures; maximum height for accessory structures in all zones is 20 feet.
5. The Minimum lot width for a PRD is described in 19.5.020.9.f.(iii)
6. A PRD's is allowed in this zone and the minimum lot size under a PRD is 6,000 square feet.

CHAPTER 19.4
CODE ADMINISTRATION

19.4.010 INTRODUCTION AND PURPOSE:

The purpose of this title is to combine and consolidate the application, review, and approval procedures for land development in the City so that these procedures are clear, concise, and understandable. It is further intended to comply with state guidelines for combining and expediting development review and integrating environmental review and land use development plans. Final decision on development proposals shall be made within one hundred twenty (120) days of the date of the letter of completeness, except as provided in chapter 19.4.060D of this title.

19.4.020 RULES OF INTERPRETATION:

1. For the purposes of the development code, all words used in the code shall have their normal and customary meanings, unless specifically defined otherwise in this code.
2. Words used in the present tense include the future.
3. The plural includes the singular and vice versa.
4. The words "will" and "shall" are mandatory.
5. The word "may" indicates that discretion is allowed.
6. The word "used" includes designed, intended, or arranged to be used.
7. The masculine gender includes the feminine and vice versa.
8. Distances shall be measured horizontally unless otherwise specified.
9. The word "building" includes a portion of a building or a portion of the lot on which it stands.

19.4.030 ADMINISTRATION

A. ROLES AND RESPONSIBILITIES:

1. Regulation of Land Development: The regulation of land development is a cooperative activity involving different elected and appointed boards and City staff. The specific responsibilities of these bodies are set forth below.

2. Developers: A developer is expected to read and understand the City development code and be prepared to fulfill the obligations placed on the developer by this code.

B. CITY DESIGNATED OFFICIAL:

The Designated Official shall review and act on the following:

1. Authority: The Designated Official is responsible for the administration of this title.

2. Administrative Interpretation: Upon request or as determined necessary, the Designated Official shall interpret the meaning or application of the provisions of said titles and issue a written administrative interpretation within thirty (30) days. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation.

3. Administrative Approvals: Administrative approvals are set forth in section 19.4.080B of this title.

4. Permit Procedures: The Designated Official shall determine the proper procedure for all development applications. (See section 19.4.060 of this title.)

C. CITY COUNCIL:

In addition to its legislative responsibility, the City Council shall review and act on the following subjects:

1. Recommendations of the Planning Commission.

2. Appeal of Planning Commission recommendations and decisions.

3. Appeal of a determination of significance under section 19.7.010P.4 of this title.

4. Approve final plats and mobile/manufactured home parks or subdivisions.

5. Recommendations of the Hearing Examiner.

The review criteria for certain of these actions are contained in chapter 19.6 of this title.

D. PLANNING COMMISSION:

The Planning Commission shall approve architectural design review applications, plat vacation and alterations, site plans and major amendments thereto, and shall review and make recommendations on the following applications and subjects:

1. All quasi-judicial permits unless the Designated Official uses a hearing examiner.
2. Amendments to the comprehensive plan.
3. Amendments to the building code, section 19.4.0120E.6 of this code.
4. Amendments to the environmentally critical areas code, chapter 19.7 of this code.
5. Amendments to the subdivision title of this code.
6. Amendments to the Unified Development Code or the official map.
7. Applications for preliminary plats, plat alterations, Planned Residential Developments, and Official Site Plans.
8. Other legislative actions as requested by the City Council.
9. The review criteria for certain of the actions are contained in section 19.4.0100A.1.d. of this title.

E. HEARING EXAMINER:

The hearing examiner shall serve at the pleasure of the mayor. The mayor or assignee may choose to use the hearing examiner instead of the Planning Commission on any quasi-judicial project. The hearing examiner shall interpret, review and make recommendations on implementation of land use regulations as provided by ordinance and may perform other quasi-judicial functions as are delegated by ordinance. Unless otherwise specified, the term "hearing examiner" shall also mean deputy examiners and examiners pro tem. Hearing examiners shall be appointed based on their qualifications for the duties of the office including education and experience.

1. Influence and Conflict of Interest: No person, including City officials, elected or appointed, shall attempt to influence the hearing examiner in any matter pending before him/her, except at a public hearing duly called for such purpose, or to interfere with the hearing examiner in the performance of his/her duties in any way; provided, that this section shall not prohibit the City attorney from rendering legal service to the hearing examiner upon request. The hearing examiner shall be subject to the same code of ethics as set forth in Revised Code of Washington 35A.63.170 and 42.23.

2. Rules: The hearing examiner shall have the power to prescribe rules for the scheduling and conduct of hearings and other procedural matters related to his/her duties.

3. Powers: At the discretion of the mayor, the hearing examiner shall have the authority to:

    a. Review and make recommendations on the following land use permit matters pursuant to Revised Code of Washington 35A.63.170:

        (i) Conditional use permits;

        (ii) Variances;

        (iii) Preliminary plats;

        (iv) Appeals of administrative decisions or determinations;

        (v) Planned Residential Developments (PRD's);

        (vi) Official Site Plans;

        (vii) Appeals of administrative decisions or determinations pursuant to Revised Code of Washington 43.21C;

        (viii) Amortization periods for nonconforming signs;

        (ix) Manufactured/Mobile home parks;

        (x) Nonconforming use permits;

        (xi) Appeals of SEPA determinations of the underlying land use action;

    b. Review and decide civil violations in conjunction with enforcement actions of the City as described in section 19.4.0120, "Enforcement", of this title.

4. Procedures: The hearing examiner shall:

   a. Receive and examine available information;

   b. Conduct public hearings in accordance with the provisions of this title, Revised Code of Washington 42.32 and all other applicable law, and prepare a record thereof;

   c. Administer oaths and affirmations;

   d. Issue subpoenas and examine witnesses; provided that no person shall be compelled to divulge information which he/she could not be compelled to divulge in a court of law;

   e. Regulate the course of the hearing;

   f. Make and enter findings of fact and conclusions to support his/her decisions;

   g. Conduct conferences for the settlement or simplification of the issues;

   h. Conduct discovery;

   i. Dispose of procedural requests or similar matters;

   j. Take official notice of matters of law or material facts;

   k. Issue summary orders in supplementary proceedings; and

   l. Take any other action authorized by or necessary to carry out this chapter;

   m. The above authority may be exercised on all matters for which jurisdiction is assigned to hearing examiner by City ordinance, code or other legal action of the City Council. The nature of the hearing examiner's decision shall be as specified in this chapter and in each ordinance or code which grants jurisdiction to the hearing examiner;

19.4.040 TYPES OF PERMIT ACTIONS:

A. PROCEDURES FOR PROCESSING PERMIT APPLICATIONS:

All development permit applications shall be classified as one of the following: Type 1, or Type 2. Legislative decisions are Type 3 actions. Exclusions from the requirements of permit applications procedures are included at section 19.4.050A of this chapter. Table 2 of this section describes the City's permit processing procedures.

Table 2			
	ADMINISTRATIVE	**QUASI-JUDICIAL**	**LEGISLATIVE**
	TYPE 1	**TYPE 2**	**TYPE 3**
1. Notice of Application	No	Yes	Yes
2. Notice to Council	Yes	Yes	N/A
3. Open Record Hearing or Open Record Appeal of Final Decision	No	Planning Commission[1]	Planning Commission
4. Recommendation By	N/A	Planning Commission	Planning Commission
5. Closed Record Hearing	No	Yes	No
6. Final Decision	Designated Official	Council[1]	Council (Open Record Hearing)
7. Appeal to Planning Commission	Yes	No	No
8. Judicial Appeal	Yes	Yes	Yes

[1] If Designated Official does not opt. for Hearing Examiner.

19.4.050 DETERMINATION OF PROCEDURE TYPE:

The Designated Official shall determine the proper procedure for all development applications. Questions concerning an appropriate procedure for a specific project shall be resolved by using the higher numbered procedure.

An application that involves two (2) or more procedures may be processed collectively under the highest numbered procedure required for any part of the application.

Table 3 describes the types of decisions rendered in each permit procedure category.

Table 3
Decisions

ADMINISTRATIVE (Designated Official) TYPE 1	QUASI-JUDICIAL (Planning Commission and Council[1]) TYPE 2	LEGISLATIVE (Planning Commission and Council) TYPE 3
Permitted uses; boundary line adjustments; minor amendments to official site plans and other permits, plat alteration to subdivisions and PRD; general variances; special use permits; temporary construction trailer; sign permits; sign permit variances; short plats; land clearing and grading; plat vacations; shoreline permits; administrative variances; administrative interpretations; home occupations; day care facilities; accessory dwelling units	Conditional use permits; preliminary plats; preliminary PRD's; final plats; final PRD's; certain appeals; mobile / manufactured home parks or subdivisions; certain appeals; and alterations; official site plans and major amendments thereto; major amendments to PRD's	Comprehensive plan amendments; development regulations; shoreline master program; zoning text amendments; zoning map amendments; annexations

[1]Unless Designated Official opts for Hearing Examiner.

[2] Final Plats do not require recommendation from the Planning Commission and can go directly to the City Council.

A. EXEMPTIONS:

1. The following permits or approvals are specifically excluded from the provisions of this title:

   a. Street vacations;

   b. Street use permits;

   c. Impact fee decisions; and

   d. Concurrency determinations;

2. Pursuant to Revised Code of Washington 36.70B.140(2), building permits, boundary line adjustments, or other construction permits, or similar administrative approvals categorically exempt from environmental review under SEPA or permits and approvals for which environmental review has been completed in conjunction with other permit procedures, are excluded from the following:

   a. Notice of application unless an open public hearing is required;

   b. Consolidated permit review processing except as provided in Revised Code of Washington 36.70B.140;

   c. Joint public hearings;

   d. Single report stating all of the decisions and recommendations made as of the date of the report do not require an open public record hearing; and

   e. Notice of decision;

19.4.060 APPLICATION PROCESS:

A. APPLICATION:

1. Consolidation: To the extent possible, the City shall integrate consolidated development application and reviews in order to coordinate the development permit and environmental review process, while avoiding duplication of the review processes.

2. Submittal: All applications for development permits, variances and other City approvals under the development code shall be submitted on forms provided by the City. All applications shall be signed by the property owner with notarization.

B. PRE-APPLICATION MEETING:

1. Informal: Applicants for development are strongly encouraged to contact the City and schedule a meeting to discuss the proposed development, City design standards, design alternatives, and required permits and application and approval procedures to be prepared for this meeting the applicant should provide:

   a. A description of the requirements for a complete application; a general summary of the permit review procedures; references to the relevant code provisions or development standards that may apply to the proposal; and any other relevant information that the City may deem pertinent to the proposal may be provided by the City at the meeting or immediately following the meeting at the request of the applicant.

   b. It is impossible for the meeting to be an exhaustive review of all potential issues. The discussions at the meeting or the materials cited in subsection B1 of this section shall not bind the City or prohibit the City's future application or enforcement of all applicable law.

C. CONTENTS OF APPLICATIONS:

1. Specified Information: All applications for approval under this title of this code shall include the information specified in this title. The Designated Official may require such additional information as reasonably necessary to fully and properly evaluate the proposal.

2. Permits: The applicant shall apply for all permits required by the City as identified in the pre-application meeting. Other permits required by other jurisdictions are the applicant's responsibility to determine.

D. LETTER OF COMPLETENESS:

1. Time Limit: Within twenty eight (28) calendar days of receiving a date stamped application, the City shall review the application and, as set forth below, provide applicants with a written determination that the application is complete or incomplete. The City has the option of determining completeness at the time of submittal. This shall be followed by a letter confirming the same.

2. Complete Application; Materials Required: A project application shall be declared complete only when it contains all of the following materials:

   a. A fully completed, signed, and acknowledged development application and all applicable review fees.

   b. A fully completed, signed, and acknowledged environmental checklist for projects subject to review under the state environmental policy act.

   c. The information specified for the desired project in the appropriate chapters of this code and as identified in chapter 19.5 of this chapter.

   d. Any supplemental information or special studies identified during the pre-application meeting.

3. Incomplete Applications; Determination: For applications determined to be incomplete, the City shall identify, in writing, the specific requirements or information necessary to constitute a complete application. Upon submittal of the additional information, the City shall, within fourteen (14) days, issue a letter of completeness or identify what additional information is required. The City's determination of completeness shall not preclude the City from requesting additional information or studies either at the time of notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposal.

   a. If the applicant receives a determination from the City that an application is incomplete, the applicant shall have ninety (90) days to submit the additional required information. Within fourteen (14) days after submittal of the additional material, the City shall make a determination as described in this section.

   b. If the applicant either refuses in writing to submit the additional material or fails to meet the deadline for re-submittal, the application shall lapse.

   c. In those situations where the application has lapsed because the applicant has failed to submit the required material within the necessary time period, or the applicant has elected to withdraw the application, the applicant may request a refund of the application fee unrelated to City's determination of completeness. The amount of the refund shall be determined by the

City based on its expenditures associated with the administration of the application.

4. Complete Application: A development proposal application shall be deemed complete under this section if the City does not provide a written determination to the applicant that the application is incomplete as provided in subsection D of this section. The determination of completeness shall be made when the application is sufficiently complete for review even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the City's ability to request additional information or studies whenever new information is required, or when substantial changes have been made to the proposal.

5. Other Agencies: To the extent known by the City, other agencies with jurisdiction over the application shall be identified in the City's determination of completeness.

E. TECHNICAL REVIEW COMMITTEE:

1. Meeting; Notification: Immediately following the issuance of a letter of completeness, the City shall schedule a meeting of the technical review committee (TRC) and notify the applicant of the meeting. The TRC may be composed of representatives of all affected City departments, utility districts, the fire department, and any other entities or agencies with jurisdiction. The TRC shall be chaired either by the Designated Official, Planning Commission chair, City engineer, consulting planner, or building inspector.

2. Review: The TRC shall review the development application for compliance with City plans and regulations, coordinate necessary permit reviews, and identify the development's environmental impacts.

F. ENVIRONMENTAL REVIEW:

1. Policies And Procedures: Developments and planned actions subject to the provisions of the state environmental policy act (SEPA), Revised Code of Washington chapter 43.21C shall be reviewed in accordance with the policies and procedures contained in chapter 19.7 of this title.

2. Exemptions: Environmental review shall be conducted concurrently with development project review. The following are exempt from concurrent review:

a. Projects categorically exempt from SEPA.

b. Components of previously completed planned actions, to the extent permitted by law and consistent with the EIS for the planned action.

19.4.070 IMPACT FEES:

A. AUTHORITY AND PURPOSE:

1. This chapter is enacted pursuant to the City's police powers, Revised Code of Washington 82.02, 58.17, and 43.21C. The purpose of this chapter is to:

   a. Maintain a program for financing school, park, transportation and public utilities (water, sewer and storm), capital improvements necessitated in whole or in part by development within the City consistent with the goals and policies of the comprehensive plan;

   b. Ensure adequate levels of service within the City;

   c. Establish means to charge and collect impact fees to ensure that all new development bears its proportionate share of the capital costs of off site facilities reasonably necessary to accommodate the growth and maintain adopted level of service standards;

   d. Ensure that the City pays its fair share of the capital cost of facilities necessitated by public uses unrelated to new growth; and

   e. Ensure fair collection and administration of impact fees.

2. The provisions of this chapter shall be liberally construed to effectively carry out its purpose in the interests of public health, safety and welfare.

B. APPLICABILITY:

1. The requirements of this chapter shall apply to all development regulated by this title of this code unless otherwise exempted.

2. Mitigation of impacts on schools, parks and transportation facilities located in jurisdictions outside the City will be required when:

   a. The other affected jurisdiction has reviewed the development's impact(s) under its adopted impact fee

regulations and has recommended to the City that there be a requirement to mitigate the impact; and

b. There is an inter-local agreement between the City and the affected jurisdiction specifically addressing impact analysis and mitigation.

3. The following are exempted from impact fees:

a. Alteration, expansion, reconstruction, or replacement of existing single-family or multi-family dwelling units that does not result in additional dwelling units.

b. For school impact fees only, any new dwelling unit subject to restrictions that may be legally enforced by a private party or governmental entity limiting occupants to a minimum adult age or to populations that do not include children under the age of eighteen (18), including nursing homes and retirement centers; provided that this exclusion ceases if the exempted dwelling unit(s) is later converted to permanent use as a dwelling not subject to the restrictions.

c. For school impact fees only, hotels, motels, and other transient accommodations provided that this exclusion ceases if the exempted development is later converted to permanent use as a dwelling not subject to these restrictions.

d. Accessory dwelling units.

e. Development which has impact mitigation provided through environmental review under the state environmental policy act.

f. Development for which school facility impacts or park impacts have been mitigated by the payment of, or promise or obligation to pay fees, dedicate land, or construct or improve school facilities as part of a permit approval process granted prior to the effective date of this chapter unless the terms of the agreement expressly provide otherwise.

C. GEOGRAPHIC SCOPE:

The boundaries within which impact fees shall be charged and collected are the same as the corporate City limits. All unincorporated areas annexed to the City on and after the effective date hereof shall be subject to the provisions of this chapter. After the adoption of inter-local agreements with other local, regional or

state jurisdictions, the geographic boundaries may be expanded accordingly.

D. IMPOSITION OF IMPACT FEES:

1. Impact fees may be required pursuant to the fee schedule adopted through the process described herein, or mitigation may be provided through other means such as the purchase, installation and/or improvement of facilities; or the dedication of land.

2. Impact fees shall:

a. Only be imposed for school, park, and transportation facilities needs that are reasonably related to the impacts of development;

b. Not exceed the proportionate share of the costs of school, park, and transportation facilities that will reasonably benefit the new development;

c. Be used for school, park and transportation facilities that will reasonably benefit the new development;

d. Not be used to correct existing deficiencies;

e. Not be imposed to mitigate impacts or meet facility needs that are being addressed through other laws or programs;

f. Not be collected for improvements to other jurisdictions' facilities unless the City and the affected other jurisdiction have an inter-local agreement;

g. Not be collected for projects vested prior to the adoption date hereof unless changes or modifications to the development proposal require an amendment to the previous City approval and result in greater impacts than previously addressed by the vested approval;

h. Be collected only once for each development, unless changes or modifications to the development proposal require an amendment to the previous City approval and result in greater impacts than previously addressed by the vested approval;

i. Be collected for system improvement costs previously incurred by the City, to the extent that said improvements are intended to serve new development and that additional fees shall not be collected for system deficiencies; and

j. Be only collected on residential developments for school and park impact mitigation.

E. APPROVAL OF DEVELOPMENT:

Approvals and permits granted by the City shall include findings and conclusions pertaining to impact mitigation fees consistent with this chapter.

F. FEE SCHEDULES AND ESTABLISHMENT OF SERVICE AREA:

1. Impact fees shall be established by City Council ordinance no more frequently than annually.

2. The entire City within the corporate limits is the service area.

G. CALCULATION OF IMPACT FEES:

1. School impact fees are based on planned and existing school facility development provided by the Granite Falls School District and included in the school district comprehensive plan and in this Title.

   a. The maximum fees for single-family and multi-family dwellings shall be set by ordinance of the City Council. The maximum fee obligation in this chapter continues until adjusted by resolution.

2. Park impact fees are based on the level of service standards for parks and trails established in the comprehensive plan.

   a. It is the City's intent to maintain the ratio of park land to population established in the comprehensive plan land use element. Dedication of land and facilities for public parks and recreation facilities is the preferred method for mitigating impacts on such facilities caused by the development of new households.

   b. When creation of a new household (in the form of a subdivision, short plat, Planned Residential Development, manufactured housing park, or residential building permit on a lot for which a parks impact fee has not been collected) is proposed, the City shall require dedication of land necessary to meet the park land to population ratio. In the event that land dedication is determined by the City to be unfeasible, a mitigation fee in accordance with table 4 of this section shall be assessed. The amount of land to be dedicated for each dwelling unit shall be as shown in table 5 of this section:

Table 4 Parks Land Dedication Formula
Park land area per household: 2 X 43,560/400 = 220 square feet/HH (rounded)
Given the following variables:
a) Comprehensive plan park land-to-population ratio = two (2) acres per thousand (1,000)
b) Average household size = two and one-half (2.5) persons per household
c) Households per thousand (1,000) = 1,000/2.5 = 400

3. The fee value of land to be dedicated may be determined by either of the following methods:

   a. The applicant may provide a fair market appraisal of the improved property value. The appraisal shall be prepared by a member of the Appraisal Institute (MAI).

   b. The City may calculate the average improved land value using Snohomish County assessor's data for all new dwelling units constructed in the previous calendar year.

4. Park impact fee (PIF) assessments in lieu of land dedication shall be collected based on table 5 of this section and specified by City Council resolution:

Table 5 Parks Impact Fee Formula	
Given the following variables:	
A	Adjustment in accordance with Revised Code of Washington 82.02.050 and 060 to provide a balance between impact fees and other sources of public funds to meet capital facilities needs. For park improvements this adjustment is fifty (50) percent, so that A = 0.5.
HS	Average household size of two and one-half (2.5) persons.
PLOS	Adopted park land level of service standard of two (2) acres per thousand (1,000) population
PLR	Proportionate land requirement per new household of five-one-thousandths (0.005) acre calculated as PLOS ÷ 1,000 x HS.
PV	Park land value of ten thousand dollars ($10,000) per acre and park improvement value of seventy thousand dollars ($70,000).
TLOS	Adopted trails level of service standard of one (1) mile per thousand (1,000) population.
TV	Trails land and improvement value of thirty thousand dollars ($30,000) per mile.
PTR	Proportionate trail requirement per new household of two-one-thousandths (0.002) calculated as TLOS ÷ 1,000 x HS.
Therefore: PIF = A x [PLR x PV] PIF = 0.5 x [0.005 x $80,000 + 0.002 x $30,000] = $230 per new household (unless amended by City Council resolution)	

H. IMPACT FEE ACCOUNT FUNDS ESTABLISHED:

1. Park Impact Fee Fund: There is hereby created and established a special purpose park and recreation facilities impact fee fund to receive park impact fees. All park impact fees and investment income received pursuant to this title shall be deposited into the park impact fee fund. Procedures for administration of the funds shall be established by the

Designated Official. Expenditures from these funds shall be made in accordance with the City's normal budget procedures. Annually, the City shall prepare a report on each impact fee account showing the source and amount of all monies collected, interest earned, and capital or system improvements that were financed in whole or in part by impact fees.

I. USE OF FUNDS:

1. Impact fees shall be used for public facility improvements that will reasonably benefit the new development; shall not be imposed to make up for deficiencies in the facilities serving existing developments; and shall not be used for maintenance or operation.

2. Impact fees may be spent for improvements, including, but not limited to, facility planning, land acquisition, site improvements, necessary off site improvements, construction, engineering, architectural, permitting, financing, grant matching funds and administrative expenses, applicable impact fees or mitigation costs, capital equipment pertaining to public facilities, and any other expenses which can be capitalized and are consistent with the comprehensive plan.

   a. Impact fees may also be used to recoup public facility improvement costs previously incurred to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

   b. In the event that bonds or similar debt instruments are or have been issued for the construction of public facility or system improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development. Capital facilities plans using impact fees for the purpose of assisting in the provision of capital facilities or facility systems must clearly differentiate between funds used for new improvement and those funds used to correct existing deficiencies.

J. ASSESSMENT AND COLLECTION:

1. Fee Determination: For all development activity subject to this chapter, the City shall determine the total impact fee at the time of application for a building permit or for installation of a mobile/manufactured home, based on the capital facilities plan element of the Granite Falls comprehensive plan and the resulting fee schedule in effect at the time of application.

2. Collection Time: Collection shall occur prior to the time of building permit issuance unless the fee payer provides the City with proof that a voluntary impact fee lien in the form provided for in subsection C of this section has been executed by all legal owners of the property upon which the development activity allowed by the building permit is to occur, and the form has been recorded in the office of the Snohomish County Auditor. If a voluntary impact fee lien has been recorded, the collection shall occur:

   a. As part of the closing of the sale of a residence, but no later than eighteen (18) months from the date of issuance of the building permit. In the event that the fee is not paid within the time provided in this subsection, the City shall institute foreclosure proceedings in accordance with the provisions set forth in subsection C of this section.

   b. For dwelling units other than single-family, prior to the issuance of the certificate of occupancy. The applicant must provide evidence to the county that the fee has been paid.

   c. If development activity originally excluded from the scope of this chapter is converted to a residential use creating an impact on schools and/or parks, the appropriate fee shall be immediately determined and become due for payment.

3. Title Notification: The owner of any property for which a school impact fee is not paid prior to issuance of a building permit shall record a voluntary impact fee lien with the Snohomish County Auditor in the applicable form set forth below:

VOLUNTARY IMPACT FEE LIEN
Parcel Number:
Address:
Legal Description:
Present Owner(s):
Notice: The site was the subject of a development proposal for building permit application number (#) filed on (date). *A (school) (park) (transportation) impact fee in the amount established in section 19.4.060F.2.b. is due to the City of Granite Falls upon the earlier of: transfer of title, refinancing, or 18 months from the date of issuance of the building permit. The fees are a lien on the property. In the event the fee is not paid when due, Granite Falls shall foreclose it in the same manner as an assessment. This lien shall earn interest at the applicable statutory rate from the date of default. The owner shall also pay the City's reasonable attorney's fees and costs incurred in the foreclosure process. Notwithstanding the foregoing, the City shall not commence foreclosure proceedings less than 30 calendar days prior to providing written notification to the then present owner of the property via certified mail with return receipt requested advising of its intent to commence foreclosure proceedings. If the present owner cures the default within the 30-day cure period, no attorney's fees and/or costs will be owed.*
Signature of Owner(s):

4. Collection of Fee or Record of Lien: The City shall not issue a building permit for any development activity until applicable school and parks impact fees are paid or the fee payer has provided the City with satisfactory evidence that the applicable voluntary impact fee lien has been recorded against the property for which the building permit is issued. Notwithstanding the recording of a voluntary impact fee lien, the City may collect the fee when it becomes due from either the person or entity: 1) whose development activity creates the demand for additional public facilities which requires approval, 2) who applies for issuance of the building permit, or 3) the owner of the real property subject to the lien; provided the City shall not collect from any one or all of the

above referenced persons and/or entities an amount that exceeds the fee, if any, due for the dwelling unit(s), including interest, attorney fees and costs authorized by the lien. If the fee is collected from a person or entity who is or which is not the current owner of the real property subject to the lien, the City shall assign its interest in the lien to the person or entity who or which paid the fee.

5. Record Satisfaction of Lien: Unless the City has assigned its interest in the lien as provided for in subsection D of this section, upon payment of any voluntary impact fee lien, the City shall promptly record a satisfaction of lien.

K. ADJUSTMENTS, INDEPENDENT CALCULATIONS:

1. A fee payer may request an adjustment to the impact fees set forth in this title by preparing and submitting to the City an independent fee calculation for the development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made.

   a. If the City agrees with the independent fee calculation, a written agreement shall be transmitted to the fee payer for recording.

   b. If the City does not agree with the independent fee proposal, the fee payer may request a third party review. The third party reviewer will be selected by the City.

      (i) The fee payer shall pay the third party reviewer for services and the City for analysis of the independent fee calculation.

      (ii) While there is a presumption that the calculations set forth in the capital facilities plan element of the comprehensive plan are valid, the third party reviewer shall consider the documentation submitted by a fee payer and the analysis prepared by the City.

      (iii) The third party reviewer may result in the City acceptance, rejection, or revision of the independent fee calculation after consideration of documentation submitted in support of or in opposition to the independent fee calculation, the specific characteristics of the development,

principles of fairness, and/or other relevant information. The fees or alternative fees and the calculations shall be set forth in writing and shall be mailed to the fee payer.

2. Determinations made pursuant to this section may be appealed to the hearing examiner subject to the procedures set forth in this title.

L. CREDITS:

1. The fee payer shall be entitled to a credit against the applicable impact fee component for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the fee payer, to facilities that are identified in the capital facilities plan and that are required by the City as a condition of approving the development activity.

2. The amount of the credit shall be the higher of either the value of the land or improvements established in the adopted comprehensive plan capital facilities element or by an appraisal conducted by an independent professional appraiser mutually agreeable to the City and the fee payer. Either the fee payer or the City may request an appraisal, in which event the cost of the appraisal shall be borne by the requesting party. Determinations made pursuant to this section may be appealed to the examiner subject to the procedures set forth in this title.

3. After the effective date of this chapter, whenever a development is granted approval subject to a condition that the developer provide park, open space, or linear trail park facilities that are identified in the capital facilities element, or whenever the developer has agreed, pursuant to the terms of a voluntary agreement with the City, to provide land for parks, open space, or linear trails that are identified in the capital facilities element, or make improvements to existing facilities, the developer shall be entitled to a credit for the value of the land or actual costs of capital facility construction against the fee that would be chargeable under the formula provided by this chapter. The land value or costs of construction shall be determined pursuant to section 19.4.060F.2.b. G.3 of this section.

4. When a subdivision or other type of development is conditioned upon the dedication of land, or purchase,

installation or improvement of school, park, or transportation facilities, a final plat, final PRD, or short plat shall not be recorded, nor a building permit issued until:

a. The City has determined in writing that any land to be dedicated is shown on the face of the final plat, final PRD, or short plat, or a deed conveying the land to the City or school district, as appropriate, has been recorded with the Snohomish County Auditor; and

b. The City has determined in writing, after consultation with the designated public owner responsible for permanent, continuing maintenance and operation of the facilities, that the developer has satisfactorily undertaken, or guaranteed to undertake in a manner acceptable to the City, any required purchase, installation or improvement of the required school, park, or transportation facilities.

M. REFUNDS:

1. The current owner of property on which impact fees have been paid may receive a refund of such fees if the impact fees have not been expended or encumbered within six (6) years of their receipt. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis.

2. Any impact fees that are not expended or encumbered within these time limitations, and for which no application for a refund has been made within this one year period, shall be retained and expended consistent with the provisions of this section.

3. Refunds of impact fees shall include any interest earned on the impact fees.

4. Should the City seek to terminate any or all impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded to the current owner of the property for which an impact fee was paid. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two (2) times and shall notify all potential claimants by first class mail addressed to the owner of the property as shown in the County tax records. All funds

available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the City, but must be expended for the original purposes, consistent with the provisions of this section. The notice requirement set forth above shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

5. An owner/applicant may request and shall receive a refund, including interest earned on the impact fees, when:

   a. The owner/applicant does not proceed to finalize the development activity as required by statute or City code or the uniform building code; and

   b. The City has not expended or encumbered the impact fees in good faith prior to the application for a refund. In the event that the City has expended or encumbered the fees in good faith, no refund shall be forthcoming. However, if within a period of three (3) years, the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner shall be eligible for a credit. The owner must petition the City in writing and provide receipts of impact fees paid by the owner for a development of the same or substantially similar nature on the same property or some portion thereof. The City shall determine whether to grant a credit, and such determinations may be appealed by following the procedures set forth in this title.

6. The amount to be refunded shall include the interest earned by this portion of the account from the date that it was deposited into the impact fee fund.

N. APPEALS AND PAYMENTS UNDER PROTEST:

1. An appeal of the decision of the City, the third party reviewer, or the hearing examiner with regard to the imposition of an impact fee or fee amounts may be filed by the fee payer. Any appeal shall follow the appeal process for the underlying permit and not be subject to a separate appeal process.

2. Any fee payer may pay the impact fees imposed by this title under protest in order to obtain a building permit. No appeal

shall be permitted until the impact fees at issue have been provided.

3. Further appeals of a decision under this title shall be considered by the City according to procedures in this title.

4. The examiner is authorized to make findings of fact regarding the applicability of the impact fees to a given development activity, the availability or amount of credit, or the accuracy or applicability of an independent fee calculation.

O. COUNCIL REVIEW:

1. Computation and Schedules: The fee schedules set forth in this chapter shall be reviewed by the City Council as it deems necessary and appropriate in conjunction with the annual update of the capital facilities element of the comprehensive plan.

P. ADMINISTRATIVE FEES:

The cost of administering the impact fee system for school, park, and transportation impact fees shall be a one time charge established by the City. This fee, in addition to the actual impact fees, shall be paid by the developer to the City at the time of building permit issuance.

Q. EXEMPTION OR REDUCTIONS:

1. Public housing agencies or private nonprofit housing developers participating in publicly sponsored or subsidized housing programs may apply for exemptions or reductions from the requirements of this chapter. Private for profit developers may apply for exemptions or reductions from the requirements of this chapter when all or a portion of the project is designed to accommodate low income residents or special populations that will result in lower impacts on schools, parks, or transportation facilities. The determination of the amount of any requested exemptions or reductions shall be based on the procedures of this chapter.

2. The amount of impact fees exempted or reduced for low income subsidized units shall be replaced by other public funds.

3. Dwelling units qualifying for impact fee exemptions or reductions shall be occupied by low income or special population residents for a minimum of fifteen (15) years.

R. RELATIONSHIP TO ENVIRONMENTAL IMPACT MITIGATION:

1. As provided by Revised Code of Washington 82.02.100, development required to mitigate environmental impacts pursuant to Revised Code of Washington 43.21C.060 shall not be required to pay impact fees under this chapter for the same system improvements.

2. Nothing in this chapter shall be construed to limit the City's authority to deny development permit applications when a proposal would result in significant adverse environmental impacts identified in environmental review under SEPA where reasonable mitigation measures are insufficient to address the identified impact.

S. SEVERABILITY:

If any provision of this title or its application to any person or circumstance is held invalid, the remainder of this regulation or the application of the provision to other persons or circumstances shall not be affected.

19.4.080 PUBLIC NOTICE REQUIREMENTS:

A. DEVELOPMENT APPLICATION:

1. Included Information: Within fourteen (14) days of issuing a letter of completeness, under section 19.4.060D of this title, the City shall issue a notice of development application see Table 2 for permits requiring notices. The notice shall include, but not be limited to, the following:

   a. The name of the applicant.

   b. Date of application.

   c. The date of the letter of completeness.

   d. The location of the project, including street address and legal description.

   e. A project description.

   f. The requested approvals, actions, and/or required approvals, actions or studies.

   g. A statement of the public comment period which shall be not less than fourteen (14) nor more than thirty (30) days following the date of the notice of application, and a statement of the right of any person

to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. Also, a statement that comments on the notice are due by five o'clock (5:00) P.M. on the last day of the comment period, or, on the first working day following the last day if the last day falls on a weekend or holiday.

h. Identification and location of existing environmental documents.

i. A City staff contact and phone number.

j. The date, time, and place of a public hearing if one has been scheduled.

k. Preliminary determination, if made, of SEPA threshold and/or development regulations that will be used for project impact mitigation.

l. A statement that the decision on the application will be made within statutory limits.

2. Posting; Publication: The notice of development application shall be posted on the subject property and notification shall be published once in a local newspaper of general circulation.

3. Issuance: The notice of development application shall be issued prior to required notice of a public hearing and is not a substitute for that notice.

4. Exemptions: A notice of application is not required for the following actions, when the referenced actions are categorically exempt from SEPA or environmental review has been completed:

a. Application for building permits.

b. Application for lot line adjustments.

c. Application for administrative approvals.

B. ADMINISTRATIVE APPROVAL:

Notice of administrative approvals shall be made as follows:

1. Notification of Preliminary Approval: The Designated Official shall notify the adjacent property owners of his intent to grant approval at least fourteen (14) days prior to the effective

date of the approval. Notification shall be made by mail only. The notice shall include:

a. A description of the preliminary approval granted, including any conditions of approval.

b. A place where further information may be obtained.

c. A statement that final approval will be granted unless an appeal requesting a public hearing is filed with the City clerk within fifteen (15) days of the date of the notice.

C. PUBLIC HEARING:

Notice of a public hearing for all development applications and all open record appeals shall be given as follows:

1. Time of Notices: Except as otherwise required, public notification of meetings, hearings, and pending actions under this title of this code shall be made by:

   a. Publication at least ten (10) days before the date of a public meeting, hearing, or pending action in the official newspaper if one has been designated or a newspaper of general circulation in the City; and

   b. Mailing at least ten (10) days before the date of a public meeting, hearing, or pending action to all property owners as shown on the records of the County Assessor and to all street addresses of properties within three hundred feet (300'), or five hundred feet (500') when adjacent to natural resource lands, not including street rights of way, of the boundaries of the property which is the subject of the meeting or pending action. Addressed, pre-stamped envelopes shall be provided by the applicant; and

   c. Posting at least ten (10) days before the meeting, hearing, or pending action at City hall and other public posting places and at least one notice on the subject property.

2. Content of Notice: The public notice shall include a general description of the proposed project, action to be taken, a non-legal description of the property or a vicinity map or sketch, the time, date and place of the public hearing and the place where further information may be obtained.

3. Continuations: If for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a certain date and no further notice under this section is required.

4. Shoreline Master Program Permits: Notice for SMP permits shall be given as provided by chapter 19.7.030G of this code in accordance with Revised Code of Washington 90.58.

D. APPEAL HEARING:

In addition to the posting and publication requirements of section 19.4.080 of this chapter, notice of appeal hearings shall be as follows:

1. Administrative Approvals: For appeals of administrative approvals, notice shall be mailed to adjacent property owners.

2. Planning Commission Appeals: For appeals of Planning Commission recommendations, notice shall be mailed to parties of record from the Planning Commission hearing.

E. DECISION:

A written notice for all final decisions shall be sent to the applicant and all parties of record. For development applications requiring Planning Commission review and City Council approval, the notice shall be the signed ordinance or resolution.

19.4.090 CONCURRENCY AND ADEQUACY:

A. INTENT:

The purpose of this chapter is to ensure that public facilities and services owned, operated, or provided by the City and public facilities and services owned, operated or provided by other governments, special districts and applicable organizations within the City are provided simultaneous to or within six (6) years after development occurs consistent with the capital facilities element of the comprehensive plan and Revised Code of Washington 36.70A.070(6)(e). This chapter shall apply to all applications for development or redevelopment permit approvals that will result in:

1. More than ten (10) new P.M. peak hour vehicle trips; and

2. Five (5) or more connections or five (5) SFR equivalent connections to City water and/or sanitary sewer systems.

B. AUTHORITY:

The Designated Official or his/her designee shall be responsible for enforcing the provisions of this chapter.

C. EXEMPTIONS:

The test for concurrency shall not be required for exempted developments as specified below:

1. Highways of Statewide Significance (HSS) are exempt from this concurrency section.

2. No Impact: Development which creates little or no additional impacts on public water, sanitary sewer, surface water management, streets, schools and parks are exempt from the test for concurrency. Such development includes, but is not limited to:

   a. Uses falling under thresholds described in chapter 19.1

   b. Additions, accessory structures, or interior renovations to or replacement of a residence which do not result in a change in use or increase in the number of dwelling units or residential equivalents;

   c. Additions to or replacement of a nonresidential structure which do not result in a change in use, expansion in use, or otherwise increase demand in public facilities as defined above;

   d. Temporary uses as described in section 19.5.020E of this code; and

   e. Demolitions.

3. Permits and Actions: The following are exempt from the test for concurrency:

   a. Boundary line adjustments;

   b. Temporary use permits;

   c. Variances and shoreline variances;

   d. Approvals pursuant to site development regulations;

   e. Administrative interpretations;

   f. Sign permits;

   g. Street vacations;

   h. Demolition permits;

i. Street use or right of way permits;

j. Clearing, grading, excavation permits;

k. Mechanical, electrical and plumbing permits;

l. Fire code permits;

m. Other permits as determined by the City that will not result in impacts on public services or utilities.

4. SEPA: Applications exempt from the test for concurrency are not necessarily exempt from SEPA.

5. Exemptions: The portion of any development used for any of the following purposes is exempt from the requirements of this chapter:

a. Public transportation facilities;

b. Public parks and recreational facilities; and

c. Public libraries;

D. CONCURRENCY PROCEDURES:

1. Concurrency Review Procedures: The test for concurrency shall be performed in the processing of all nonexempt permit applications through a concurrency review process established by the individual service providers.

a. The concurrency review process shall be completed prior to issuance of a building permit. The Designated Official shall determine the time of the concurrency test dependant on the time of permit.

b. The concurrency review process shall include review of phased projects.

c. The concurrency review process established by the individual service providers shall be specified in written policy, and shall be available for City distribution.

2. Test for Concurrency; Roles:

a. The Designated Official shall provide the overall coordination of the test for concurrency by:

(i) Notifying the service providers of all applications requiring a test for concurrency;

(ii) Notifying the service providers of all exempted development applications which use capacity;

(iii) Notifying the service providers of expired development permits or other actions resulting in a release of capacity reserved through a certificate of capacity.

b. Service providers shall:

(i) Be responsible for conducting the test for concurrency for their individual public facilities, for all applications requiring a test for concurrency;

(ii) Reserve the capacity needed for each application;

(iii) Account for the capacity for each exempted application which uses capacity;

(iv) Adjust capacity to reflect the release of reserved capacity as notified by the City;

(v) Annually report the capacity of their public facilities to the City. Said annual report shall include an analysis of comprehensive plan infrastructure priorities in accordance with the six (6) year capital facilities plan; and

(vi) Have the authority to charge applicable fees to recover the costs of concurrency testing and monitoring their concurrency systems.

3. Capacity: For sanitary sewer and domestic water supply, only available capacity shall be used in conducting the test for concurrency. For streets, available and planned capacity may be used in conducting the test for concurrency. The adopted level of service standards outlined in the comprehensive plan shall be the basis for determining whether adequate capacity will be available.

4. Test for Concurrency; Pass: The test for concurrency is passed when the capacity of public facilities and services is equal to or greater than the capacity required to maintain the level of service standards established by the City. A certificate of capacity will be issued by the City according to the following provisions:

a. A certificate of capacity will be issued upon payment of any fee, performance of any condition, or other assurances required by the service provider.

b. A certificate of capacity shall apply only to the specific land use types, densities, intensities, and development project described in the certificate.

c. A certificate of capacity is not transferable to other land, but may be transferred to new owners of the subject land along with any conditions imposed by the City in the permit or approval documents.

d. A certificate of capacity shall expire if the accompanying permit expires or is revoked. The expiration date of the certificate of capacity may be extended according to the same terms and conditions as the accompanying permit. If the permit is granted an extension, so shall the certificate of capacity. If the accompanying permit does not include an expiration date, the certificate of capacity shall expire two (2) years from the date of issuance. Expiration dates shall be included in certificates of capacity.

5. Test for Concurrency; Fail: The test for concurrency is not passed and the proposed project may be denied if the capacity of the public services or facilities is less than the capacity required to maintain the adopted level of service standards after the impacts associated with the requested permit are added to the existing capacity utilization. The following options are available to applicants in the event that partial capacity of public facilities and services is available:

   a. The scope of the project may be reduced to the level equal to that which would absorb the available capacity;

   b. The phasing of the project may be modified to accommodate planned capacity improvements;

   c. The capacity shortfall may be mitigated as part of the project; or

   d. The results of the test for concurrency may be appealed to the hearing officer.

E. CHECK FOR ADEQUACY:

The check for adequacy will be performed on an annual basis concurrent with the annual update of the capital facilities element of the comprehensive plan. The check for adequacy will be conducted by the appropriate service provider.

1. City: The City shall:

   a. Provide the affected service providers a report on all permit applications occurring within the past year;

   b. Provide population growth figures to the service providers;

   c. Maintain a cumulative record of all checks for adequacy.

   d. Service Providers: Service providers shall provide annual reports on checks for adequacy to the City.

F. APPROVAL OR DENIAL OF PERMITS:

1. Approvals: Permits which would not result in a reduction of an adopted level of service standard for a public facility or service may be approved as long as all other provisions of the code are met.

2. Denials: Permits which would result in a reduction of an adopted level of service standard for a public facility or service are subject to denial.

G. CONCURRENCY TEST REQUEST WITHOUT APPLICATION:

1. Test for concurrency may be requested without an accompanying permit application. Any available capacity found at the time of the test cannot be reserved and no certificate of capacity will be issued.

19.4.0100 REVIEW AND APPROVAL PROCESS:

A. ADMINISTRATIVE APPROVALS WITHOUT NOTICE:

1. Specified: The Designated Official may approve, approve with conditions, or deny the following:

   a. Type 1 permits as described in section 19.4.040 of this title.

   b. Extension of time for approval.

   c. Plat alterations or modifications to approved developments or permits. Plat alterations are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not affect: a) overall project character; b) increase the number of lots, dwelling units, or density; or c) decrease the quality or amount of open space.

d. Designated Official's decisions under this section shall be final on the date issued unless appealed.

B. PLANNING COMMISSION REVIEW AND RECOMMENDATION:

Planning Commission action authority is defined in section 19.4.030 of this title.

1. Staff Report: The Designated Official shall prepare a staff report on the proposed development or action summarizing the comments and recommendations of City departments, affected agencies and special districts, and evaluating the development's consistency with the comprehensive plan, development code, and other adopted plans and regulations. The staff report shall include findings, conclusions and proposed recommendations for disposition of the development application.

2. Hearing: The Planning Commission shall conduct an open public hearing on development proposals for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the City's comprehensive plan, development code, appropriate decision criteria and other adopted plans and regulations. Notice of the Planning Commission hearing shall be in accordance with section 19.4.080C of this title.

3. Required Findings: The Planning Commission shall not recommend approval of a proposed development unless it first makes the findings and conclusions consistent with the criteria set forth in this code for the specific permit involved.

4. Recommendation: Upon completion of its review of a development proposal, the Planning Commission shall prepare and adopt a resolution setting forth the Planning Commission's findings, conclusions and recommendations and promptly forward it to the City Council for consideration. The recommendation may be for approval, approval with conditions, or denial based on the findings and conclusions of subsection C of this section.

C. CITY COUNCIL ACTION:

1. Actions: Upon receiving a recommendation from the Planning Commission or notice of any other matter requiring the City Council's attention, the City Council shall perform the following actions as appropriate:

a. Make a decision on a Planning Commission recommendation.

b. At the City Council's discretion, hold a closed record hearing and make a decision on the following matters:

(i) Appeal of administrative interpretations.

(ii) Appeal of administrative approvals.

(iii) Appeal of determinations of significance.

(iv) Appeal of a Planning Commission recommendation.

(v) Other matters not prohibited by law.

2. Decisions: The City Council shall make its decision by motion, resolution, or ordinance as appropriate.

a. A City Council decision on a Planning Commission recommendation shall include one of the following actions:

(i) Approve as recommended.

(ii) Approve with additional conditions.

(iii) Modify, with or without the applicant's concurrence, provided that the modifications do not:

(a) Enlarge the area or scope of the project.

(b) Increase the density or proposed building size.

(c) Significantly increase adverse environmental impacts as determined by the Designated Official.

(d) Deny (reapplication or re-submittal is permitted).

(e) Deny with prejudice (reapplication or re-submittal is not allowed for 1 year).

(f) Remand for further proceedings and/or evidentiary hearing in accordance with section 19.4.0100F.

D. PROCEDURES FOR OPEN RECORD PUBLIC HEARINGS:

Open record public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. The chair shall open the public hearing and, in general, observe the following sequence of events:

1. Staff Presentation: Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.
2. Applicant Presentation: Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.
3. Public Testimony or Comments: Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the chair at its discretion.
4. Rebuttal, Response or Clarifying Statements: Rebuttal, response or clarifying statements by the staff and the applicant.
5. Deliberation: The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it.

E. PROCEDURES FOR CLOSED RECORD APPEALS:

Closed record appeals shall be conducted in accordance with the hearing body's rules of procedure and shall serve to provide argument and guidance for the hearing body's decision. Closed record appeals shall be conducted generally as provided for public hearings. Except as provided in section 19.4.080C of this chapter, no new evidence or testimony shall be given or received. The parties to the appeal may submit timely written statements or arguments.

F. RECONSIDERATION:

A party to a public hearing or closed record appeal may seek reconsideration only of a final decision by filing a written request for reconsideration with the Designated Official within five (5) days of the oral announcement of the final decision. The request shall comply with section 19.4.0100 of this title. The City Council or hearing body shall consider the request at its next regularly scheduled meeting, without public comment or argument by the

party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the City Council or hearing body may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals. Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision.

G. REMAND:

In the event the City Council determines that the public hearing record or record on appeal is insufficient or otherwise flawed, the City Council may, if the applicant waives the prohibition of one open public record hearing, remand the matter back to the hearing body to correct the deficiencies. The City Council shall specify the items or issues to be considered and the time frame for completing the additional work. The City Council may hold a public hearing on a closed record appeal only for the limited purposes identified in Revised Code of Washington 34.05.562(1).

H. FINAL DECISION:

1. Time: The final decision on a development proposal shall be made within one hundred twenty (120) days from the date of the letter of completeness. Exceptions to this include:

   a. Any time required to correct plans, perform studies or provide additional information, provided that within fourteen (14) days of receiving the requested additional information, the Designated Official shall determine whether the information is adequate to resume the project review.

   b. Substantial project revisions made or requested by an applicant, in which case the one hundred twenty (120) days will be calculated from the time that the City determines the revised application to be complete.

   c. All time required for the preparation and review of an environmental impact statement.

   d. Projects involving the siting of an essential public facility.

   e. An extension of time mutually agreed upon by the City and the applicant.

   f. Subdivisions.

   g. Any remand to the hearing body.

h. All time required for the administrative appeal of a determination of significance.

i. All time required to complete street vacations.

j. All time required to approve street use permits.

k. All time required to approve architectural design review.

l. All scheduled extensions resulting from a request by the applicant for a joint public hearing as defined under section 19.4.090 of this chapter.

2. Effective Date: The final decision of the City Council or hearing body shall be effective on the date stated in the decision, motion, resolution, or ordinance; provided, that the date from which appeal periods shall be calculated shall be the date of the written decision of the City Council or hearing body.

I. JOINT PUBLIC HEARINGS:

1. Designated Official's Decision To Hold A Joint Hearing: The Designated Official may combine any public hearing on a development proposal with any hearing that may be held by another local, state, regional, federal, or other agency as long as: 1) the hearing is held within the City limits; and 2) the requirements of subsection C of this section are met.

2. Applicant's Request for Joint Hearing: The applicant may request that the public hearing on a development proposal be combined as long as the joint hearing can be held within the time periods set forth in this title. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to complete the hearings.

3. Prerequisites to Joint Public Hearings: A joint public hearing may be held with another local, state, regional, federal, or other agency and the City as long as:

a. The other agency is not expressly prohibited by statute from doing so;

b. Sufficient notice of the hearing is given to each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and

c. The agency has received the necessary information about the proposed project from the applicant in

enough time to hold its hearing at the same time as the local government hearing.

19.4.0110 APPEALS:

A. APPEAL OF ADMINISTRATIVE INTERPRETATIONS AND APPROVALS:

Type 1 administrative approvals may be appealed, by applicants or parties of record, to the Planning Commission.

B. APPEAL OF PLANNING COMMISSION RECOMMENDATIONS:

Recommendations of the Planning Commission may be appealed, by applicants or parties of record, from the Planning Commission hearing, to the City Council.

C. APPEAL OF HEARING EXAMINER DECISIONS:

Decisions of the hearing examiner may be appealed, by applicants or parties of record, from the public hearing to the City Council.

D. FILING OF APPEALS:

1. Filing: Every appeal to the City Council or hearing examiner shall be filed with the Designated Official within ten (10) days after the date of the recommendation or decision of the matter being appealed.
2. Contents: The notice of appeal shall contain a concise statement identifying:
    a. The decision being appealed.
    b. The name and address of the appellant and his interest(s) in the matter.
    c. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong.
    d. The desired outcome or requested changes to the decision.
    e. The appeals fee (see Fee Ordinance)

E. STANDING:

Appeals to decisions made by the Designated Official, hearing examiner, Planning Commission, and City Council as set forth in this title can only be made by parties of record, including, but not limited to:

1. Applicants;
2. Persons who provided written or oral testimony during the open record public hearing;
3. Persons who commented on the notice of application or SEPA determination;
4. Residents within the site proposed for development.

F. JUDICIAL APPEAL:

1. Authority; Time Limit: Appeals from the final decision of the City Council, board of appeals, or other City board or body involving this title of this code and for which all other appeals specifically authorized have been timely exhausted, shall be made to Snohomish County superior court within twenty one (21) days of the date the decision or action became final, unless another time period is established by state law or local ordinance.
2. Notice: Notice of the appeal and any other pleadings required to be filed with the court shall be served on the City clerk, Designated Official, and City attorney within the applicable time period. This requirement is jurisdictional.
3. Costs: The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The appellant shall post with the City clerk prior to the preparation of any records an advance fee deposit in the amount specified by the City clerk. Any overage will be promptly returned to the appellant.

19.4.0120 ENFORCEMENT:

A. ENFORCING OFFICIAL; AUTHORITY:

The Designated Official shall be responsible for enforcing this title and this code and may adopt administrative rules to meet that responsibility. The Designated Official may delegate enforcement responsibility to other department heads, building inspector, fire chief, or chief of police as appropriate.

B. GENERAL PENALTY:

Compliance with the requirements of this title shall be mandatory. The general penalties and remedies established in sections 19.4.0120D, E of this code for such violations shall apply to any

violation of those titles. The enforcement actions authorized under this chapter shall be supplemental to those general penalties and remedies.

C. APPLICATION:

1. Action Taken: Actions under this chapter may be taken in any order deemed necessary or desirable by the Designated Official to achieve the purpose of this chapter or of the development code.

2. Violation: Proof of a violation of a development permit or approval shall constitute prima facie evidence that the violation is that of the applicant and/or owner of the property upon which the violation exists. An enforcement action under this chapter shall not relieve or prevent enforcement against any other responsible person.

D. CIVIL REGULATORY ORDER:

1. Authority: A civil regulatory order may be issued and served upon a person if any activity by or at the direction of that person is, has been, or may be taken in violation of the development code.

2. Notice: A civil regulatory order shall be deemed served and shall be effective when posted at the location of the violation and/or delivered to any suitable person at the location and/or delivered by mail or otherwise to the owner or other person having responsibility for the location.

3. Content: A civil regulatory order shall set forth:

   a. The name and address of the person to whom it is directed.

   b. The location and specific description of the violation.

   c. A notice that the order is effective immediately upon posting at the site and/or receipt by the person to whom it is directed.

   d. An order that the violation immediately cease, or that the potential violation be avoided.

   e. An order that the person stop work until correction and/or remediation of the violation as specified in the order.

f. A specific description of the actions required to correct, remedy, or avoid the violation, including a time limit to complete such actions.

g. A notice that failure to comply with the regulatory order may result in further enforcement actions, including civil fines and criminal penalties.

4. Remedial Action: The Designated Official may require any action reasonably calculated to correct or avoid the violation, including, but not limited to, replacement, repair, supplementation, revegetation, or restoration.

E. CIVIL FINES:

1. Authority: A person who violates any provision of the development code, or who fails to obtain any necessary permit, or who fails to comply with a civil regulatory order shall be subject to a civil fine.

2. Amount: The civil fine assessed shall not exceed one thousand dollars ($1,000.00) for each violation. Each separate day, event, action or occurrence shall constitute a separate violation.

3. Notice: A civil fine shall be imposed by a written notice, and shall be effective when served or posted as set forth in section 19.4.0120D of this section. The notice shall describe the date, nature, location, and act(s) comprising the violation, the amount of the fine, and the authority under which the fine has been issued.

4. Collection: Civil fines shall be immediately due and payable upon issuance and receipt of the notice. The Designated Official may issue a regulatory order stopping work until such fine is paid. If remission or appeal of the fine is sought, the fine shall be due and payable upon issuance of a final decision. If a fine remains unpaid thirty (30) days after it becomes due and payable, the Designated Official may take actions necessary to recover the fine. Civil fines shall be paid into the City's general fund.

5. Application for Remission: Any person incurring a civil fine may, within ten (10) days of receipt of the notice, apply in writing to the Designated Official for remission of the fine. The Designated Official shall issue a decision on the application within ten (10) days. A fine may be remitted only upon a demonstration of extraordinary circumstances.

6. Appeal: A civil fine may be appealed to the City Council as set forth in section 19.4.0110 of this title.

19.4.0130 REZONES AND AMENDMENTS:

A. PURPOSE:

The purpose of this chapter is to define types of amendments to the development regulations, comprehensive plan, and other official controls and to identify procedures for those actions. Amendments to the comprehensive plan and development regulations are legislative functions separate from any permit process otherwise set forth in this chapter.

B. MINOR AMENDMENT STANDARDS:

The following provisions include methods for approving minor amendments to approved permits:

1. Requests for minor amendments shall be in writing from the property owner or the owner's authorized agent.
2. Minor amendment applications may be circulated to any City department or agency with jurisdiction at the discretion of the Designated Official.
3. Minor amendments may be approved or modified with conditions of approval by the Designated Official, provided all of the following requirements are met:
    a. Any proposal that results in a change of use must be permitted outright in the current zone classification.
    b. A change to a condition of approval does not modify the intent of the original condition.
    c. The perimeter boundaries of the original site shall not be extended by more than five percent (5%) of the original lot area.
    d. The proposal does not add more than ten percent (10%) gross square footage of structures on the site or lots in a subdivision.
    e. The proposal does not increase the overall impervious surface on the site by more than fifteen percent (15%).
    f. Any additions or expansions approved through plat alterations that cumulatively exceed the requirements

of this section shall be reviewed as a major amendment.

4. Minor amendment decisions shall be in writing and attached to the official file.

5. Copies of the decision shall be mailed to all parties of record.

C. MAJOR AMENDMENTS:

All major amendments resulting from proposed changes to a permitted project shall require re-submittal and be subjected to review and approval procedures according to the provisions of this title.

D. DEVELOPMENT REGULATIONS AND OTHER OFFICIAL CONTROLS:

This section is intended to provide the method for adopting amendments to the text and official map of the City's development regulations and other official controls. Requests to change a regulatory zone affecting a parcel of land, or portion of a lot, are processed under chapter 19.4.0120E.6 of this section.

1. Initiation of Amendment: An amendment to the zoning title or other official controls may be initiated by:

   a. The City Council requesting the Planning Commission to set the matter for hearing and recommendations;

   b. The Planning Commission with the concurrence of the Designated Official;

   c. One or more property owners directly affected by a proposal through a petition to the City;

   d. Citizen advisory committees or organizations through a petition to the City;

2. Application Required: Application for a change to the official map or regulatory changes specific to a parcel of land or portion of a lot shall be made in writing to the Designated Official. Applications shall include:

   a. Property owners' and agents' names, addresses, and other contact information;

   b. Parcel identification number and address of the parcel or parcels;

   c. Reason for the requested change; and

   d. Other relevant information regarding the proposal;

3. Fees: As may be established by resolution of the City Council.

4. Staff Report: The Designated Official shall prepare a written report on each amendment pending before the Planning Commission. The report shall be transmitted to the Planning Commission and to the applicant before the public hearing. Each report shall contain:

   a. Any factual findings pertaining to the amendment.

   b. Any comments from City departments or other agencies with jurisdiction.

   c. The environmental assessment, SEPA determination and/or final environmental impact statement.

   d. The staff's recommendation.

5. Public Hearing by Planning Commission: The City shall give notice and the Planning Commission shall hold a public hearing prior to the recommendation for adoption or amendment of any official control to the City Council. See section 19.4.080C of this title for hearing procedures and rules.

6. Adoption by City Council: Amendments to the development regulations or other official controls shall be adopted by the City Council by ordinance after a public hearing on the Planning Commission's recommendation.

E. COMPREHENSIVE PLAN:

This section is intended to provide the method for adopting amendments to the text and official map of the City's comprehensive plan. Comprehensive plan amendments may include, but are not limited to, policy changes; land use designation changes; level of service standard changes; addition of new analyses; addition of new elements; or other changes that are mandated by state law or determined to be in the interest of the City. Section 19.4.0140 of this title describes the adopted comprehensive plan.

1. Initiation of Amendment: An amendment to the comprehensive plan may be initiated by:

   a. The City Council requesting the Planning Commission to set the matter for hearing and recommendations;

   b. The Planning Commission;

c. One or more property owners or residents by petition to the City;

d. Citizen advisory committees or organizations through a petition to the City;

2. Docketing Process: The comprehensive plan shall be amended no more frequently than annually, except that subarea plans may be adopted as amendments at any time. Amendment proposals shall be processed as follows:

a. The City shall advertise the comprehensive plan amendment docketing process on September 1st, inviting the public to propose amendments by October 31st. Docketing proposals shall be in the form of a letter simply stating the proposed changes. The notice shall also state that the City Council shall decide which proposed amendments will be carried forward during the current cycle.

b. At the close of the proposal period, the submittals shall be reviewed by the Planning Commission and the proposals recommended for further processing sent to the City Council. This list will include proposals submitted by City departments, and boards and commissions as well as private parties.

c. The City Council shall adopt a resolution directing the Designated Official to proceed with the selected amendments for the current cycle. Proposed amendments that are eliminated from further consideration may be resubmitted in the next cycle.

3. Fees: As may be established by resolution of the City Council.

4. Staff Report: The Designated Official shall prepare a written report on each amendment pending before the Planning Commission. The report shall be transmitted to the Planning Commission and to the applicant before the public hearing. Each report shall contain:

a. Any factual findings pertaining to the amendment.

b. Any comments from City departments or other agencies with jurisdiction.

c. The environmental assessment, SEPA determination and/or final environmental impact statement.

d. The staff's recommendation.

5. Public Hearing by Planning Commission: The Planning Commission shall hold a public hearing prior to the recommendation for adoption or amendment of any comprehensive plan amendment to the City Council. See section 19.4.080 of this title for hearing procedures and rules.

6. Adoption by City Council: Amendments to the comprehensive plan shall be adopted by the City Council by ordinance after a public hearing on the Planning Commission's recommendation.

19.4.0140 COMPREHENSIVE PLAN:

A. COMPREHENSIVE PLAN ADOPTED:

1. Official Document: The Granite Falls comprehensive plan as amended, including land use designation maps, is approved in its entirety as the official land use classification and development guidance document for the City.

2. Copy Available for Inspection: The adopted Granite Falls comprehensive plan as amended, shall be filed with the City clerk/treasurer and shall be available for public inspection upon its effective date.

3. Filed with State: The City clerk/treasurer shall transmit a copy of the comprehensive plan as adopted to the State Department of Community Trade and Economic Development within ten (10) days of the effective date of its adoption, and to such other offices and agencies as may be required by law.

4. Compliance with Plan, Revisions: The Planning Commission shall be responsible for recommending amendments to the City development regulations to be consistent with the Granite Falls comprehensive plan.

5. City Planning Boundary: The planning area designated in the 2005 and subsequent amendments to the Granite Falls comprehensive plan as approved shall serve as the City's planning boundary until such time as it is amended by the City Council.

19.4.0150 AUTHORITY AND GENERAL PROVISIONS:

In addition to the provisions of chapter 19.5 of this code the following provisions may be used to set forth binding agreements between the City and project proponents to bind them to specific project requirements:

1. The City may consider, and enter into, a development agreement related to a project permit application with a person having ownership or control of real property within the City limits. The City may consider a development agreement for real property outside of the City limits but within the urban growth area (UGA) as part of a proposed annexation or a service agreement.

2. A development agreement shall be consistent with the applicable policies and goals of the Granite Falls comprehensive plan and applicable development regulations.

B. GENERAL PROVISIONS:

1. As applicable, the development agreement shall specify the following:

   a. Project components which define and detail the permitted uses, residential densities, nonresidential densities and intensities or building sizes;

   b. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;

   c. Mitigation measures, development conditions and other requirements of chapter 43.21C Revised Code of Washington;

   d. Design standards such as architectural treatment, maximum heights, setbacks, landscaping, drainage and water quality requirements and other development features;

   e. Provisions for affordable housing, if applicable;

   f. Parks and common open space dedication and/or preservation;

   g. Phasing;

h. A build out or vesting period for applicable standards; and

i. Any other appropriate development requirement or procedure which is based upon a City policy, rule, regulation or standard.

2. As provided in Revised Code of Washington 36.70B.170, the development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

C. ENFORCEABILITY:

Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build out period specified in the agreement. The agreement may not be subject to an amendment to a zoning ordinance or development standard or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. The permit approval issued by the City after the execution of the agreement must be consistent with the development agreement.

D. APPROVAL PROCEDURE:

A development agreement shall be processed in accordance with the procedures established in this title. A development agreement shall be approved by resolution or ordinance of the City Council after a public hearing, based on the Planning Commission's recommendation.

E. FORM OF AGREEMENT, COUNCIL APPROVAL, RECORDING:

1. Form: All development agreements shall be in a form provided by the City attorney's office. The City attorney shall approve all development agreements for form prior to consideration by the Planning Commission.

2. Term: Development agreements may be approved for a maximum period of five (5) years.

3. Recording: A development agreement shall be recorded against the real property records of the Snohomish County assessor's office. During the term of the development agreement, the agreement is binding on the parties and their successors, including any area that is annexed to the City.

CHAPTER 19.5
GENERAL PERMITS AND SUBDIVISION REGULATIONS

19.5.010 INTRODUCTION AND PURPOSE:

This Chapter defines the specific requirements for general permits and subdivisions.

A. TITLE:

This title shall be known as the GRANITE FALLS UNIFIED DEVELOPMENT CODE.

19.5.020 GENERAL PERMITS:

A. CONDITIONAL USE PERMIT:

1. Purpose:

a. The purpose of this section is to establish decision criteria and procedures for special uses, called conditional uses, which possess unique characteristics. Conditional uses are deemed unique due to factors such as size, technological processes, equipment, or location with respect to surroundings, streets, existing improvements, or demands upon public facilities. These uses require a special degree of control to assure compatibility with the comprehensive plan, adjacent uses, and the character of the vicinity.

b. Conditional uses will be subject to review by the City and the issuance of a conditional use permit. This process allows the City to:

(i) Determine that the location of these uses will not be incompatible with uses permitted in the surrounding areas; and

(ii) Make further stipulations and conditions that may reasonably assure that the basic intent of this title will be served.

2. Decision Criteria: The City shall review conditional use permits in accordance with the provisions of this section and may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The City may modify bulk requirements, off street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit.

   a. Required Findings: The City may use design standards and other elements in this title to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record:

   b. That the granting of the proposed conditional use permit will not:

      (i) Be detrimental to the public health, safety, and general welfare;

      (ii) Adversely affect the established character of the surrounding vicinity; nor

      (iii) Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

   c. That the granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation.

   d. That all conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.

   e. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.

   f. That the conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

g. That the level of service standards for public facilities and services are met in accordance with the concurrent management requirements. See chapter 19.4 of this code.

3. Burden of Proof: The applicant has the burden of proving that the proposed conditional use meets all of the criteria in chapter 19.5 of this section.

4. Application: Submittal of an application for a conditional use permit shall include:

a. A completed application form.

b. A base map showing property boundary lines, existing lots, tracts, utility or access easements and streets, topography, existing development features, water bodies, wetlands and buffers, and flood prone areas.

c. A legal description and vicinity map of the property.

d. A site plan showing the location and ground elevation of any proposed structures, parking areas, common use areas, landscaping, utilities, grading and drainage, mitigation for critical area impacts, fences and other proposed features. (If easements or covenants are proposed, their location and design must be shown.)

e. Mailing labels of all property owners within three hundred feet (300') of the project site.

f. A written statement addressing the decision criteria (see subsection B of this section) and any other information required by the City at the pre-application meeting.

B. PLANNED RESIDENTIAL DEVELOPMENT (PRD):

1. PURPOSE:

The purposes of this chapter are:

a. To offer an alternative form of development that benefits the City in ways that are superior to traditional lot –by-lot subdivision development;

b. To allow flexibility and creativity in the layout and design to protect valued critical areas and to provide usable open space and recreation facilities;

c. To promote a variety of housing choices in harmony with the surrounding areas;

d. To provide a more efficient street and utility system that may reduce housing prices and the amount of impervious surface;

e. To achieve the goals of the City's comprehensive plan, other ordinances and development regulations with regard to livable, desirable residential communities.

2. SPECIFIC REQUIREMENTS OF PRD:

A PRD should be based on the following general goals. These goals are translated into prescriptive regulations in the following pages. A determination of whether a specific PRD should be approved should be based on those requirements and not on general goals alone.

a. The proposed PRD meets the requirements of this chapter.

b. A PRD is allowed in the R-9,600 zone. The tract must be of single ownership.

c. The applicant provides one or more of the following improvements to the subject property as part of the proposed PRD:

(i) The PRD provides public facilities that the City could not require of the applicant without a PRD including but not limited to facilities like; parks, playgrounds, ball fields, sites for libraries, City halls, fire stations, public parking lots for access to public facilities.

(ii) The PRD will preserve, enhance or rehabilitate natural features such as; significant woodlands, wetland areas, water bodies, view corridors and similar features;

(iii) The design of the proposed PRD is superior to a traditional lot-by-lot proposal in one or more of the following ways:

(a) Additional usable open space and recreation areas;

(b) Recreation facilities including, but not limited to, bicycle or pedestrian paths, children's play areas and play fields;

(c) Superior circulation patterns and location of parking;

(d) Superior landscaping, buffering, or screening in or along the perimeter;

(e) Superior design, layout, and orientation of structures including but not limited to examples like; traditional neighborhood development approaches, grid road systems, alleys, clustering of houses for the purposes of economics, affordable housing elements as part of the project, trail systems connecting other neighborhoods.

3. CONSIDERATION OF DENSITY BONUS:

The City Council may approve a residential density increase of up to 120 percent (120%) of the underlying zoning in the proposed PRD if the requirements for providing amenities (open space, recreation facilities) and housing needs (innovative layout and design, special uses) are met.

4. MINIMUM SIZE:

PRD's may only be permitted on a minimum of one acre or greater.

5. PERMITTED ZONES:

PRD's are permitted in the single-family R-9,600 zone only. Any uses permitted or conditioned in the underlying zone shall be permitted in the PRD. Duplexes may be permitted in any residential PRD. No uses shall be permitted except in conformance with a specific and precise final development plan in accordance with the procedural and regulatory provisions of this chapter.

6. WHO MAY APPLY:

A PRD application may be initiated by:

a. The owner of all of the subject property, if under one ownership;

b. All owners with joint ownership having title to the subject property proposed for the PRD, if there is more than one owner;

c. A government agency;

d. A person having interest in the property to be included in the PRD.

7. AVAILABILITY OF PUBLIC SERVICES:

a. A PRD proposal will be denied unless adequate public facilities such as water lines, sewer lines, and streets that serve the proposal are in place or are planned.

b. A PRD proposal shall have direct access to major streets and highways or other transportation facilities and will not create adverse additional traffic on minor streets in existing residential areas.

8. APPLICATION PROCESS:

a. The application shall be filed with the City clerk together with the application fee and required documents in compliance with the Granite Falls Municipal Code.

b. The PRD application fee shall cover the reimbursable costs of the pre-application conference, technical review, and the staff report to the Planning Commission. The application will be accompanied by a non-refundable fee (see permit fee ordinance). Any application for an amendment to the PRD shall also be subject to permit fees.

c. Written documents required with the application shall include:

(i) Application for an amendment to the comprehensive plan;

(ii) Application for a rezone;

(iii) Application for a short plat or subdivision approval, if needed;

(iv) Application for a Official Site Plan;

(v) Environmental checklist (SEPA determination);

(vi) A legal description of the total site including a statement of present and proposed ownership and the current and proposed zoning;

(vii) A project description:

(a) How the proposal complies with the purposes of the PRD requirements;

(b) A rationale for any other underlying assumptions;

(viii) A site description:

(a) Total number, type and location of dwelling units;

(b) Parcel sizes;

(c) Proposed lot coverage and all structures;

(d) Approximate gross and net residential density;

(e) Total amount of proposed open space (divided into usable and protected) and identified recreation areas;

(f) Economic feasibility studies, market analysis, or other required studies;

(ix) A site plan and maps:

(a) Site plan of all existing and proposed structures and improvements;

(b) Map of existing and proposed circulation system (pedestrian and vehicular) including public rights-of-way and notations of ownership;

(c) Map of existing and proposed location of public utilities and facilities;

(d) Landscape plan showing greenbelts, buffers and open space (usable and protected);

(e) Proposed treatment of the perimeter indicating the location of vegetation to be retained and to be installed;

(f) Schematic plans and elevations of proposed buildings with samples of all exterior finish material and colors, the type and location of all exterior lighting, signs, and accessory structures;

(x) A description of the proposed sequence and timing of construction, the provisions of ownership and the management once the PRD is developed;

(xi) Any information about adjacent areas that might assist in the review of the proposal.

9. SITE DESIGN CRITERIA:

a. Basic Density: The allowable basic density shall be the same as permitted by the underlying zoning districts (section 19.3.040 through 19.3.0130).

b. Density bonus: The Planning Commission may recommend and the City Council may approve a density increase of up to 20 percent (20%) of the allowable density if the required amenities and needs are proposed. Bonuses may be based on a formula of:

(i) Fifteen percent (15%) if the PRD proposal provides for the following: at least 25 percent (25%) of the net area is designated as common open space. Active recreation facilities such as paths, trails, playgrounds and equipment, ball fields and basketball courts for people of all ages shall be provided based on review and approval by the City.

(ii) Five percent (5%) for innovative site design and layout (facing views, buffered parking, accommodating land constraints, clustered lots, alleys, grid systems for roads, interconnected green spaces, landscaping buffering along the frontage in separating the developed areas from adjacent properties).

c. Common Open Space: At least twenty five percent (25%) of the net land area of a planned residential development shall be dedicated as common open space other than required public improvements or private streets, stormwater conveyances, landscape strips, or critical areas or their buffers, by deeding to the City of Granite Falls; shall be reserved by a covenant in favor of the government, or by a grant of a permanent easement. Stormwater vaults can be

part of the open space as long as they are covered, flush with the ground and meet the other requirements for open space included in this chapter.

d. Such lands shall be set aside in perpetuity for the use of residents of the development, or shall be deeded to a homeowners' association by written instrument. If a conveyance to a homeowners' association is the instrument selected, the landowners shall so organize said conveyance that it may not be dissolved, nor dispose of the open space by sale or other means (except to an organization conceived and established to own and maintain it).

(i) All streams, wetlands, geologically sensitive areas, and any associated buffers shall be preserved as open space, and reserved in separate tracts (Native Growth Protection Areas), as provided by the City's sensitive area ordinances. Such land may be counted toward meeting up to ten percent (10%) of the common open space requirement stipulated in this section.

(ii) Any area to be dedicated for common open space shall be kept located and of such a shape to be acceptable to the Designated Official. In determining the acceptability of proposed common space, the Designated Official shall consider future City needs and may require a portion of the common space to be designated as the site of a potential future public use; provided, however, that not more than twenty five percent (25%) of the gross area shall be taken for public facilities. In the event that it is deemed necessary to set aside any portion of the site for public buildings, an agreement shall be entered into between the applicant and the City of Granite Falls. This shall apply to the need for land for any public purpose except for public recreation. No final plat or occupancy permit shall be granted until the improvements required for the PRD have been installed to the satisfaction of the City.

(iii) All common open space area shall be graded and seeded or paved by the developer during the course of construction, unless the Designated Official approves or directs the maintaining of all or a portion of such open space in its natural state or with minor, specified improvements. Required or proposed improvements shall either be provided during construction of bonded prior to final plat approval.

(iv) All off-street parking areas shall be transferred to the ownership of a homeowners' association for maintenance and repairs. Wherever median grass strips or other landscaped areas are proposed that will be visible to the general public within the development, covenants and/or agreements shall provide for the maintenance of such areas by the homeowners' association.

(v) At least seventy five percent (75%) of the required open space shall be contiguous. The length of the open space track shall be no more than twice its width. Under special conditions that are peculiar to the particular parcel of land or to the public purpose for which the land is to be used, dedication of a smaller area can be authorized by the Designated Official.

(vi) Common open space areas may be used as park, playground, or recreation areas, including swimming pools, equestrian, pedestrian, and/or bicycle trails, tennis courts, shuffleboard courts, basketball courts, and similar facilities; woodland conservation areas; or any similar use of benefit to the residents of the development if in the ownership of a homeowners' association or the City, or if dedicated to and accepted by the appropriate department of the City, and deemed appropriate by the Designated Official.

(vii) Common open space shall contain active recreation facilities such as play structures,

sport courts, game areas, trails and walking paths. In addition, the facilities shall include park benches, garbage containers, and five trees for every 20,000 square feet of common space or portion thereof. Existing trees are encouraged to be retained when addressing this requirement.

(viii) Each lot shall be located within a 1,200-foot walking distance of common open space and shall be provided access to the common open space via pedestrian walkways, paths, or sidewalks.

e. Minimum Lot Size: The Planning Commission may recommend and the City Council may approve a proposal that averages the lot sizes with no lot size of less than 6,000 square feet in the R-9,600 zone.

f. Criteria for Lot Coverage and Setbacks:

(i) No portion of any building or structure shall be constructed to project onto any common open space. Where front, side and rear yards adjoin common open space, the minimum requirements may be reduced by an amount equal to the distance from the lot line to the centerline of the open space.

(ii) The front yard building setback shall be one-half (1/2) of the right-of-way the lot front is on. Rear and side yard building setbacks shall be a minimum of five (5) feet. The sum of the side yards shall not be less than ten (10) feet. The minimum front yard is intended to provide privacy and usable yard area for residents. Typically privacy may be a more important factor than use and where preliminary plan can demonstrate privacy by reducing traffic flow in front of the dwelling, screening or planting, or by facing the structure toward common open space, a reduction in the front yard requirement is possible.

(iii) Minimum lot widths are intended to prevent the construction of long buildings with inadequate light and air. In situations which create

irregular lot configurations, if the design can accommodate light, air and privacy provisions (particularly for living spaces and bedrooms), a narrower lot width may be permitted. The minimum lot width for a PRD is 50 feet.

g. Street Standards: PRD's shall be subject to the City's public works standards, with the following exceptions:

(i) All PRD's shall provide through-streets when possible. Cul-de-sacs, hammerheads, and other dead-ends shall be avoided if possible.

(ii) The Designated Public Works Official may require provisions for future connections to adjoining developments.

h. Buffer between Uses: A buffer of thirty (30) feet shall be established between single-family and multiple-family structures within a PRD. Buffers must be free of structures and must be landscaped, screened, or protected by natural features. Buffers may be used as part of the permitted common open space if the Planning Commission finds it consistent with the intent of the design criteria and suitable for that purpose.

10. REVIEW CRITERIA:

These criteria will guide the Planning Commission's review and recommendations and the City Council's final decision.

Does the preliminary plan make appropriate provisions for the public health, safety and general welfare of the public? More specifically, this should be accomplished through the following:

a. Open space (protected and usable) and recreation facilities;

b. Water, sewer, drainage and stormwater utilities;

c. Streets, vehicle and pedestrian facilities, appropriate ingress and egress;

d. Fire and emergency vehicle access?

e. Does the proposal minimize soil erosion, landslides, and mudslides?

f. Does the preliminary plat meet the requirements of the subdivision standards?

g. Does the proposal comply with all applicable provisions of Granite Falls Municipal Code, and all other applicable state and federal laws and regulations?

h. Is the proposal in general accord with the comprehensive plan?

i. Wherever practical, does the proposal include measures to minimize clearing, with priority given to maintaining existing vegetation?

j. Wherever possible, is revegetation incorporated into the proposal design?

k. Are the proposed lots sufficient to accommodate a reasonable building site?

l. The following criteria will also be considered:

(i) Will all public and private facilities and improvements on and off the site necessary to provide for the proposed PRD be available when needed?

(ii) Will use of existing public facilities and services degrade levels of service to existing users?

(iii) Will the scenic value of existing vistas be protected?

(iv) Will the existing vegetation and permeable surfaces (which provide watershed protection, ground water recharge, climate moderation and air purification) be protected?

(v) Will the existing habitat, wildlife corridors, and areas used for nesting and foraging by endangered, threatened or protected species be protected to the extent consistent with the proposed new development?

11. OFFICIAL SITE PLAN:

The Official Site Plan, as approved by the council, shall become the official site plan of the PRD.

12. MAINTENANCE OF OPEN SPACE AND UTILITIES:

Prior to final plat approval the applicant shall submit to the City covenants, deeds and homeowner association by-laws and other documents guaranteeing maintenance and construction and

common fee ownership of public open space, community facilities, private roads and drives, and all other commonly owned and operated property.

13. AMENDMENTS AND MODIFICATIONS:

a. Any amendments or major modifications shall be reviewed in the same manner as an original application. A "major modification" means any proposed change in the basic use in a building site plan or any proposed change in the plans and specifications for structures or locations of features whereby the character of the approved development will be substantially modified or changed in any material respect or to any material degree.

b. Prior to issuing a building permit for any structure in a PRD, the final plat, subdivision, or dedication shall have been approved by the City Council and filed for record by the City clerk and Snohomish County Auditor. If a PRD does not require subdivision or dedication, a Official Site Plan and accompanying documents shall be filed with the County Auditor, together with covenants running with the land, binding the site to development in accordance with all the terms and conditions of approval.

c. Prior to final plat approval these documents shall be reviewed by an attorney and accompanied by a certificate stating that they comply with the requirements of this section. Such documents and conveyances shall be accomplished and be recorded, as applicable, with the Secretary of State and the Snohomish County Auditor as a condition precedent to the filing of any final plat of the property or division thereof, except that the conveyance of land to a homeowner's association may be recorded simultaneously with the filing of the final plat.

14. COVENANTS:

PRD covenants shall include a provision whereby unpaid taxes on all property owned in common shall constitute a proportioned lien on all property of each owner in common.

15. TIME LIMIT:

Preliminary applications and/or Official Site Plan approval for the entire PRD shall expire four years after preliminary approval.

16. PHASED DEVELOPMENTS:

If a PRD is to be constructed over a period of more than two years from the date of preliminary plan approval, the PRD will be divided into phases or divisions of development and numbered sequentially in the order construction is to occur. The preliminary and final plats for each phase shall be reviewed separately. Each phase of the project shall meet all the requirements of a single PRD.

17. FINAL PLAT ASSURANCE DEVICE:

The City may require assurance devices to assure compliance with the conditions of the approved final plat. All required improvements must be completed within one year from the date of final plat approval unless work is continuous beyond that point or unless modified by the conditions of approval. A maintenance assurance device for at least one year after City acceptance of all required improvements shall be provided. A longer period may be established by the conditions of final approval or by the City engineer for improvements of facilities which may not reasonably demonstrate their durability or compliance within a one-year period.

18. SPECIAL REQUIREMENTS FOR SENSITIVE AREAS:

In accordance with RCW 36.70A.060, when appropriate, the final plat must contain a notice that the subject property is on or within 300 feet of lands designated agricultural lands, forest lands or mineral resource lands.

19. ENFORCEMENT:

Any division of land contrary to the provisions of this chapter or approved amendments shall be declared to be unlawful and a public nuisance. Compliance with this section or approved amendments may be enforced by mandatory injunction brought by the owner or owners of land in proximity to the land with the proscribed condition. The prosecuting attorney may immediately commence action or actions, or proceedings for abatement, removal and enjoinment thereof, in a manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove the illegal division.

20. SEVERABILITY:

If any section, subsection, sentence, clause or phrase of this chapter or amendment thereto, or its application to any person or circumstances, is held invalid, the remainder of this chapter or application to other persons or circumstances shall not be affected.

21. INJUNCTIVE ACTION:

The City of Granite Falls, through its authorized agents and to the extent provided by state law, may commence an action to restrain and enjoin violations of this chapter, or any term or condition of plat approval prescribed by the City, and may compel compliance with the provisions of this chapter, or with such terms or conditions as provided by RCW 58.17.200 and 58.17.320. The costs of such action, including reasonable attorneys' fees, may be taxed against the violator.

C. ANNEXATIONS:

1. GENERAL REQUIREMENTS:

Annexations will be considered and processed according to the applicable state regulations (RCW 35.13.410 - .460, RCW 35A.14.420-.450).

2. CONCURRENT ADOPTION OF APPROPRIATE LAND USE DESIGNATION AND ZONE UPON ANNEXATION:

All annexations shall be enacted with the land use designation and zone pre-designated in the Comprehensive Plan Land Use Map and zoning map. Requests for a change in the land use designation or a rezone must be requested after annexation into the City. If there is no pre-designation or pre-zone, then Council may consider any designation or zone and adopt them simultaneously with the annexation.

3. ANNEXATION WITHOUT ADOPTION OF R-9,600 AS DEFAULT ZONING:

In the case where the council chooses not to adopt the pre-designation or pre-zone then the council may consider adopting a default zone of R-9,600 for all zones until a pre-zone can be established.

D. VARIANCES:

1. Purpose: The purpose of this section is to provide a means of altering the requirements of this title in specific instances where the strict application of those requirements would

deprive a property of privileges enjoyed by other properties within the identical regulatory zone because of special features or constraints unique to the property involved.

2. Granting of Variances: The City shall have the authority to grant a variance from the provisions of this title, when, in the judgment of the hearing examiner, the conditions as set forth in subsection C of this section have been found to exist. In such cases a variance may be granted which is in harmony with the general purpose and intent of this title so that the spirit of this title shall be observed, public safety and welfare secured, and substantial justice done.

3. Decision Criteria: Before any variance may be granted, it shall be shown:

    a. That there are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to the other property or class of use in the same vicinity and zone;

    b. That such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and zone but which because of special circumstances is denied to the property in question;

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

    d. That the granting of such variance will not adversely affect the comprehensive plan;

4. Conditions on Variances: When granting a variance, the hearing examiner shall determine that the circumstances do exist as required by subsection C of this section, and attach specific conditions to the variance which will serve to accomplish the standards, criteria, and policies established by this title.

5. Application: Submittal of an application for a variance shall include:

    a. A completed application form;

    b. A site plan showing all information relevant to the request including, but not limited to: location of

existing and proposed structures, roads, property lines, parking areas, landscaping and buffers;

c. Mailing labels of all property owners within three hundred feet (300') of the project site;

d. A written statement addressing the decision criteria and any other information required by the City at the pre-application meeting;

E. TEMPORARY USES / TEMPORARY HOUSING UNITS:

1. PURPOSE:

The purpose of this chapter is to establish allowed temporary uses and structures, and provide standards and conditions for regulating such uses and structures.

2. STANDARDS:

a. Temporary Construction Buildings: Temporary structure for the storage of tools and equipment, or containing supervisory offices in connection with major construction projects, may be established and maintained during the progress of such construction on such projects, and shall be abated within thirty (30) days after completion of the project or thirty (30) days after cessation of work or for a period not to exceed the duration of the building permit, whichever is greater.

b. Temporary Construction Signs: Signs identifying persons engaged in construction on a site shall be permitted as long as construction is in progress, but not to exceed a six (6) month period; provided, that at any time the removal is required for a public purpose, said signs shall be removed at no expense to the City or other public agency.

c. Temporary Real Estate Office: One temporary real estate sales office may be located on any new subdivision in any zone, provided the activities of such office shall pertain only to the selling of lots within the subdivision upon which the office is located; and provided further, that the temporary real estate office shall be removed at the end of a twelve (12) month period, measured from the date of the recording of the map of the subdivision upon which

such office is located or at the time specified by the City Council.

d. Construction Temporary Housing Unit: A "construction temporary housing unit" is a single wide mobile home or manufactured home that may be placed on a lot or tract of land in any zone for occupancy during the period of time necessary to construct a permanent dwelling on the same lot or tract, provided:

(i) The unit is removed from the site within thirty (30) days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.

(ii) The mobility gear is not removed from the unit and the unit is not permanently affixed to the site on which it is located.

(iii) The unit is not located in any required front or side yard.

(iv) A temporary permit is issued by the building department prior to occupancy of the unit on the construction site.

e. Public Facility Temporary Housing Unit: A "public facility temporary housing unit" is a single wide mobile home or manufactured home to be used at public schools, fire stations, and parks for the purpose of providing on site security, surveillance, and improved service at public facilities, provided:

(i) The public facility requesting the housing unit shall submit to the City an affidavit showing need for the unit.

(ii) The mobility gear is not removed from the unit and the unit is not permanently affixed to the site where it is located.

(iii) The unit is not located in any required front or side yards or designated open space.

(iv) Prior to the issuance of a temporary permit, the site shall be reviewed by the Snohomish County Health Department to determine additional requirements for water supply and/or

septic waste disposal or adequacy of existing utilities.

(v) In the event the site contains trees or other natural vegetation of a type and quantity to make it possible to partially or totally provide screening on one or more sides of the security unit, the City may require the unit be located so as to take advantage of the natural growing material available to screen said unit from adjacent properties.

(vi) The temporary building permit shall be valid until a permanent facility is incorporated into the public use, or the need for the temporary housing unit no longer exists; at such time, the temporary unit shall be removed.

(vii) The building permit shall be renewed annually, subject to the continued justification of conditions.

f. Emergency Temporary Housing Unit: An "emergency temporary housing unit" is a single wide mobile home or manufactured home which may be placed on a lot or tract of land in any zone for occupancy during the period of time necessary to house persons or families whose permanent home has been destroyed or damaged by a disaster until replacement housing has been located or constructed.

g. Emergency Temporary Housing Permitted: Emergency temporary housing units are permitted in all zones as follows:

(i) Permit: An emergency temporary housing permit for a temporary housing unit may be issued by the City if the applicant can satisfy the criteria set forth in the definition of temporary housing.

(ii) Minimum Standards: The following are the minimum standards applicable to temporary housing units. Applications for a reduction of these standards may only be granted by the Planning Commission or Hearing Examiner through the variance procedures set forth in section 19.5.020 of this title.

(a) A temporary housing unit shall be used and occupied solely in accordance with the provisions set forth in section 19.5.020E of this title.

(b) The mobility and towing gear of the mobile home shall not be removed and the temporary housing unit shall not be permanently affixed to the land, except for temporary connections to utilities necessary to service the temporary unit. In the event the health department requires the installation of separate water supply and/or sewerage disposal systems, said requirements shall not at a later time constitute grounds for the continuance or permanent location of a temporary housing unit beyond the length of time authorized in the permit or renewal of said permit.

(c) The temporary housing unit shall not be located in any required yard or open space required by this title, nor shall the unit be located closer than twenty feet (20'), nor more than one hundred feet (100') from the principal dwelling on the same lot.

(d) In the event the site contains trees or other natural vegetation of a type and quantity to make it possible to partially or totally provide screening on one or more sides of the temporary housing unit, the City may require the temporary housing unit to be located so as to take advantage of the natural growing material available on the site to screen said unit from adjacent property.

(e) Prior to the issuance of a temporary housing permit, the City shall review the application and may require the installation of such fire protection/detection equipment as may be deemed necessary as a condition to

the issuance of the temporary housing permit.

(iii) Renewals: Temporary housing permits shall be valid for one year; provided that annual renewals may be obtained upon confirmation by affidavit from the applicant that the requirements specified herein are satisfied. Application for renewals must be made sixty (60) days before the expiration of the current permit. Renewals of said permits shall be automatically granted if the applicant is in compliance with the provisions herein and no notice of such renewal is required. The temporary housing unit shall be removed from the lot or tract of land not more than thirty (30) days from the date the temporary permit expires or occupancy ceases.

(iv) Grandfather Clause: Permitted temporary housing units pursuant to prior regulations may continue to exist upon the same standards and criteria as said permit was issued and all renewals shall be based on the same criteria that the initial permit was granted. Upon the termination of occupancy anytime during the life of the permit, the temporary housing unit permit shall terminate and the mobile home must be removed within thirty (30) days.

F. BOUNDARY LINE ADJUSTMENTS:

1. PURPOSE AND APPLICABILITY:

The purpose of this chapter is to allow for adjustment to boundary lines of existing lots where no new lot is created. This chapter applies to all boundary line adjustment (BLA) applications.

2. PROCEDURE AND SPECIAL TIMING REQUIREMENTS:

a. Boundary line adjustments shall be approved, approved with conditions, or denied as follows:

(i) The City shall process the BLA as a Type 1 decision; or

(ii) The BLA is exempt from notice provisions set forth in section 19.4.080A.4.

b. The department shall decide upon a BLA application within 45 days following submittal of a complete application or revision, unless the applicant consents to an extension of such time period.

c. The Designated Official may deny a BLA application or void a BLA approval due to incorrect or incomplete submittal information.

d. Multiple boundary line adjustments are allowed to be submitted under a single BLA application if:

(i) The adjustments involve contiguous parcels;

(ii) The application includes the signatures of every parcel owner involved in the adjustment; and

(iii) The application is accompanied by a record of survey;

e. The legal descriptions of the revised lots, tracts, or parcels, shall be certified by a licensed surveyor or title company.

f. A boundary line adjustment shall be not approved for any property for which an exemption to the subdivision provisions or an exemption to the short subdivision provisions has been exercised within the past five years.

3. DECISION CRITERIA:

A Boundary Line Adjustment is a Type 1 Permit. In reviewing a proposed boundary line adjustment, the City shall use the following criteria for approval:

a. The proposed BLA is consistent with applicable development restrictions and the requirements of this title, including but not limited to the general development standards of chapter 19.6 and any conditions deriving from prior subdivision or short subdivision actions. The proposed BLA will also not create a lot below the required lot size or dimensions for its zone designation;

b. The proposed BLA will not cause boundary lines to cross a UGA boundary, cross on-site sewage disposal systems, prevent adequate access to water supplies, or obstruct fire lanes;

c. The proposed BLA will not detrimentally affect access, access design, or other public safety and welfare concerns. The evaluation of detrimental effects may include review by the health district, the department of public works, or any other agency or department with expertise;

d. The proposed BLA will not create new access which is unsafe or detrimental to the existing road system because of sight distance, grade, road geometry, or other safety concerns, as determined by the department of public works. The BLA shall comply with the access provision set forth in this title and the City of Granite Falls Public Works Standards.

e. When a BLA application is submitted concurrently with a type 1 application pursuant to section 19.1.040 and frontage improvements are required for the area subject to the BLA and the concurrent application, the improvements must be agreed to prior to approval of the BLA;

f. If within an approved subdivision or short subdivision, the proposed BLA will not violate conditions of approval of that subdivision or short subdivision;

g. The proposed BLA will not cause any lot that conforms with lot area or lot width requirements to become substandard;

h. The proposed BLA may increase the nonconformity of lots that are substandard as to lot area and/or lot width requirements provided that the proposed BLA satisfies the other requirements of this chapter;

i. The proposed BLA will not result in lots with less than 1,000 square feet of an accessible area suitable for construction when such area existed before the adjustment. This requirement shall not apply to lots that are zoned commercial or industrial zones;

j. "Merged Lots" means if two or more substandard lots or a combination of lots or substandard lots and portions of lots or substandard lots are contiguous and a structure is constructed on or across the lot line(s), which makes the lots contiguous, then the lands involved shall be merged and considered to be a single undivided parcel. No portion of said parcel

shall be used, altered or sold in any manner which diminishes compliance with lot area and width requirements, nor shall any division be made which creates a lot with a width or area below the minimum requirements permitted by this chapter.

4. DESIGN STANDARDS – ACCESS:
If proposed lots within a BLA result in reduced public road frontage and/or changes in access, the City may require verification that all lots have safe access points. In such cases, the applicant shall stake approximate proposed access points and property lines along the public road frontage within five days of receipt of a request by the City to do so.

5. CORRECTING ERRORS ON AN APPROVED BLA:
Typographical errors in recorded legal descriptions or minor discrepancies on recorded BLA maps may be corrected by filing an Affidavit of Correction of Boundary Line Adjustment with the department. The affidavit shall be on a form supplied by the department. The department shall review the affidavit for compliance with applicable code provisions. If approved, the applicant shall record the affidavit with the County Auditor within 45 days. Immediately after recording, copies of the recorded Affidavit of Correction shall be provided to the department by the applicant.

19.5.030 SUBDIVISION REGULATIONS:

A. PURPOSE:

The general purposes of this title are:

1. To regulate the subdivision of land;
2. To promote the public health, safety and general welfare in accordance with standards established by the state including the growth management act and boundaries and plats;
3. To promote effective use of land;
4. To facilitate adequate provision for water, sewerage, utilities, drainage, parks and recreation areas, sites for schools and school grounds and other public requirements;
5. To provide for proper ingress and egress;
6. To provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards

and local plans, minimum development standards and policies;

7. To require uniform monumenting of land subdivisions and conveying by accurate legal description.

B. AUTHORITY:

The City Council delegates the responsibility for making final determinations on boundary line adjustments and short plats to the Designated Official. The City Council shall have the authority to make final decisions on preliminary plats, final plats, preliminary planned residential developments (PRD's), Official Site Plans, and final PRD's. The Planning Commission shall conduct public hearings and submit recommendations for approval or denial of preliminary plats, Official Site Plans, and PRD's to the City Council for final decisions and shall make final decisions on final plat vacations and alterations. Further description of the land subdivision permit authorities is described in chapter 19.4 of this code.

C. SCOPE:

Any division, re-division, platting or subdivision or any division of land containing a dedication of any part thereof to any public purpose (such as a public street or a highway), shall comply with the provisions of this title.

D. EXEMPTIONS:

This chapter shall not apply to divisions and activities described in chapter 19.4 of this title or in Revised Code of Washington 58.17.040; provided, that in order to determine whether a boundary line adjustment meets the requirements for an exempt action, approval must be received as set forth in section 19.5.020F of this title.

E. EFFECT OF FILING COMPLETED APPLICATION:

1. Ordinances In Effect: A proposed division or subdivision of land, as defined in chapter 19.5 of this title, shall be considered under the subdivision code; and zoning or other land use control ordinances in effect at the time a fully completed application for preliminary plat approval or short plat approval of the subdivision has been submitted.

2. Restrictive Conditions Imposed: The limitations imposed by this section shall not restrict conditions imposed under the state environmental policy act ("SEPA"), Revised Code of

Washington chapter 43.21C, and the City's SEPA regulations, section 19.7.010of this code.

19.5.040 SHORT SUBDIVISIONS (PLATS):

A. REQUIREMENTS FOR COMPLETE APPLICATION:

1. Number of Copies: Ten (10) copies of plans. Standard drawing size is twenty two inches by thirty four inches (22" x 34"). Applicants shall also provide one digital copy on a CD in a CAD program compatible with AutoCad or ArcView.

2. Pertinent Data: A proposed short plat must include pertinent survey data compiled as a result of a survey made by or under the supervision of a land surveyor registered in the state and engaged in land surveying.

3. Application Contents: In addition to the requirements for a completed application set forth in section 19.4.060 of this code, an applicant for a short plat shall submit the following:

   a. A sketch or map using a scale of fifty feet to one inch (50' = 1") or larger of the entire contiguous tract owned by the applicant which shall show:

      (i) The owners of adjacent land and the names of any adjacent parcels or subdivisions;

      (ii) Lines marking the boundaries of the proposed lots;

      (iii) Approximate locations of existing streets and ways or easements for such streets and ways within and adjacent to the tract and other improvements on and adjacent to the subject parcel;

      (iv) Legal description of the tract and legal descriptions of any proposed lots;

      (v) Name and address of the owner(s) of the tract;

      (vi) North arrow;

      (vii) Dimensions and bearings of all boundary lines and curves;

      (viii) Lot closure calculations;

4. A certificate giving full and complete description of the lands divided as they appear on the short plat, including a statement that the short subdivision has been made with free consent and in accordance with the desires of the owner(s). If the short plat includes a dedication, the certificate shall also contain the dedication of any streets and other areas to the public, and individual(s), religious society or societies or to any corporation, public or private, as shown on the short plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of the road. The certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.

5. All short plats containing a dedication must be accompanied by a title report confirming that the title of the lands as described and shown on the plat is in the name of the owner signing the certificate. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation, or grant as shown on the face of the plat shall be considered to all intents and purposes as a quitclaim deed to the donee(s), grantee(s) for his, her or their use for the purpose intended by the donors or grantors as aforesaid.

B. TYPE OF APPLICATION:

A short plat is an administrative decision (Type 1), made by the Designated Official. The application shall be processed as set forth in section 19.4.060 this code.

C. CRITERIA FOR APPROVAL:

The Designated Official shall approve the short subdivision and short plat after making a determination of:

1. Compliance: Whether the application complies with section 19.5.010 of this title;

2. Specific Provisions: If appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainageways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and

other planning features that assure safe walking conditions for students who walk to and from school;

3. Extension Agreement: A developer extension agreement, in accordance with City requirements, has been executed; and

4. Whether the public interest will be served by the subdivision and dedication;

D. FINDINGS AND CONCLUSIONS:

The City shall not approve a short plat and short subdivision unless written findings are made that:

1. Compliance: The application complies with City requirements;

2. Specific Provisions: Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainageways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for those who walk to and from school;

3. Public Use and Interest: The public use and interest will be served by the platting of such subdivision and dedication; and

4. Development Agreement: As part of the approval, the City and the applicant may enter into a development agreement in accordance with City requirements.

E. CONSTRUCTION OF IMPROVEMENTS:

An approved short plat shall not be filed for record until the applicant has constructed or bonded for all improvements required by the City in the final decision on the short plat.

F. PROHIBITION ON FURTHER DIVISION:

Property in short subdivisions may not be further divided in any manner within a period of five (5) years without the filing of a final subdivision, except that when the short plat contains less than four (4) parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five (5) year period to create up to a total of four (4) lots within the original short plat boundaries. This requirement shall be stated on the face of the short plat.

G. TIME FRAME FOR APPROVAL:

The Designated Official shall make a decision on approval or denial of a short plat application within thirty (30) days of the determination that the application is complete.

H. RECORDING:

Upon final approval of the short plat, which shall be shown by affixing the signatures of the Designated Official, the City engineer and fire chief, the Mylar drawing shall be recorded with the clerk of Snohomish County at the expense of the applicant.

19.5.050 PRELIMINARY PLATS:

A. REQUIREMENTS FOR COMPLETED APPLICATION:

1. Number of Copies: Ten (10) copies of plans. Standard drawing sheet size is twenty two inches by thirty four inches (22" x 34"). Applicants shall also provide one digital copy on a CD in a CAD program compatible with AutoCad or ArcView.

2. Application Contents: In addition to the requirements for a completed application as set forth in section 19.4.060 of this code, an applicant for a preliminary plat shall submit the following:

   a. Map; Scale: A map or sketch using a scale of fifty feet to one inch (50' = 1") or larger, showing:

      (i) Topographical and other data depicting:

         (a) Boundary lines, including bearing and distance;

         (b) Easements, including location, width and purpose;

         (c) Streets on and adjacent to the tract, including name and right of way width and location; type, width and elevation of surfacing, walks, curbs, gutters, culverts, etc.;

         (d) Ground elevations on the tract, based on a datum plane approved by the City engineer; for land that slopes less than approximately two percent (2%), show topographic contours at two foot (2')

intervals, show spot elevations at all breaks in grade, along all drainage channels or swales, and all selected points not more than one hundred feet (100') apart in all directions; for land that slopes more than approximately two percent (2%), either show contours with an interval of not more than five feet (5') if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet (2') if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings;

(e) Other conditions on adjacent land, including approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers, and other nonresidential land uses or platted land within three hundred feet (300') of the subject property. Refer to subdivision plat by name, recording date, volume and page number, and show lot size, and dwelling units;

b. Plan view of utilities on and adjacent to the tract, including location and size of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and streetlights. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of nearest ones, stormwater detention facilities with preliminary sizing calculations;

c. Other conditions on the tract including watercourses, marshes, rock outcrop and critical areas;

d. Zoning district designations, on and adjacent to the tract;

e. Proposed public improvements, including highways or other major improvements planned by public authorities for future construction on or near the tract;

f. Vicinity showing location of the tract;

g. Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses;

h. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other proposed uses exclusive of single-family dwellings;

i. Minimum building setback lines;

j. Site data, including number of residential lots, typical lot size, and acres in parks, etc.;

k. Plat name, scale, north arrow and date;

l. Typical cross sections of the proposed grading, roadway and sidewalk;

m. Proposed sanitary, storm water and water systems plan with points of connection and sizes indicated;

n. Title and Certificates: Title and certificates, including a legal description according to official records in the Office of the County Auditor; pertinent survey data compiled as a result of a survey made by or under the supervision of a land surveyor registered in the state and engaged in land surveying which contains notation stating acreage, scale, north arrow, datum, bench marks, certification of registered civil engineer or surveyor, date of survey;

o. Covenants: Draft of proposed covenants, if any.

B. TYPE OF APPROVAL:

A preliminary plat is a Type 2 application approved by the City Council based on the recommendation of the Planning Commission. The mayor has the option of using a hearing examiner for the process.

C. CRITERIA FOR APPROVAL:

The Planning Commission shall make an inquiry into the public use and interest proposed to be served by the establishment of the subdivision and/or dedication, shall hold an open record public hearing, and shall consider:

1. Conformity: Whether the preliminary plat conforms to section 19.5.080 of this code;

2. Specific Provisions: If appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainageways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and

3. Public Interest: Whether the public interest will be served by the subdivision and dedication.

D. FINDINGS AND CONCLUSIONS:

The City Council shall conduct a closed record hearing to review the Planning Commission recommendation and then approve or deny the preliminary plat with written findings showing that:

1. Conformity: The preliminary plat conforms to chapter 19.4.090 of this code;

2. Specific Provisions: Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainageways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school;

3. Extension Agreement: A developer extension agreement, in accordance with the requirements of the City, has been executed;

4. Public Interest: The public use and interest will be served by the platting of such subdivision and dedication; and

5. Development Agreement: As part of the approval, the City and the applicant may enter into a development agreement in accordance with the requirements of the City.

The City Council may also elect to return the application to the Planning Commission for additional review and recommendations if, during the closed record hearing, the council finds that the record

is incomplete or does not provide sufficient basis for approval or denial.

E. TIME FRAME FOR APPROVAL:

The City shall make a decision on approval or denial of a preliminary plat application within ninety (90) days of the determination that the application is complete, except when the subdivision proposal is combined with a preliminary planned residential development (PRD).

19.5.060 FINAL PLAT:

A. REQUIREMENTS FOR COMPLETED APPLICATION:

1. Construction Drawings: Five (5) copies of as built construction drawings. Applicants shall also provide one digital copy on a CD in a CAD program compatible with AutoCad or ArcView.

2. Certification of City Work: Certification of work done by City in connection with the checking, computing and correcting of the plat, and for plan checking, inspecting, and testing of plat improvements, including water lines, sanitary sewer lines, storm water retention and drainage systems, streets, curbs, gutters and sidewalks.

3. Application Contents: In addition to the requirements for a completed application set forth in section 19.4.040 of this code, the applicant shall submit the following:

   a. Final plat on reproducible Mylar or equivalent, twenty two inches (22") wide by thirty four inches (34") long, scale of fifty feet to one inch (50' = 1") or larger (preferred scale 50 feet to 1 inch). Applicants shall provide one digital copy on a CD in a CAD program compatible with AutoCad or ArcView. The plat must contain:

      (i) Primary control points, approved by the City engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;

      (ii) Tract boundary lines, right of way lines of streets, easements and other rights of way, and property lines of residential lots and other

sites, with accurate dimensions, bearings, and radii, arcs, central angles of all curved arcs;

(iii) Name and right of way width of each street or other right of way;

(iv) Location, dimensions and purpose of any easement;

(v) Tract number to identify each lot or site;

(vi) Purpose for which sites, other than residential lots, are dedicated or reserved;

(vii) Minimum building setback line on all lots and other sites;

(viii) Location and description of monuments by symbol. Unless otherwise approved, monuments shall be placed at street intersections, centers of cul-de-sacs, and points of curve and tangency in curvilinear streets;

(ix) Reference to plats of adjoining land by their recorded name, date, volume and page number;

(x) Certification by licensed land surveyor or licensed professional civil engineer substantially giving a full and correct description of the lands divided as they appear on the plat, including a statement that the subdivision has been made with the free consent and in accordance with the desires of the owner(s). If the plat contains a dedication, the certificate shall also contain the dedication of all streets and other areas to the public, and individual(s), religious society or societies or to any corporation, public or private, as shown on the plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of the road. The certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.

(xi) Distance and bearing of all boundary lines;

(xii) Lot closure calculations;

b. Every plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on the plat is in the name of the owners signing the certificate.

c. An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. Such waiver may be required by the City as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation, or grant as shown on the face of the plat shall be considered to all intents and purposes as a quitclaim deed to the recipient or recipients, grantee or grantees for his, her, or their use for the purpose intended by the donors or grantors as aforesaid.

d. Plat name, scale, north arrow, date and legend of symbols.

e. Plans and profiles of all utilities and street improvements showing approval of the design by the City engineer.

f. Certificate of completion of one of the following alternatives, as directed by the City, shall accompany the final plat:

(i) All improvements have been installed in accord with the requirements of these regulations and accepted by the City upon the recommendation of the City engineer as certified by the City clerk/treasurer;

(ii) Approved plans are on file with the City engineer for all required utilities and street improvements and cash, an assignment of funds or surety bond for all uncompleted work as required by the City in the Public Works Standards, has been posted with the City clerk/treasurer and deposited with the City clerk/treasurer;

(iii) Cash, an assignment of funds, or a security bond for maintenance as required by the City in accordance with the Public Works Standards;

g. Signatures of the county treasurer, City clerk/treasurer, City engineer, Planning Commission chair, and mayor.

4. Payment: Payment of all fees to the City including but not limited to: planning fees, engineering fees, mitigation fees, etc.

B. TYPE OF APPLICATION:

A final plat is a decision made by the City Council as specified by section 19.4.050 of this code.

C. TIME FRAME FOR SUBMISSION OF FINAL PLAT:

A final plat meeting all requirements of Revised Code of Washington 58.17 and this code shall be submitted to the City for approval within five (5) years of the date of preliminary plat approval. Portions of the preliminary plat may be submitted for final approval after the expiration of said five (5) year period provided that the original preliminary plat was proposed as a phased development with specific divisions identified and, after administrative review, it has been found that significant progress has taken place on the plat and that the requirements of section 19.5.080 of this chapter have been met.

D. RECOMMENDATIONS AS PREREQUISITES FOR FINAL PLAT APPROVAL:

Each preliminary plat submitted for final approval shall be accompanied by the following recommendations:

1. Planning Commission's recommendation as to compliance with the terms of preliminary approval of the proposed plat or subdivision;

2. City engineer;

3. City planner;

4. Except as provided in Revised Code of Washington 58.17.140, an agency or person issuing a recommendation for subsequent approval under subsections A and B of this section shall not modify the terms of its recommendations without the consent of the applicant.

E. CRITERIA FOR APPROVAL:

A final plat application shall be approved if the subdivision proposed for approval:

1. Meets Plat Approval Requirements: Meets all general requirements for plat approval as set forth in section 19.5.080 of this title;

2. Conforms to Preliminary Plat Approval: Conforms to all terms of the preliminary plat approval; and

3. Meets other Applicable Requirements: Meets the requirements of Revised Code of Washington chapter 58.17, other applicable state laws, section 19.5.080 of this code, and any other applicable City ordinances which were in effect at the time of preliminary plat approval.

4. Approval and Inscription: The City Council shall make written findings of fact relating to its decision on the final plat, and if approved, shall suitably inscribe and execute its written approval on the face of the plat.

F. EFFECT OF FINAL PLAT APPROVAL:

Any lots in a final plat filed for record shall be a valid land use, notwithstanding any change in zoning laws for a period of five (5) years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances and regulations in effect at the time of approval under Revised Code of Washington 58.17.150(1) and (3) for a period of five (5) years after final plat approval unless the City Council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

G. TIME FRAME FOR APPROVAL:

The final plat, or portion thereof, shall be approved, disapproved, or returned to applicant by the City within thirty (30) days from the date of the application.

H. FINAL PLAT – RECORDING REQUIRED:

1. Upon City Council approval of a final plat, the mayor and the City engineer shall execute the written approval on the face of the plat and the original final plat shall be recorded by the City.

2. A certificate giving a full and correct description of the lands divided as they appear on the final plat and all other

requirements of RCW 58.17.165 as appropriate must be recorded with the final plat.

3. Approval of the final plat for recording shall be deemed to constitute acceptance of any dedication shown on the plat. Approval of the final plat shall be null and void if the plat is not recorded with the Snohomish County Auditor's office within ninety (90) days after the date of approval.

I. PHASED DEVELOPMENT:

1. Portions of an approved preliminary plat may be processed for approval and recording in phased divisions, provided that the divisions were identified in the approved preliminary plat, or an amendment thereto, and that approval and recording of the divisions is consistent with the conditions of the preliminary plat approval and will substantially meet all of the requirements for final approval even if the subsequent divisions are not finished. Prior to the final approval of a division of a preliminary plat, the City may require additional conditions such as a bond for the construction of a required improvement in a subsequent division, if it finds that such improvement is necessary to ensure that the division being approved meets all the conditions of the preliminary plat even though subsequent divisions are never finished.

2. Any phase of a preliminary plat that has not been completed and accepted by the City within five (5) years of date of its preliminary approval may be subject to the most current development codes. The doctrine of vested rights shall not apply to said plat phases.

19.5.070 PLAT VACATION AND ALTERATION:

A. REQUIREMENTS FOR COMPLETE PLAT VACATION APPLICATION:

1. Application Contents: In addition to the requirements for a completed application as set forth in chapter 19.4.060D.4 of this code, an applicant for a plat vacation shall submit the following:

a. The reasons for the proposed vacation;

b. Signatures of all parties having an ownership interest in that portion of the subdivision proposed to be vacated;

c. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof;

d. A copy of the approved plat sought to be vacated, together with all plat amendments recorded since the date of the original approval;

B. TYPE OF APPROVAL AND CRITERIA FOR APPROVAL OF PLAT VACATION:

1. Type of Approval: A plat vacation is a Type 1 decision.

2. Criteria for Approval: The plat vacation may be approved or denied after a written determination is made whether the public use and interest will be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the City, shall be deeded to the City unless the City shall set forth findings that the public use would not be served in retaining title to those lands.

3. Vacation of Streets: When the vacation application is specifically for a City street vacation, the City's street vacation procedures shall be utilized. When the application is for the vacation of a plat together with the streets, the procedure for vacation in this section shall be used, but vacations of streets may not be made that are prohibited under Revised Code of Washington chapter 35.70 or the City's street vacation ordinance.

4. Easements: Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.

C. REQUIREMENTS FOR COMPLETE PLAT ALTERATION APPLICATION:

1. Application Contents: In addition to the requirements for a completed application as set forth in section 19.5.060A of this code, an applicant for a plat alteration shall submit the following:

   a. Signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be altered;

   b. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

   c. A copy of the approved plat sought to be vacated, together with all plat amendments recorded.

D. TYPE OF CRITERIA FOR APPROVAL OF PLAT ALTERATION:

1. Type of Approval: A plat alteration is an administrative decision.

2. Criteria for Approval: The plat alteration may be approved or denied after a written determination is made whether the public use will be served by the alteration of the subdivision. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties. A plat alteration must also be consistent with section 19.5.080 of this chapter.

3. Revised Plat: After approval of the alteration, the Designated Official shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short

plat, which after signature of the mayor, shall be filed with the County Auditor to become the lawful plat of the property.

19.5.080 GENERAL REQUIREMENTS FOR SUBDIVISION APPROVAL:

A. GENERAL REQUIREMENTS FOR APPROVAL OF SUBDIVISION:

In addition to the criteria for approval applicable to an individual application, all subdivisions must meet the following general requirements in order to be approved:

1. Land Use Controls: No subdivision may be approved unless written findings of fact are made that the proposed subdivision or short subdivision is in conformity with any applicable zoning ordinance, comprehensive plan or other existing land use controls.

   a. Flag (Pipestem) Lots: Generally, flag lots are discouraged. In cases where there are no alternatives, flag lots may be allowed under the following conditions:

      (i) The driveway portion of the lot shall be wide enough to meet City access and public safety standards;

      (ii) The area of the driveway portion of the lot shall not be used to meet the minimum required lot size per zoning;

      (iii) All utilities serving the flag lot shall be underground;

      (iv) Where multiple adjacent flag lots are proposed, shared driveways shall be required.

   b. Flag Lots In The R 2.3 Zone: In addition to the provisions of subsection A1 of this section, the creation of new flag lots shall meet the following criteria:

      (i) The size and configuration of the flag lot shall meet the density and dimension standards of the zone as provided in section 19.6.010 of this code.

      (ii) The siting and design of all buildings on the flag lot shall be subject to site plan review and

approval as provided in section 19.5.090 of this code.

c. Dedications; Generally:

(i) An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. The City may require such waiver as a condition of approval.

(ii) Roads not dedicated to the public must be clearly marked "private" on the face of the plat.

(iii) Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes, as a quitclaim deed to the said donee(s) or grantee(s) for his/her/their use for the purpose intended by the donor(s) or grantor(s).

(iv) If the plat or short plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, and individual(s), religious society(ies) or to any corporation, public or private, as shown on the plat or short plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.

(v) Every plat and short plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.

(vi) Dedication of land to any public body, provision of public improvements to serve the

subdivision, and/or impact fees imposed under Revised Code of Washington 82.02.050 through 82.02.090 shall be required as a condition of subdivision approval. No dedication, provision of public improvements or impact fees imposed under Revised Code of Washington 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property.

d. Dedication of Public Park: The City Council shall recommend naming of streets and parks within proposed subdivisions. If preliminary plats include dedication of land for public parks with areas greater than required for subdivision approval and the proponents request commemorative names, the City Council shall consider such requests. The City Council shall adopt the names as part of final plat approval.

e. Release from Damages: The City shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

f. Flood, Inundation or Swamp Conditions: A proposed subdivision may be disapproved because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. No plat shall be approved covering any land situated in a floodway as provided in Revised Code of Washington chapter 86.16 without the prior written approval of the State Department of Ecology.

g. Bonds: In lieu of the completion of the actual construction of any required improvements prior to the approval of a short or final plat, the Planning Commission or City Council may accept a bond, approved as to form by the City attorney, in an amount and with surety and conditions satisfactory to it, or other secure method, providing for and securing to the City the actual construction and installation of such improvements within a period specified by the City and expressed in the bonds. In addition, the City

may require the posting of a bond securing to the City the successful operation of improvements for up to two (2) years after final approval. All bonded improvements shall be designed and certified by or under the supervision of a registered civil engineer prior to the acceptance of such improvements.

B. CERTIFICATE TO ACCOMPANY FINAL PLAT OR SHORT PLAT:

Every final plat or short plat of a subdivision or a short subdivision filed for record must contain a certificate giving full and correct description of the lands divided as they appear on the plat or short plat, including a statement that the subdivision or short subdivision has been made with the free consent and in accordance with the desires of the owner(s).

C. GENERAL REQUIREMENTS FOR FILING PLAT OF RECORD:

Each and every plat or re-plat of any property filed for record shall:

1. Statement of Approval: Contain a statement of approval from the City engineer as to the layout of streets, alleys and other rights of way, design of bridges, sewage and water systems, and other structures;

2. Survey: Be accompanied by a complete survey of the section or sections in which the plat or re-plat is located, made to surveying standards adopted by the division of engineering services of the department of natural resources pursuant to Revised Code of Washington 58.24.040. The surveyor shall certify on the plat that it is a true and correct representation of the lands actually surveyed;

3. Acknowledgement: Be acknowledged by the person filing the plat before the Auditor of the County in which the land is located, or any other officer who is authorized by law to take acknowledgement of deeds, and a certificate of said acknowledgement shall be enclosed or annexed to such plat and recorded therewith;

4. Certificate of Paid Taxes: Contain a certification from the proper officer or officers in charge of tax collections that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged;

5. Description of Lands: Contain a certificate giving a full and correct description of the lands divided as they appear on the plat or short plat, including a statement that the

subdivision or short subdivision has been made with the free consent and in accordance with the desires of the owner or owners;

6. Monuments: Show the permanent control monuments established at each and every controlling corner on the boundaries of the parcel of land being subdivided. The City shall determine the number and location of permanent control monuments within the plat, if any;

7. Lot Numbers, House Addresses: Show the lot numbers and house addresses on the short subdivisions and subdivisions at the time of approval;

8. Fees and Charges; Responsibility: All plat recording fees and charges shall be the responsibility of the applicant.

D. COMPLIANCE WITH PUBLIC WORKS STANDARDS:

Construction of improvements in all applications shall comply with the City's adopted public works special provisions and details.

19.5.090 OFFICIAL SITE PLANS:

A. PURPOSE:

1. Specify the criteria used by the City of Granite Falls to review and approve Official Site Plans.

2. To provide a method for logical and sequential review of larger, more complicated projects not subject to subdivision regulations.

B. APPLICABILITY:

The Official Site Plan process shall be used for:

1. The review of multifamily, general commercial and industrial zoned projects one acre or larger in size.

2. The review of residential, condominium, manufactured or mobile home parks on parcels greater than ½ acre.

C. APPLICATION SUBMITTAL:

Each application for Official Site Plan approval shall contain five (5) copies of all complete application forms, plans and reports. A complete application must include:

1. Fees: The applicant shall pay the required fees as set forth in the City's fee schedule or other applicable resolutions or ordinances when submitting an Official Site Plan.
2. Application form and declaration of ownership.
3. Title report (dated within the last 30 days).
4. Vicinity map of the area where the site is located.
5. Environmental checklist.
6. Landscape plan.
7. A preliminary site plan to a scale of fifty feet (50') to one inch (1"), stamped and signed by a registered engineer, architect or land surveyor illustrating the proposed development of the property and including, but not limited to, the following:
    a. Name or title of the proposed Official Site Plan.
    b. Date, scale and north arrow.
    c. Boundary lines and dimensions including any platted lot lines within the property.
    d. Total acreage.
    e. Property legal description.
    f. Existing zoning.
    g. Location and dimensions of all existing and proposed:
        (i) Buildings, including height in stories and feet and including total square feet of ground area coverage.
        (ii) Parking stalls, access aisles, and total area of lot coverage of all parking areas.
        (iii) Off street loading area(s).
        (iv) Driveways and entrances.
    h. Proposed building setbacks in feet.
    i. Location of any regulated sensitive areas such as wetlands, steep slopes, wildlife habitat or floodplain and required buffers.
    j. Location and height of fences, walls (including retaining walls), and the type or kind of building materials or planting proposed to be used.
    k. Location of any proposed monument signs.

l. Proposed surface storm water drainage treatment.

m. Location of all easements and uses indicated.

n. Location of existing and proposed utility service.

o. Existing and proposed grades shown in five foot (5') interval topographic contour lines.

p. Fire hydrant location(s).

q. Building architect elevations showing north, south, east and west views.

8. Any other information as required by the City shall be furnished, including, but not limited to, traffic studies, wetland reports, elevations, profiles, and perspectives, to determine that the application is in compliance with this code.

Applicants shall also provide one digital copy on a CD in a CAD program compatible with AutoCad or ArcView.

D. TYPE OF APPROVAL:

An Official Site Plan is reviewed as a Type 2 process and approved by the City Council based on a recommendation from the Planning Commission following a public hearing.

E. CRITERIA FOR APPROVAL:

1. Standards for Review of an Official Site Plan: The Designated Official shall review the proposed Official Site Plan to determine whether it meets the following criteria:

a. Conformance with the comprehensive plan.

b. Conformance with all applicable performance standards and zoning regulations.

c. Design sensitivity to the topography, drainage, vegetation, soils and any other relevant physical elements of the site.

d. Availability of public services and utilities.

e. Conformance with SEPA requirements.

2. Condominium Standards: Development of condominiums including residential units or structures shall meet either the standards set out in subsection B1 or B2 of this section:

a. All lots and developments shall meet the minimum requirements of this code. Phase or lot lines shall be

used as lot lines for setback purposes under the zoning code.

b. Condominiums may be developed in phases where ownership of the property is unitary but some structures are to be completed at different times or with different lenders financing separate structures or areas of the property. The following conditions shall apply to phased condominiums:

(i) By a joint obligation to maintain any and all accessways. The City shall have no obligation to maintain such accessways.

(ii) The City shall require easements for access to the property to allow for emergency services and utility inspections as defined in the development agreement.

(iii) Reciprocal easements for parking shall be provided to all tenants and owners.

(iv) The applicant must submit an Official Site Plan schedule for completion of all phases.

(v) Phase lines must be treated as lot lines for setback purposes under the zoning code unless the property owner will place a covenant on the Official Site Plan that the setback areas for built phases, contained in all un-built phases, shall become common areas and owned by the owners of existing units in the built portions of the condominium upon the expiration of the completion schedule.

(vi) All public improvements shall be guaranteed by bond or other security satisfactory to the City.

(vii) All built phases in a condominium Official Site Plan shall have a joint and several obligations to maintain landscaping through covenants or easements or both to assure that the responsibility is shared among the various owners.

F. OFFICIAL SITE PLAN COMPONENTS:

1. An Official Site Plan shall include a record of survey and development agreement.

2. The development agreement shall incorporate the conditions of approval for the Official Site Plan.

G. RECORDING REQUIREMENTS:

When the proposed Official Site Plan receives final approval, the applicant shall record the Official Site Plan and development agreement, if required, with the Snohomish County Auditor. The applicant shall furnish the City with three (3) copies and a digital copy of the recorded Official Site Plan within five (5) working days of recording, and the Snohomish County Assessor shall be furnished one paper copy.

H. DEVELOPMENT REQUIREMENTS:

Said lots shall not be sold or transferred unless the Official Site Plan and a record of survey map, which is prepared in compliance with Revised Code of Washington chapter 58.09 and which includes a legal description of each lot being created, is approved by the City and filed for record in the Snohomish County Auditor's office. The Official Site Plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the lot, parcel, or tract.

All development must be in conformance with the recorded Official Site Plan. Any development, use or density which fails to substantially conform to the site plan as approved constitutes a violation of this chapter.

I. AMENDMENT, MODIFICATION AND VACATION:

Amendment, modification and vacation of an Official Site Plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new Official Site Plan application, as set forth in this chapter. The vacated portion shall constitute one lot unless the property is subsequently divided by an approved subdivision or short division.

19.5.0100 ENFORCEMENT AND APPEALS:

A. ISSUANCE OF PERMIT ON ILLEGALLY DIVIDED LAND:

No building permit, septic tank permit, or other development permit shall be issued for any lot, tract or parcel of land divided in violation of Revised Code of Washington chapter 58.17 or this title, unless the authority authorized to issue such permit finds that the public interest will not be adversely affected thereby. The prohibition

contained in this section shall not apply to an innocent purchaser for value without actual notice.

B. VIOLATIONS:

Violations of this title shall be enforced as set forth in section 19.4.0120 of this code.

C. APPEALS:

Any decision approving or disapproving any plat may be appealed as set forth in section 19.4.0110 of this code.

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CHAPTER 19.6
DEVELOPMENT STANDARDS

19.6.010 DENSITY AND DIMENSION:

A. Purpose:

The purpose of this section is to establish dimensional standards for development. These standards are established to provide flexibility in project design and promote high quality development within the City. Please refer to Table 1, 19.3.0130 for additional density and dimension standards

B. Density Standards:

All residential density provisions are herein expressed in terms of minimum lot size based on the density standards adopted in the comprehensive plan.

1. Density bonuses in accordance with planned residential developments shall be authorized in approvals as described in chapter 19.4 of this title.

C. Setback Height, And Coverage Standards:

Chapter 19.3 sets forth the required development standards for the zones.

1. Setback Measurement: A setback is measured from the edge of a street right of way, access easement or private road. Where there is no street right of way, access easement or private road, a setback is measured from the property line.
2. Designation of Required Setbacks: All lots except pipestem lots must contain at least one front yard setback. A front yard setback shall be required abutting each right of way on corner lots and through lots. All lots must contain one rear yard setback except for corner, through, and pipestem lots. All other setbacks will be considered interior yard setbacks.
3. Corner Lots: If a lot abuts the intersection of two (2) or more street rights of way, a front yard setback is required abutting one right of way as described in table 1 of this section.
4. Through Lots: In the case of a through lot, a front yard setback is required abutting each street right of way.

5. Front Yard Setback Averaging: Averaging may be used to reduce a front yard setback requirement when a principal building has been established on an adjacent lot within the required yard. This provision shall not apply if the adjacent lot has received a reduced setback based upon a discretionary land use approval. This exception shall be calculated as follows:

   a. Averaging shall be calculated by adding the existing front yard setbacks of the adjacent lots together and dividing that figure by two (2).

   b. When an adjacent lot is vacant, averaging shall be calculated by adding the front yard setback of the adjacent developed lot with the minimum front yard setback of the zone in which the construction is proposed and dividing that figure by two (2).

6. Slopes: If the topography of a lot is such that the minimum front yard setback line is eight feet (8') or more above the street grade, and there is no reasonable way to construct a driveway up to the dwelling unit level, a garage/carport may be built into the bank and set at least five feet (5') back from the right of way.

7. Accessory Structures, Interior Yard Exception: Detached one story accessory structures may occupy twenty five percent (25%) of the total area of a side yard (that portion of the yard exclusive of required setbacks).

8. Accessory Structures, Rear Yard Exception: Detached one story accessory structures may occupy fifty percent (50%) of the total area of a rear yard and shall maintain a minimum five foot (5') setback, except in the DT-2,500 zones.

9. Bus Shelters: Bus shelters for school district or transit authority purposes may be located within a front yard setback when located on private property if they do not exceed fifty (50) square feet of floor area and one story in height, provided all applicable site distance requirements are met.

10. Projection Exception:

a. Fireplace structures, bay or garden windows, enclosed stair landings, ornamental features, or similar structures may project into any setback, provided such projections are:

(i) Limited to two (2) per required yard.

(ii) Not wider than ten feet (10').

(iii) Not more than eighteen inches (18") into a side yard setback or two feet (2') into a rear yard setback.

(iv) Not more than three feet (3') into a front yard setback.

b. Uncovered porches and decks which do not exceed thirty-three inches (33") from finished lot grade may project into any setback, provided such projections do not extend more than six feet (6') into a front yard setback or eighteen inches (18") into a side yard setback.

c. Wheelchair ramps may project into any required setback.

11. Rear Yards, Exception: In the case of triangular or otherwise irregularly shaped lots, a line ten feet (10') in length entirely within the lot, parallel to and at a maximum distance from the front lot line may be considered the "rear lot line" at the owner's discretion. If the owner does not select such a line, the City may do so.

D. Height Standards:

(See figure set forth in subsection D2 of this section for measuring building heights.)

1. Measurement: The height of a fence located on a rockery, retaining wall, or berm shall be measured from the top of the fence to the ground on the high side of the rockery, retaining wall, or berm.

a. Walls, fences, and berms up to three feet (3') in height may be located on any part of a lot. Open fences may be up to four feet (4') in height.

b. Walls, fences and berms up to six feet (6') in height may be located to the rear of the front wall line of the principal residence unless otherwise determined to provide a site distance hazard by the building inspector.

c. The provisions of this section shall not apply to fences required by state law to surround public utility installations, or to fences enclosing school grounds and public playgrounds. A building permit shall be required for construction of any wall or fence located within the City.

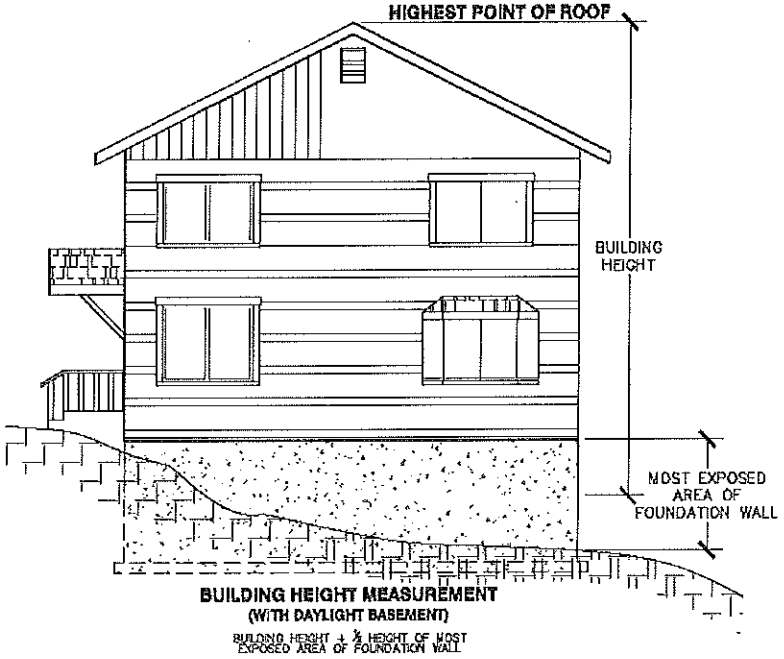
2. Exceptions: Height standards shall not apply to the following:

a. Church spires, belfries, domes, chimneys, antennas, satellite dishes, ventilation stacks, or similar structures, provided the structure is set back from all property lines a distance equal to the height of the structure.

b. Rooftop mechanical equipment: All rooftop mechanical equipment may extend ten feet (10') above the height limit of the zone, provided all equipment is set back ten feet (10') from the edge of the roof.

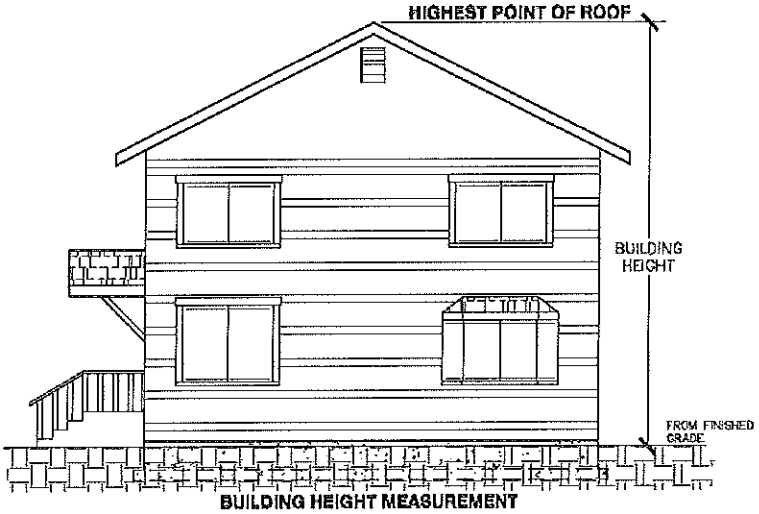
c. Utility towers are subject to review of site location.

d. Utility poles are limited to thirty feet (30') in height unless the Designated Official determines that there is a special circumstance.



BUILDING HEIGHT MEASUREMENT
(WITH DAYLIGHT BASEMENT)

BUILDING HEIGHT + ½ HEIGHT OF MOST EXPOSED AREA OF FOUNDATION WALL



BUILDING HEIGHT MEASUREMENT
(WITHOUT DAYLIGHT BASEMENT)

E. General Development Standards:

1. Existing Lot; Single-Family Dwelling Permitted: In any zone that permits a single-family dwelling unit, a single-family dwelling unit and permitted accessory structures may be constructed or enlarged on one lot which cannot satisfy the density requirements of the zone where the lot was legally created prior to the effective date of this regulation. This section shall not waive the requirements for setbacks and height of the zone in which the lot is located.

2. Combining Lots; Interior Yard Setback Exception: Where two (2) or more lots are used as a building site and where principal buildings cross lot lines, interior yard setbacks shall not be required from those lot lines crossed by the principal building.

3. Legally Created Lots; Development Permitted Proof:

   a. Development shall be permitted only on legally created lots.

   b. To establish that a lot has been legally created, the applicant must provide one of the following:

      (i) A copy of formal plat, short plat, or large lot subdivision approved by Granite Falls separately describing the lot.

      (ii) A copy of the boundary line adjustment or lot combination separately describing the lot.

      (iii) Documentation that the creation of the lot was exempt from the provisions of the subdivision title.

      (iv) A deed, contract of sale, mortgage, recorded survey, or tax segregation that separately describes the lot.

   c. Pipestem (Flag) Lots: Pipestem (flag) lots in all residential zones are allowed in the R-2.3, R-9,600 and R-7,200 zones. Pipestem (flag) lots may be approved subject to the criteria provided in this code.

   d. Bulkheads and Retaining Walls: Any structure constructed and erected between lands of different elevations used to resist the lateral displacement of any material, control erosion, or protect structures

may be placed within required setbacks to a maximum height of six feet (6'), provided all applicable site distance requirements are met.

4. Development Standards for all Pipestem (Flag) Lots: All pipestem (flag) lots, irrespective of when platted, shall meet the following standards, subject to site plan review:

   a. All development of principal residences, accessory dwellings, garages, sheds, and other structures shall be built within the required setbacks.

   b. The "building area" within the setbacks shall be large enough to accommodate a forty foot (40') diameter building circle to ensure that the shape of the lot is adequate to support development that results in attractive, usable open spaces.

   c. The perimeter treatment of the lot including the driveway portion may include fencing or landscaping to screen the development from adjacent properties.

   d. The maximum length of a "flag" shall be two hundred feet (200').

5. Sanitary Sewer Connection: All new developments requiring sanitary sewer facilities must connect to a public sewer system if the system is within 200 feet of the property line. If not within 200 feet, the development must connect at the time that public sewer becomes available to any property served by a private sewage disposal system. This connection must be made within ninety (90) days of sewer availability.

   Any existing septic system that fails to meet Snohomish County Health District standards must be repaired or replaced within ninety (90) days of failure.

6. Stormwater Drainage and Water Quality: All development shall comply with the Department of Ecology's 2005 Stormwater Management Manual for Western Washington and revisions thereto.

19.6.020 LANDSCAPING AND SCREENING:

A. Purpose:

The purpose of this section is to establish standards for landscaping and screening, to maintain or replace existing vegetation, provide physical and visual buffers between differing land uses, lessen environmental and improve aesthetic impacts of development and to enhance the overall appearance of the City. Notwithstanding any other provision of this chapter, trees and shrubs planted pursuant to the provisions of this chapter shall be types and ultimate sizes at maturity that will not impair scenic vistas.

B. Applicability:

The standards set forth in this section shall apply to all uses of land which are subject to site plan or architectural design review, to the construction or location of any multi-family structure of three (3) or more attached dwelling units and to any new subdivision.

C. Landscape Plan:

A plan of the proposed landscaping and screening of projects subject to this section shall be provided as part of the application and shall contain the following:

1. Identification of existing trees and tree canopies;
2. Significant trees and vegetation to remain;
3. New landscaping - location, species, diameter or size of materials using both botanical and common names. Drawings shall reflect the ultimate size of plant materials;
4. Identification of tree protection techniques.
5. Alternative landscaping plans: The City may authorize modification of the landscape requirements when alternative plans comply with the intent of this chapter and:
    a. The proposed landscaping represents a superior result than that which would be achieved by strictly following requirements of this section; or
    b. The alternative plan incorporates the increased retention of significant trees and naturally occurring undergrowth; or

c. The alternative plan incorporates unique, historic or architectural features such as plazas, courts, fountains, trellises, or sculptures.

d. The landscape plan shall be prepared by a professional landscape designer. The applicant must demonstrate expertise in landscape design in order to qualify/prepare landscape plans. This requires the submittal of a resume, and a list of recent project experience.

D. Preservation of Significant Trees and Vegetation:

1. The City of Granite Falls shall assume jurisdiction and implementation of the Class IV Forest Practices Act as defined by the Washington State Department of Natural Resources (DNR).

2. All significant trees in required perimeter buffers shall be retained. Retention of significant trees on the remaining portions of the site is encouraged.

3. Significant trees are those which are over fifteen (15) inches in diameter measured at a point two (2) feet above the existing ground.

4. If the grade level adjoining a tree to be retained is altered such that the tree might be endangered, then a dry rock wall or rock well shall be constructed around the tree. The diameter of this wall or well must be approximately the diameter of the "dripline" of the tree.

5. Impervious or compactable surfaces within the area defined by the drip line of any tree to be retained may be permitted if a qualified arborist certifies that such activities will not endanger the tree or trees.

6. Retention of other existing vegetation that is equal to or better than available nursery stock is strongly encouraged.

7. Areas of native vegetation designated as landscape or buffer areas shall be protected by a five foot (5') wide no construction zone during construction. Cleaning, grading or contour alteration is not permitted within this no construction zone unless a qualified arborist certifies that proposed construction activity within the zone will not harm existing vegetation.

E. Requirements for Residential Plats and Multifamily Developments:

1. Perimeter Areas: Notwithstanding other regulations found in this chapter, perimeter areas not covered with buildings, driveways and parking and loading areas shall be landscaped. The required width of perimeter areas to be landscaped shall be at least one half (1/2) the depth of the required yard or setback area. Areas to be landscaped shall be covered with live plant materials which will ultimately cover seventy five percent (75%) of the ground area within three (3) years. One deciduous tree a minimum of two inch (2") caliper or one 6-foot evergreen or three (3) shrubs which should attain a height of three and one-half feet (3 1/2') within three (3) years shall be provided for every five hundred (500) square feet of the area to be landscaped.

2. All street frontages shall include street trees planted at thirty feet (30') on center.

F. Requirements for Commercial Uses:

1. Perimeter Areas: See subsection E1 of this section.

2. Buffer Areas: Where a development subject to these standards is contiguous to a residential zoning district or areas of residential development, then the required perimeter area shall be landscaped the full width of the setback areas as follows:

   a. A solid screen of evergreen trees or shrubs; or

   b. A solid screen of evergreen trees and shrubs planted on an earthen berm an average of three feet (3') high; or

   c. A combination of trees or shrubs and fencing where the amount of fence does not exceed fifty percent (50%) of the linear distance of the buffer, planted so that the ground will be covered within three (3) years.

3. Areas without Setbacks:

   a. In areas where there is no required setback or where buildings are built to the property line, development subject to this chapter shall provide a street tree at an interval of one every twenty feet (20') or planter boxes at the same interval or some combination of trees and boxes, or an alternative.

b. Street trees shall be a minimum caliper of two inches (2") and be a species approved by the City and installed to City standards. Planter boxes shall be maintained by the property owners and shall be of a type approved by the City.

G. Parking Lot Landscaping and Screening:

The standards of this section shall apply to public and private commercial parking lots and residential parking areas providing spaces for more than ten (10) cars.

1. Perimeter Landscaping: In order to soften the visual effects or separate one parking area from another or from other uses, the following standards apply:

   a. Adjacent to a street or road, the minimum width shall be ten feet (10') wide. On all other perimeters the depth shall be a minimum of five feet (5'). Where parking areas are bordered by more than one street, the landscape strip shall apply to both.

   b. Visual screening through one or any combination of the following methods is required:

      (i) Planting of living ground cover as well as shrubs or trees which will form a solid vegetative screen at least three feet (3') in height; or

      (ii) A fence or wall at least three feet (3') high combined with low planting or wall clinging plant materials. Materials should be complementary to building design; or

      (iii) Earth mounding or beans having a minimum height of three feet (3') and planted with shrubs and trees.

   c. In order to protect vision clearances, areas around driveways and other access points are not required to comply with the full screening height standards. The specific horizontal distance exempt from this standard shall be twenty feet (20).

d. Trees are required at a ratio of at least one per sixty four (64) square feet of landscaped area or fraction thereof. They shall have a clear trunk to a height of at least five feet (5') above the ground at maturity. Trees shall be planted no closer than four feet (4') from pavement edges where vehicles overhang planted areas.

2. Interior Small Parking Lot Landscaping: All parking lots that contain fewer than twenty (20) parking spaces or are smaller than six thousand (6,000) square feet shall contain trees a minimum of two inch (2") caliper at intervals no greater than thirty feet (30') in planting beds a minimum of sixty four (64) square feet in area.

3. Interior Large Parking Lot Landscaping: All parking lots that contain twenty (20) or more parking spaces or are larger than six thousand (6,000) square feet in area shall have interior lot landscaping as follows:

   a. Landscaped Area: A minimum of five (5) square feet of landscaped area per one hundred (100) square feet of vehicle use area, or fraction thereof. Parking lots larger than thirty thousand (30,000) square feet shall have a minimum of seven (7) square feet of landscaped area per one hundred (100) square feet of vehicle use area or fraction thereof. Vehicle use area shall include driveways. These landscape areas shall be no more that fifty (50) feet apart.

   b. Minimum Area: The minimum size of individual planting areas shall be sixty four (64) square feet in order to provide a proper plant environment.

   c. Trees Required: Trees are required at a ratio of at least one per sixty four (64) square feet of landscaped area or fraction thereof. Trees shall have a clear trunk to a height of at least five feet (5') above the ground. Trees shall be planted no closer than four feet (4') from pavement edges where vehicles overhang planted areas.

   d. Shrubs and Ground Cover: Required landscaped areas remaining after tree planting shall be planted in shrubs and/or ground cover. The distribution of plants shall be adequate to ultimately achieve seventy five

percent (75%) ground coverage within three (3) years after planting.

e. Vehicle Overhang: Parked vehicles may overhang landscaped areas up to two feet (2') by wheel stops or curbing.

f. The Designated Official can allow deviations from this section if the applicant provides a compelling reason in writing.

H. Maintenance:

Whenever landscaping is required under the provisions of this chapter, shrubs and trees in the landscaping and planting areas shall be maintained in a healthy growing condition during the first three (3) years after installation. Planting beds shall not be located over impervious surfaces. All landscaped areas shall be provided with sprinkler systems or hose bibs within seventy five feet (75') of plantings. Dead or dying trees or shrubs shall be replaced immediately, and the planting area shall be maintained free of noxious weeds and trash on a regular basis.

19.6.030 FENCES:

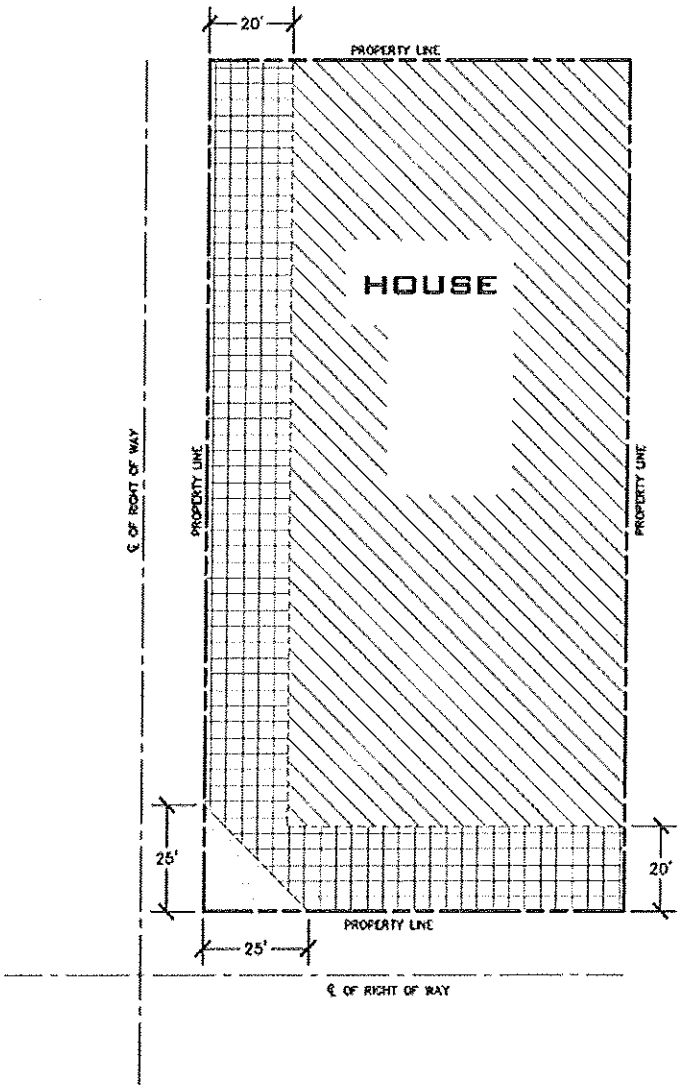
A. PURPOSE:

The purpose of this section is to help explain the City's fence regulations in residential areas.

1. Fences and hedges over forty-eight (48) inches high but less than seventy-two (72) inches high may be located in any yard. On a street setback yard, for any portion of a fence or wall over forty-eight (48) inches high, eighty (80) percent of the area shall be open to light and vision.

2. At the intersection of two (2) street setback areas, no structure or hedge shall exceed thirty-six (36) inches in height for the triangular area formed by twenty-five (25) feet of each street lot line from the point of intersection, or center of the arc of the curve, and a line connecting the ends of these lines.

3. In a residential area, the street setback area extends twenty (20) feet from the edge of the public right-of-way into the yard. It is the person putting up the fence's responsibility to accurately determine property line locations before construction.



ALLOWABLE FENCE HEIGHTS

36" MAXIMUM

72" MAXIMUM (ABOVE 48" MUST BE 80% OPEN)

72" (6 FOOT) MAXIMUM

19.6.040 SIGN ORDINANCE:

A. PURPOSE:

The purpose of this ordinance is to preserve and maintain the quality and unique historic character of the City. It is to promote and protect the public welfare, health, safety, and aesthetics by regulating existing and proposed signs.

The City of Granite Falls believes it is important to encourage business owners to advertise their businesses, products and/or services to potential customers in an effective and appropriate manner that helps the businesses to thrive.

It is also recognized that unregulated signing of the City may result in the following problems: accidents resulting from visual confusion between advertising and traffic control signs; the collapse of improperly constructed signs; distracting demand for attention which may cause accidents and be injurious to health, creation of urban blight, destruction of natural beauty and loss of property values.

The intent of this Ordinance is to regulate the number, size, location, height, illumination, character, and other pertinent features of signs, in order to provide adequate identification and advertising for business, and access to advertising signage in a manner that will promote for fair economic competition and at the same time protect the public health, safety, and welfare of the City.

B. DEFINITIONS:

For the purposes of this chapter, the following terms, phrases, words, and their derivatives shall be construed as specified in this section.

1. "Abandoned sign": any sign which represents or displays any reference to a business or use which has been discontinued for ninety (90) or more consecutive days or for which no valid business license is in effect in the town. Abandoned sign shall also mean any sign remaining in place after a sign has not been maintained for a period of sixty (60) or more consecutive days after notification of such by the City.

2. "Area" or "sign area": for regularly shaped signs, the simple area of the sign. For irregularly shaped signs, the area shall be that of the rectangle, triangle or circle (whichever is smaller) which will wholly contain the sign. The structure supporting a sign shall not be included in determining the

area of the sign unless the structure is designed in a way to form an integral background for the display. In the case of a wall mural incorporating commercial wording, the sign area includes only the portion of the mural, which contains the wording circumscribed as set forth in this definition. For identical multiple sided signs, only one (1) face shall be included in the area calculation.

3. "Building face": the outer surface of any building which is visible from any private or public street, highway, or alley.

4. "Commercial": property zoned and used for business purposes, such as a restaurant or an office building; as distinguished from residential, industrial, or agricultural property.

5. "Community service event" or "civic event": an event (e.g. festival, parking, fun run, and/or meeting) sponsored by a private or public organization, and benefiting a non-profit cause or governmental program, including but not limited to events sponsored by schools, churches, or civic fraternal organizations.

6. "Eave line": the juncture of the roof and the perimeter wall of the structure.

7. "Erect": to build, construct, attach, place, affix, raise, assemble, create, paint, draw, or in any other way bring into being or to establish.

8. "Height (of a freestanding sign)": means the vertical distance measured from the highest point of the sign structure to the lowest surface grade immediately beneath the sign.

9. "Maintained": in good unbroken, clean condition, with a minimum of tears or rips, or faded paint or lettering, and securely attached or affixed to the supporting structure.

10. "Maintenance": means the cleaning, painting and/or minor repair of a sign in a manner that does not alter the basic design, size, color or structure of the sign.

11. "Semipublic body": means any organization operating as a nonprofit activity and serving a public purpose or service that includes, without limitation, such organizations as noncommercial clubs, lodges, theater groups, recreational and neighborhood associations, cultural activities and schools.

12. "Sign": any one or collection of letters, figures, designs, symbol, trademarks or devices, including artificial representations of stock in trade, which acts as a communication, or is used to attract attention to any activity, service, place, subject, person, firm, corporation or business, but does not include actual un-priced stock in trade on display and available for sale. The term "sign" includes, but is not limited to the following:

13. "Banner sign": any sign intended to be hung, with or without framing, and possessing characters, letters, illustrations or ornamentations applied to fabric or any non-rigid material, but not including flags, governmental insignias, awning signs, posters and temporary signs, which communications or symbols are treated elsewhere in this chapter.

14. "Bench sign": a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right of way.

15. "Business listing sign": a sign on which the names of the occupants of a building are listed. The individual signs comprising a business listing sign shall be uniform or consistent in size, shape and design.

16. "Commemorative plaque": a memorial plaque or plate, with engraved or case lettering, which is permanently affixed to or near the structure or object it is intended to commemorate.

17. "Construction sign": any sign giving the name or names of principal contractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

18. "Directional sign": a sign giving directions, instructions, or facility information (e.g. parking, exit or entrance signs), which may contain the name or logo of an establishment for identification purposes only.

19. "Directory sign": a sign containing a building diagram or list of the names, addresses, and locations of occupants or the use or uses of the building to which the sign relates.

20. "Drive-thru menu board sign": a freestanding or wall sign used by restaurant establishments to display their menu items and prices for a drive-thru food service.

21. "Nonconforming sign": a sign located within the City limits on the date of adoption or amendment of the ordinance codified in this chapter, which does not conform with the provisions of

this chapter, as amended, but which did conform to all applicable laws in effect on the date the sign was erected. Existing nonconforming signs shall not include temporary signs.

22. "Freestanding sign": a sign not attached to any building or structure, which is securely and permanently attached to the ground.

23. "Illuminated sign": any sign internally illuminated, in any manner, by an artificial light source, including all signs lit with neon tube style with gas, either directly or indirectly. Other types of directly illuminated signs are not included in this definition.

24. "Incidental sign": any sign, emblem or decal informing the public of business hours, facilities, or services available on the premises (e.g., open/closed signs, restroom signs and bank card signs).

25. "Integral sign": any memorial sign, tablet, name or date of erection of a building when cut into any masonry surface or when constructed of bronze or other incombustible material mounted on the face of a building.

26. "Logo sign": any sign bearing characters, letters, symbols, or characteristic design which, through trademark status or consistent usage, has become the customary identification for a business.

27. "Residential sign": any sign that bears only property address numbers, postal box numbers or names of occupants of premises.

28. "Off-site sign": any sign which directs attention to a business, profession, product, activity or service which is not conducted, sold or offered on the premises where the sign is located.

29. "Political sign": any temporary signs advertising a candidate or candidates for public elective office, or a political party, or signs urging a particular vote on a public issue decided by ballot in connection with local, state, or national election or referendum.

30. "Portable sign": any mobile, movable sign or sign structure, such as a sandwich board sign, which is not securely attached to the ground or any other structure.

31. "Private use sign": a temporary sign announcing an event, use or condition of personal concern, non-business in nature, to the sign, including, without limitation, "garage sale" or lost animal signs.

32. "Projecting sign": any sign affixed to any building or wall, the leading edge of which extends beyond such building or wall.

33. "Real estate sign": any sign that is used to offer property for sale, lease or rent.

34. "Residential development sign": a sign identifying a recognized subdivision, condominium complex, or residential development.

35. "Roof sign": any sign erected or constructed wholly upon and over the roof of any building and supported on the roof structure.

36. "Special event sign": a sign allowed for a City approved special event.

37. "Temporary sign": a sign intended or constructed for short-term use only.

38. "Trailer sign": any sign mounted on a vehicle normally licensed by the state as a trailer and used for advertising or promotional purposes.

39. "Wall sign": any sign painted on or attached to and erected and confined within the limits of the outside wall of any building (excluding directory signs and business listing signs), which sign is supported by such wall or building and which displays only one (1) advertising surface. Awning signs are considered wall signs for the purposes of this definition.

40. "Warning sign": any sign which is intended to warn persons of danger or prohibited activities such as "no trespassing", "no hunting", or "no dumping".

41. "Window sign": any sign placed upon the interior or exterior surface of a window or placed inside the structure and oriented so as to be readable or readily recognized on the adjacent street or sidewalk.

C. SCOPE:

This chapter applies within the City Limits of Granite Falls to all signs erected, moved, relocated, enlarged, structurally changed,

painted, or altered after the date of adoption of this ordinance, to the extent set forth herein.

D. PERMIT REQUIRED:

No sign governed by the provisions of this chapter shall be erected, altered or relocated by any person, firm or corporation from and after the date of adoption of this ordinance without a permit first having issued from the City, unless such a sign be expressly exempted from the necessity of a permit by the terms of this ordinance. Date stamping of temporary signs is required even if the sign is exempt from the permitting process.

E. SIGNS EXEMPT FROM PERMITTING REQUIREMENTS:

The following types of signs are exempt from the permitting requirement of this ordinance; provided that they are maintained in good condition in a manner that does not threaten public health, safety, or welfare; and provided further that any specific conditions of the exemptions set forth below are satisfied:

1. Non-commercial signs of a semi-public body, such as community information signs; provided that said signs meet the location, size and dimensional requirements of this ordinance.
2. Menu signs, provided the menu displayed is the same as that given to the customers, the signs are utilized only for food service establishments and the signs are limited to two (2) signs with a total maximum area of six (6) square feet. The Designated Official may make exceptions to the total allowable area for existing menu signs.
3. Flags, symbols, and insignias of any government, not attached to or made part of any other sign subject to this ordinance.
4. Signs of a public body, non-commercial in nature, including, without limitation to, community service information signs, traffic control signs and all signs erected by a public officer in the performance of a public duty.
5. Signs of a semi-public body, non-commercial in nature, including, without limitation to, community service informational signs, provided, however that such signs shall meet the location, size, and structural requirements of this chapter.

6. Non-commercial signs other than those of a semi-public body of not more than five (5) square feet in area.

7. Directional signs not exceeding two (2) square feet in area or four (4) feet in height.

8. Commemorative plaques or integral signs not exceeding three (3) square feet in area.

9. Construction signs; provided that:

    a. Only one construction sign per street frontage of a building is allowed.

    b. The area of the sign does not exceed sixteen (16) square feet in a residential district and thirty-two (32) square feet in other zoning districts.

    c. The sign is removed within thirty (30) days of completion or occupancy of the building (whichever comes first).

10. Real estate signs; provided that only one real estate sign shall be allowed per street frontage; and provided further that the area of a real estate sign shall not exceed six (6) square feet in the area, exclusive of the post and any wrought iron work; and provided further that the sign is displayed only on the parcel being listed for sale.

11. Political signs; provided that:

    a. The area of the sign does not exceed four (4) square feet.

    b. The sign is not placed in any public right-of-way.

    c. The sign is not placed in the commercial zoning district.

    d. The sign is removed one week after pertinent election.

12. Community bulletin board signs provided that:

    a. No more than one bulletin board sign per block shall be allowed.

    b. The bulletin board contains no direct advertising of products or services offered on the premises.

    c. The total sign area does not exceed eight (8) square feet.

13. Temporary signs; provided that:

    a. If used for commercial purposes, the sign is date-stamped by the City Clerk prior to posting or erection, and is thereafter removed on or before the thirtieth (30) day following the City Clerk's date stamp.

    b. If used for non-commercial purposes, the sign is removed within fourteen (14) days of posting or erection.

    c. The sign is securely affixed to the surface of a building wall or window.

    d. The sign has the City Clerk's date stamp for initial posting clearly showing on the face of the sign, and is neat, and in the case of commercial signs, professional in appearance.

    e. The sign does not exceed two (2) square feet in size.

    f. Exception: In the event of a grand opening of a new business, a temporary grand opening sign not to exceed 2% of the building façade up to twenty (20) square feet will be allowed for 30 days from the date stamp and stamped prior to erection.

    g. No more than one temporary sign per street frontage may be posted by any business.

    h. No business may post, erect, or maintain more than three (3) commercial purpose temporary signs in one calendar year.

14. Incidental signs, if erected in accordance with the location requirements of this chapter; provided that no incidental sign shall exceed a total of two (2) square feet in size.

15. Real Estate "Open House" signs provided that:

    a. No real estate "open house" signs are allowed in the central commercial zone.

    b. No real estate "open house" signs shall be allowed within any public right-of-way.

    c. The sign is either a sandwich board style, a sign hanging from the top of the frame, or a panel sign in a black metal frame.

16. Special event signs; provided that:

    a. The sign is attached to a booth, tent, awning and/or concession area.

    b. No sandwich or freestanding type signs shall be allowed.

    c. The sign has no internal, indirect or backlit illumination of any kind.

    d. The sign does not exceed four (4) square feet in area.

    e. The sign is removed immediately at the end of the event.

17. Residential development signs: provided that the sign height does not exceed six (6) feet, the sign is freestanding, and the sign area does not exceed eighteen (18) inches.

18. Temporary community service event signs, including banners; provided the signs are installed no more than two (2) weeks prior to the start of said event, the signs are removed no more than two (2) days after the end of the event and also provide that the area of the sign shall not exceed thirty-two (32) square feet in area. Such sign may be portable but shall be professional in appearance, visually appealing, and shall be immediately removed if not maintained. The allowed area of this sign is in addition to any other allowed sign area.

19. Warning signs; provided that the area of the signs are no more than one (1) square foot in area and no more than one (1) sign placed per fifty (50) feet of property frontage.

20. Private use signs; provided the signs are no more than two (2) square feet in area, and are located in a residential district or on any City installed private use sign posts. Private use signs shall not be posted on any utility post, traffic post or street light post. A private use sign can be displayed for a maximum of seven (7) days. Private use signs shall be removed the day the event or special condition end.

21. Signs located on the property of a residence, provided the sign is non-commercial in nature.

22. Illuminated window signs, other than neon signs, placed more than fifteen (15) feet back from the interior window

surface or no less than one-half (1/2) the building depth, whichever is less.

23. Non-illuminated window signs placed more that three (3) feet back from the interior window surface.

24. Neon signs placed within a structure and not oriented so as to be readable or readily recognized on the adjacent street or sidewalk, with the exception of one (1) open sign per business.

25. Real estate companies may show photos of listings in the windows visible from the outside provided the display does not cover more than one-third (1/3) of the lower window space.

26. Window clings or signs on glass frontages (e.g. windows, glass doors, etc.) provided they take up no more than twenty-five (25%) of the window space.

27. Tow away signs; provided that only one (1) sign is posted if the lot is not striped and one (1) sign for every two (2) parking spaces if the lot is striped.

28. Portable signs; provided they do not exceed four (4) square feet each side and are not in the right of way. One portable sign is allowed per building.

F. PERMIT APPLICATIONS:

1. The owner or tenant of the property on which the sign is to be located, or an authorized agent shall make application for a sign permit. Such application shall be made in writing on forms furnished by City Hall, and shall be accompanied by a review fee established by the City of Granite Falls. The City shall accept only fully completed applications.

2. The application for a sign permit shall be accompanied by the following plans, information and fees as per current City of Granite Falls Fee Schedule.

   a. The name, address, telephone number of the owner or person entitled to possession of the sign and of the sign contractor or erector.

   b. The location by street address of the proposed sign structure; the name, address and telephone number of the owner of the property on which the sign is to be located.

c. A statement of valuation of the sign, for replacement criteria.

d. A drawing shall be submitted along with the sign permit application. The drawing shall be on paper capable of being folded for storage in an eight and one half-inch-by-fourteen-inch (8 ½" x 14") file, and shall become the property of the town. The drawing shall contain the following:

(i) An accurately colored drawing to a scale sufficient to show all detail of the sign and construction employed, and all mounting structures and devices.

(ii) An accurately scaled drawing of all building faces to be signed including the scaled outlines of all existing and proposed signs in the case of wall and projecting signs.

(iii) An accurately scaled site plan showing the location of building(s), street(s), and sign(s) in the case of freestanding signs.

e. The signatures of the sign owner and the owner of the property on which the sign is to be located.

3. The Granite Falls City Council shall approve or deny the sign permit. Each sign permit application shall be filed with the City at least seven (7) calendar days prior to a regular meeting to be considered at such meeting.

4. In the event the permit application is denied and the applicant alleges there was an error in the decision, the applicant may appeal to the Granite Falls City Council by filing a written Notice of Appeal of Sign Permit Decision with the City within seven (7) business days of the date of the Designated Official's decision to deny the permit.

5. No sign permit application shall be reviewed by the Designated Official for a sign which has been erected or otherwise put in use after the effective date of this ordinance without a permit having been first obtained from the City until such a sign is removed or the use discontinued pending review.

6. Changes in an approved sign size or design shall not be made without first obtaining a new permit; provided that the City Clerk may approve minor lettering or color changes or

adjustments to the location of a previously permitted sign by notation on the original permit.

7. Individual signs in an approved directory or business listing sign may be added, moved, or replaced with signs for new businesses or uses without the necessity of application for a new or amended sign permit; provided that the sign as modified continues to meet any requirements of the original permit.

G. SIGN REQUIREMENTS:

1. Signs may not be made of plastic-appearing material.

2. Signs may contain a franchise trademark or copyrighted material; provided that the sign elsewhere meets the requirements set forth in this chapter.

Applications for signs shall be reviewed by the Designated Official which shall consider the proposed general design, lettering, arrangement, size, texture, material, colors, lighting, placement, and appropriateness of the proposed sign in relation to other signs and other structures on the premises and contiguous area, in keeping with the intent of this chapter. All signs permitted within the commercially zoned districts of Granite Falls shall conform to the following design criteria unless otherwise provided for in this chapter:

a. Signs must be compatible in design and color with the buildings with which they are associated.

b. Projecting and freestanding signs must be in harmony with the size and scale of the building or property on which they are to be located.

c. Signs illuminated by spotlights or indirect lighting shall be lighted in such a manner that glare from the light source is not visible to pedestrian or vehicular traffic. The lighting of the sign shall be an integral part of the design of the sign and shall require approval before a permit is issued.

d. Logo signs shall meet all design review criteria.

e. Freestanding signs and projecting signs may contain only text and artwork as approved by the Designated Official.

H. PROHIBITED SIGNS:

Unless specifically exempted in this chapter, it is unlawful to erect or maintain:

1. Off-site signs.
2. Signs that have moving parts, or are designed to move in any way by the wind.
3. Portable signs, including without limitation, and trailer signs and non-complying sandwich-board signs.
4. Banner signs, pennants on rope, balloons and streamers, except for specific limited use as established by this ordinance.
5. Neon signs, illuminated signs, signs with flashing lights, flashing lights, moving lights, messaging signs, or signs that make or create a noise or any sounds or music. The sole exception to this is an electric, non-flashing, or neon "open/closed" sign (2 feet x 3 feet maximum size).
6. Bench signs.
7. Roof signs that are located on or project or extend above the eave or parapet line of a main portion of the building.
8. Signs that are plastic in appearance.

I. LOCATION AND NUMBER REQUIREMENTS:

All signs shall conform to the following sign location and number requirements, unless otherwise provided in this chapter.

1. There shall be no "private" signs on City property.
2. The sidewalks and corners at the intersection of Stanley Street and Granite Avenue shall remain clear of all signs with the exception of non-profit organization directional sandwich boards or signs as approved by the Designated Official.
3. Wall signs shall not be located on more than two (2) sides of any building, unless the building contains individual businesses with separate entrances on more than two (2) streets (alleys included), in which case signs may be located on as many sides as there are separate entrances.
4. Murals require review by the Designated Official to determine whether the content is appropriate to the applying business and/or the existing signage in the area.

5. One (1) projecting sign shall be allowed per business building. In no case shall more than one (1) projecting sign be permitted per exterior building entrance, unless connected together as a part of a projecting business listing sign. Buildings allowed a street project sign are limited to only one (1) and shall be a maximum of six (6) square feet. The area of a street projecting wall sign and all projected business listing signs will be subtracted from the total allowable signage area.

    a. Exception: not more than two (2) projecting signs may be allowed on one (1) street frontage, provided that each projecting sign is six (6) square feet or less in size, only one (1) side of the building has projecting sings, the signs are evenly spaced and the building face is grater than or equip to one hundred (100) feet long. Such projecting signs shall be included in the total sign area allowed per business face but shall not exceed fifteen (15) percent of the area allowed for wall signage.

6. Buildings without street frontage, which are located less than ten (10) feet from the front or side property lines, may not have a freestanding sign.

7. Buildings with frontage on Stanley Street, Alder Street, Granite Avenue, or Galena Street and buildings without these frontages that are located more than ten (10) feet behind the front or side property line, may have a single freestanding sign. Any such freestanding sign shall be entirely within the yard area, shall not obstruct public walkways, and shall not be placed where a vehicle driver's visibility (intersections, alleys, driveways) might be obscured. Only one (1) freestanding sign shall be allowed per business property or parcel, provided, however, that two (2) freestanding signs shall be allowed on parcels two (2) acres or more in size if all the following conditions are met:

    a. There shall be at least a total of two hundred and thirty (230) linear feet of frontage on two (2) streets (alleys not included).

    b. There must be vehicle ingress for each freestanding sign, per street frontage.

c. Only one (1) freestanding sign shall be allowed per street frontage, and such sign shall be placed in close proximity to the required vehicle ingress.

d. Freestanding signs located off any street other than a highway shall be allowed to be six (6) square feet in area.

8. Buildings allowed a freestanding sign may also have a projecting sign.

9. For buildings with a restaurant establishment with drive-thru provisions and a main floor area of over one thousand (1,000) square feet, a drive-thru menu board sign may be installed. The sign shall be constructed of any material allowed by this code. A clear, rigid cover may be installed to cover the sign to provide security and protection from the weather. Lighting of the sign must comply with the requirements of this code. A best effort shall be made to screen the menu board sign from residential and public right-of-way properties as to view, lighting, and sound.

10. The Designated Official shall review signage for transient businesses. Wall signage on one (1) face shall be the only signage allowed for a business. Such signage shall be compatible in design with the building, structure or other item with which they are associated but shall not exceed six (6) square feet. Except for the open/closed sign allowed in this chapter, no other signs for transient business shall be exempted.

11. One (1) non-illuminated freestanding, projecting or wall sign shall be allowed for businesses in residential zones.

12. One (1) directory sign shall be allowed per building.

J. ALLOWABLE AREA OF SIGNS:

All signs within the City shall conform to the following area requirements, unless otherwise provided for in this chapter.

1. Wall Signs: the maximum area for the total of all permitted wall signs shall not exceed three percent (3%) of the building face area. This shall include all window and door areas and shall be measured from the sidewalk or ground line to the building eave line. Building names, not exceeding ten (10) square feet, when approved by the Designated Official, shall not be included in the allowable sign area.

2. Window clings and/or signs on glass frontages (e.g. windows, glass doors, etc.) provided they take up no more than twenty-five (25%) percent of the glass area.

3. Business Listing Signs: the maximum area for the total of all permitted wall signs may be exceeded for buildings using business listing signs as the primary means of identification, provided that the Designated Official finds the overall design compatible with the style and design of the building. In all cases, wall business listing signs shall not exceed two (2) square feet per business or use.

4. Projecting Signs Locations: the total area of all non-street projecting signs shall not exceed four (4) square feet for an individual business or use. This area is in addition to that allowed in sub-section A of this chapter. Supporting work for each sign need not be included in the sign area.

5. Projecting and Freestanding Business Listing Signs: the maximum sign area for projecting and freestanding business listing signs shall not exceed two (2) square feet for each business or use, provided that all projecting and clearance standards can be met.

6. Freestanding Signs: the maximum area for permitted freestanding signs shall not exceed thirty-two (32) square feet, not including support structure.

7. Drive thru menu boards shall not exceed thirty (30) square feet in area. The sign area is in addition to that allowed in other sections of this chapter.

8. Signs for residential business shall not exceed four (4) square feet.

9. Directory Signs: the allowable area for a directory sign shall not exceed two (2) square feet per business or a maximum of eight (8) square feet for multiple businesses.

K. SIGN HEIGHT AND PROJECTION REQUIREMENTS:

All signs permitted within the City shall conform to the following height and projection requirements, unless otherwise provided for in this chapter.

1. Projecting Signs, non-street location: such signs shall not extend more than four (4) feet out from the building face, and shall be a minimum height of ten (10) feet above ground. Signs shall not exceed four (4) square feet.

2. Freestanding, non-street location. Such freestanding signs shall not exceed eight (8) feet.

3. Freestanding street signs shall not exceed fifteen (15) feet.

4. Drive-thru Menu Board Signs. The height of a drive-thru menu board sign shall not exceed six (6) feet.

5. Freestanding signs for business in residential zones shall not exceed four (4) feet in height.

6. All Signs: clearance under the lowest point of any which projects out over a public walkway shall not be less than ten (10) feet.

L. STRUCTURAL REQUIREMENTS AND MAINTENANCE:

All signs shall conform to the following structural and maintenance requirements.

1. All permitted signs shall be designed, constructed and erected in conformance with the allowable stresses of the materials used. The design of wood, concrete, steel or aluminum members shall conform to the requirements of the current Building Code. Load both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in the current Building Code.

2. Plans for projecting signs with an area exceeding twenty (20) square feet in area shall be prepared by a Washington State licensed architect or engineer.

3. Wiring for indirectly lighted signs shall be installed in accordance with the Washington State electrical code.

4. Sign Maintenance: all signs must be kept in good repair and in a safe manner at all times. The sign owner must repair damaged or deteriorated signs within sixty (60) days of notification from the City. The area surrounding freestanding signs must be kept free of litter and debris at all times. Signs not repaired within the allowed sixty (60) days shall be considered abandoned signs.

M. APPLICATION FEES:

The Granite Falls City Council shall establish by resolution a schedule of fees, charges and expenses for permit applications and other matters pertaining to this title related to sign permits. Until all applicable fees, charges, and expenses have been paid in full, no

action shall be taken by the City on any application, appeal or request.

N. EXISTING NON-CONFORMING SIGNS:

Existing non-conforming signs as defined in this chapter are permitted, but shall be removed or brought into compliance with this chapter, as amended, any time the basic design, size, color or structure of the sign is altered, unless the proposed alteration renders the sign more in compliance with this chapter and the cost of the alteration is less than fifty percent (50%) of the replacement value of the sign. Signs damaged or altered in any manner by more than fifty percent (50%) of their replacement value shall be replaced with a sign that meets the requirements of the chapter. All existing non-conforming signs shall be brought into compliance with this code no later than December 31, 2010. The Designated Official shall review and make decisions on appeals alleging errors in the interpretation or enforcement of the zoning code or any other developmental regulation.

O. VARIANCE FROM SIGN CODE:

Any standard listed in this chapter, except prohibited standards or design criteria, shall be subject to the variance process set forth in the Granite Falls Municipal Code.

P. VIOLATIONS:

Any violation of this ordinance shall constitute a public nuisance.

Q. COMPLIANCE AND CONFORMANCE:

The following penalties and remedies are in addition to the enforcement provisions established section 19.4.0120.

1. Compliance with other applicable codes: all signs erected or altered under this chapter must comply with all applicable federal, state, and local regulations relating to signs, including without limitation, the provisions of the current City of Granite Falls Building Code. If any provision of this code is found to be in conflict with any provision of the zoning, building, fire, safety or health ordinance or code of the City, the provision that establishes the higher standard shall prevail.

2. Immediate removal of signs: all signs located within a public right-of-way or on a public utility pole, traffic sign pole, sidewalk or other public property or private use signs located in the commercial zone or signs that present an immediate

or serious danger to the public shall be considered a nuisance and may be immediately removed by the City. All signs removed by the City shall be available for recovery by the owner of such sign for a period of one (1) week after which time they will be destroyed. Recovery of any sign removed by the City shall be subject to payment of administrative fees partially to cover the City's cost in removing and/or storing the sign. The City shall not be responsible for damages or loss during removal or storage of any signs. This administrative fee shall be in addition to any other penalty imposed pursuant to City code.

3. Exception: Temporary signs printed on paper or other non-durable material may not be available for recovery by the owner.

4. All signs located within the City limits of Granite Falls which do not conform to the provisions of this chapter, except "existing non-conforming signs" as defined in this chapter, and signs exempt from the permit requirements of this chapter, are unlawful and shall be removed within thirty (30) days of the ordinance codified in this chapter.

5. The City may remove any unlawful sign that has not been removed within fifteen (15) days after the imposition of civil penalty and the costs charged to the person violating this chapter. If removal costs have not been paid and the sign reclaimed within thirty (30) days of its removal by the City, then the City shall be entitled to file with the County Auditor a lien against the real property on which the sign was located to secure repayment of such costs and expenses of removal enforcement by the City. The lien may be foreclosed in the manner provided by Washington State law for foreclosure of labor and material man liens. The City may sell or otherwise dispose of a sign removed and apply the proceeds toward the cost of removal. Any proceeds in excess of removal costs shall be paid to the owner of the sign.

6. Abandoned signs as defined in this chapter may be removed by the City and the cost of the removal shall be paid by the owner of the sign and shall be a lien on the real property from which the sign was removed subject to the same provisions for foreclosure of the lien as provided in subsection D of this section.

7. Duty to Correct: payment of a monetary penalty pursuant to City code does not relieve a person of the duty to correct the violation.

8. Attorney fees: in any action brought by the City to enforce this chapter or in any action brought by any other person in which the City is joined as a party challenging this chapter, in the event the City is a prevailing party, then the non-prevailing party challenging the provisions of this chapter or the party against whom this chapter is enforced in such action shall pay, in addition to the City's cost, a reasonable attorney fee at trial and in any appeal thereof.

19.6.050 LOADING AREA AND OFF STREET PARKING REQUIREMENTS:

A. Purpose: The purpose of this section is to regulate parking and loading in order to lessen traffic congestion and contribute to public safety by providing sufficient on site areas for the maneuvering and parking of motor vehicles.

1. Required Automobile Parking Spaces: Off street parking spaces shall be provided as an accessory use in accordance with the requirements of this section at the time any building or structure is erected, enlarged, or expanded.

2. Size and Access: Each off street parking space shall have an area of not less than one hundred sixty (160) square feet, exclusive of access drives or aisles and a width of not less than eight feet (8'). There shall be adequate provision for ingress and egress from each parking space.

3. Location: Off street parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building that such facility is required to serve.

   a. For a single-family dwelling or multi-family dwelling, the parking facilities shall be located on the same lot or building site as the building they are required to serve.

   b. For churches, hospitals, large group homes, institutions, rooming and lodging houses, nursing and convalescent homes, community clubs, and clubrooms, parking facilities shall be located not

farther than one hundred fifty feet (150') from the facility.

c. For uses other than those specified, parking facilities shall be located not farther than three hundred feet (300') from the facility.

4. Unit of Measurement: In stadiums, sports arenas, churches, and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each eighteen inches (18") of width or eighty (80) square feet of open area of such seating facilities should be counted as one seat for the purpose of determining requirements of off street parking facilities under this title.

5. Expansions or Enlargements: Where any structure is enlarged or expanded, off street parking spaces shall be provided for said expansion or enlargement in accordance with the requirements of subsection I of this section. Nothing in this title shall be construed to require off street parking spaces for the portion of said building or structure existing at the effective date of this title. A change in use in an existing structure shall require additional off street parking spaces as set forth in subsection I of this section.

6. Mixed Occupancies: In the case of two (2) or more uses in the same building, the total requirements for off street parking facilities shall be the sum of the requirements for the several uses computed separately. Off street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as hereafter specified in subsection I of this section for joint use.

7. Uses Not Specified: In the case of a use not specifically mentioned in subsection I of this section, the requirements for off street parking facilities shall be determined by the Designated Official. Such determination shall be based upon the requirements for the most comparable use specified in subsection I of this section.

8. Parking Spaces Required for Particular Uses: The minimum number of off street parking spaces required for nonresidential uses shall be as set forth in the following:

Use	Parking Spaces Required
1. All dwellings (R-2.3, R-9,600, R-7,200, DT-2,500, MR)	2 off street spaces per unit.
2. All Multi-Family uses in the Central Business District (CBD) in free-standing buildings (not including residents on the second floor of commercial businesses).	1 off street space per unit.
3. Daycare centers; home based.	1 for each employee, plus 1 additional, not including required residential spaces.
4. Non residential	1 for each employee, plus 1 for every 10 children or adults.
5. Banks, savings and loan associations, business or professional offices	1 for each 400 square feet of gross floor area.
6. Bowling alleys	4 for each alley.
7. Churches	1 for each 5 seats in the principal place of assembly for worship, including balconies and choir loft.
8. Dance halls, skating rinks, youth cabarets	1 for each 25 square feet of skating or dancing area, plus 1 per 40 square feet of all other building area.
9. Establishments for the sale and consumption on the premises of food and beverages, including fraternal and social clubs	1 for each 200 square feet of gross floor area.
10. Fraternity, sorority or group student house	1 for each 3 sleeping rooms or 1 for each 6 beds, whichever is greater.
11. Hospitals	1 for each 2 beds
12. Large group home, institution	1 for each 2 beds.

Use	Parking Spaces Required
13. Libraries and museums	1 for each 250 square feet of floor area open to the public.
14. Lodging and rooming house	1 for each sleeping room.
15. Manufacturing uses, research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops	1 for each employee on a maximum shift, or 1 for each 1,000 square feet of floor area, whichever is greater.
16. Medical or dental clinics	5 for each physician or dentist or 1 per 200 square feet of floor area, whichever is greater.
17. Motels, hotels	1 for each unit.
18. Motor vehicle or machinery sales, wholesale stores, furniture stores	1 for each 400 square feet of gross floor area.
19. Offices providing onsite customer service	1 for each 200 square feet.
20. Offices not providing onsite customer service	1 for each 500 square feet.
21. Offices, Taverns, Cocktail Lounges (if less than 4,000 square feet)	1 for each 150 square feet of floor area.
22. Offices, Taverns, Cocktail Lounges (if more than 4,000 square feet)	20 spaces plus 1 space per 100 square feet.
23. Indoor Recreational Facilities	1 for every 3 people that the facility is designed to accommodate when fully utilized.

When the land use type is not listed above, the Designated Official shall determine the parking space requirement.

9. Required Loading Areas:

   a. In any commercial and manufacturing zones, and for any institutional use in whatever zone it may be located, every building or portion of building hereafter erected or structurally altered to provide additional floor space shall be provided with a minimum of one off street or off alley loading space for each ten thousand (10,000) square feet of usable floor space within the building, which usable floor space is intended to be used for or is used for merchandising, manufacturing, warehousing, or processing purposes. If the building contains less than ten thousand (10,000) square feet of usable floor space, the requirement for an off street or off alley loading space may be waived by the building inspector.

   b. If the building contains more than twenty four thousand (24,000) square feet of floor space so used, then there shall be one additional loading space provided for each additional twenty four thousand (24,000) square feet of floor space.

   c. Each loading space shall measure not less than thirty feet by twelve feet (30' x 12'), and shall have an unobstructed height of fourteen feet (14'), and shall be made permanently available for such purpose, and shall be surfaced, improved, and maintained. Such facilities shall be so located that trucks using the same shall not encroach upon or interfere with areas reserved for off street parking nor project into any public right of way and shall be adjacent to the building to be served thereby. If the site upon which such loading space or spaces is to be located abuts upon an alley, such loading space or spaces shall be off alley. If the loading space is incorporated within a building then, as to location, the requirements of this section shall not apply.

   d. Any floor area provided by additions to or structural alterations to a building shall be provided with loading space or spaces as set forth herein whether or not loading spaces have been provided for the original floor space.

19.6.060 DOWNTOWN PARKING REQUIREMENTS:

A. Development/redevelopment projects: The City of Granite Falls will not require off street parking in addition to that which is existing as of the time of the adoption of this code, as follows:

1. For all areas zoned Central Business District according to the 2005 Comprehensive Plan from the south side of Stanley Street to the north side of Union Avenue.
2. For all areas zoned Central Business District according to the 2005 Comprehensive Plan from the east side of Cascade Avenue to the west side of Wabash Avenue.
3. The alleys between Stanley Street and Union Street on either side of Granite Avenue may be used to access off street parking for customers. All other alleys in the City may be used to access off street parking for employees and residents only.

B. New construction: New construction shall require one (1) parking stall per rentable space for employee parking.

C. Commercial Establishments: Commercial Establishments that include, or will include, residential units, such as apartments, shall at a minimum provide off street parking for those residential units in accordance with Section 19.6.050.

D. Recognizing the minimal Intrusiveness of church activities and the fact that churches are allowed as a Conditional Use in all zones, churches shall be exempt from on-site/off-street parking ordinances. Further, off-street parking for staff and daily operations will be required during normal working hours.

19.6.070 HOME OCCUPATIONS:

A. Purpose: The purpose of this section is to provide standards which allow a resident of a single-family dwelling to operate a limited activity from their principal residence or permitted accessory structure while achieving the goals of retaining residential character, maintaining property values and preserving environmental quality.

B. Applicability: Home occupations are only permitted as conditional uses in conjunction with a detached single-family dwelling in the R-2.3, R-9,600, R-7,200 and DT-2,500 zones.

C. Exemptions:

1. Home based daycare provisions are stated in section 19.6.080 of this chapter.

2. Temporary lodging facilities (lodging house), including bed and breakfast inns and boarding/rooming homes, are exempt from the regulations of this section.

D. Performance Standards:

1. Intent: It is the intent of this subsection to provide performance standards for home occupation activities, not to create a specific list of every type of possible home based business activity. The following performance standards prescribe the conditions under which home occupation activities may be conducted when incidental to a residential use. Activities which exceed these performance standards should refer to section 19.6.070 of this title to determine the appropriate commercial, industrial, civic, or office use category which applies to the activity.

2. General Provisions: The following general provisions shall apply to all home occupation activities:

a. The activity is clearly incidental and secondary to the use of the property for residential purposes and shall not change the residential character of the dwelling or neighborhood;

b. External alteration inconsistent with the residential character of the structure is prohibited;

c. Use of hazardous materials or equipment must comply with the requirements of the uniform building code and the uniform fire code;

d. The activity does not create noticeable glare, noise, odor, vibration, smoke, dust or heat at or beyond the property lines;

e. Use of electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or fluctuations in line voltage at or beyond the property line is prohibited;

f. Manufacturing shall be limited to the small scale assembly of already manufactured parts but does not preclude production of small, individually handcrafted

items, furniture or other wood items as long as the activity meets the other standards of this chapter;

g. Customers/clients are prohibited on the premises prior to six thirty (6:30) A.M. and after seven thirty (7:30) P.M.;

h. Sales in connection with the activity are limited to merchandise handcrafted on site or items accessory to a service (i.e., hair care products for beauty salon);

i. In addition to the single-family parking requirements, off street parking associated with the activity shall include one additional space in accordance with standards set forth in section 19.6.040Q.8;

j. Only the resident can perform the activity; nonresident employees are prohibited;

k. The activity shall be limited to an area less than five hundred (500) square feet or a size equivalent to fifty percent (50%) of total floor area of the living space within the residence, whichever is less;

l. One vehicle, up to ten thousand (10,000) gross vehicle weight, is permitted in connection with the activity;

m. The activity shall be performed completely inside the residence; an accessory structure or a combination of the two (2);

n. There shall be no outside display or storage of materials, merchandise, or equipment.

o. Approval – see Table 3, 19.4.050.

19.6.080 DAYCARE FACILITIES:

A. Purpose: The purpose of this section is to provide operating criteria to meet the need for quality, affordable and safe daycare facilities for adults and children. There are two (2) types of daycare facilities: home based daycare facilities and daycare centers.

B. Family Daycare Facilities: Family daycare facilities operate from a residence by the resident(s) and are restricted to a maximum of twelve (12) children or adults including residents of the abode. There are two (2) types of family daycare facilities: those providing services to adults and those providing services to children.

1. Criteria for Family Daycare Facilities:

   a. Minimum Fencing/Screening Required: Outdoor recreation areas must be enclosed by a six foot (6') high fence.

   b. Outdoor Play Equipment: Play equipment shall not be located in any required front or side yard setback area.

C. Daycare Centers (COMMERCIAL): Daycare centers are facilities which operate in places other than a residence with six (6) or more clients. There are two (2) types of daycare centers: adult daycare center and child daycare center.

1. Criteria for Daycare Centers:

   a. Minimum Fencing/Screening Required: Outdoor recreation areas must be enclosed by a six foot (6') high fence.

   b. Loading: There shall be an off street area for loading and unloading children or adults (clearly marked). Adequate vehicle turnaround shall be provided on site for parking and loading so as to preclude the necessity of backing out onto the street.

   c. Signs: One sign will be permitted at a size to be determined by the zone classification where the facility is located.

19.6.090 ACCESSORY DWELLING UNITS:

A. Purpose: Accessory dwelling units (ADU's) are intended to increase the supply of affordable and independent housing for a variety of households, increase home and personal security, provide supplemental earnings for people with limited incomes, and increase residential densities. This should occur by utilizing the existing infrastructure and community resources while protecting the existing character of single-family neighborhoods.

B. Procedures: Any owner/occupant seeking to establish an ADU shall apply for approval in accordance with the following:

1. Application: The owner/occupant shall apply for a building permit for an ADU. A complete application form must demonstrate that all size thresholds and design standards are met.

2. Affidavit: An affidavit affirming that the owner will occupy the principal dwelling or the ADU and agreeing to all the general requirements as provided in this title is required.

   a. An ADU shall be converted to another permitted use or shall be removed if one of the two (2) dwelling units is not owner occupied.

3. Notice of Title: Prior to occupancy of the ADU, the owner shall record a notice on the property title acknowledging the existence of the ADU with the Snohomish County Auditor. Such notice shall be in a form as specified by the City and shall include as a minimum:

   a. The legal description of the property which has been approved for an ADU;

   b. The applicability of the restrictions and limitations contained in this section;

   c. A copy of the City approved floor/site plan; and

   d. The property owner's signature on the notice. The signature shall be notarized prior to recording the notice.

C. General Requirements: The creation of an ADU shall be subject to the following general requirements:

1. Number: One ADU shall be allowed per lot of record as an accessory use in conjunction with any detached single-family structure.

2. Type of Unit:

   a. An ADU shall be permitted as a second dwelling unit attached to, or detached from the principal dwelling.

   b. A detached ADU may be any dwelling permitted in the applicable land use classification.

3. Size: An ADU shall be no greater than one thousand (1,000) square feet.

4. Design: An ADU shall be designed to maintain the appearance of the principal dwelling as a single-family residence.

   a. The entrance to an attached ADU shall not be directed towards any front yard unless utilizing an existing doorway.

b. Detached ADU's shall be no closer to the front lot line than the front face of the principal dwelling. This provision shall not apply to waterfront lots regulated pursuant to the City shoreline management program.

c. New construction of a detached ADU or conversion of an existing detached structure to an ADU shall not be permitted within the required front, side or rear yard setback. An exception to the required rear yard setback may be allowed if the rear yard abuts an alley.

d. If an ADU is created by constructing a new detached structure, the building height of the ADU shall not be greater than the principal dwelling's building height.

e. An ADU shall have similar facade, roof pitch and siding to the principal dwelling unit.

5. Approval – see Table 3, 19.4.050.

19.6.0100 GROUP HOMES, HOMES OCCUPIED BY HANDICAPS AND GROUP CARE FOR CHILDREN:

Facilities intended for persons with handicaps and group care for children that meet the definition of "familial status" (family) shall be regulated the same as residential structures occupied by a family or other un-related individuals.

19.6.0110 ADULT BUSINESSES:

A. Purpose: The intent of this section is to establish regulations for activities or uses which, because of their adult orientation, are recognized as having objectionable characteristics and need to be distanced from other uses such as residential, schools, parks and community centers. Special regulations for these uses are necessary to:

1. Prevent inappropriate exposure of such businesses to the public;

2. Ensure that adverse effects of these uses will not contribute to the blighting or downgrading of surrounding neighborhoods; and

3. Protect property values and quality of life from potential adverse impacts.

B. Location Standards: Adult businesses shall be subject to the provisions of this section.

1. Separation Requirements: Adult businesses are prohibited from locating within six hundred feet (600') of any other adult business or any of the following:

   a. Areas zoned R-2.3, R-9,600, R-7,200, DT-2,500 and MR;

   b. Community and cultural facilities, including, but not limited to, post offices, government offices and courthouses;

   c. Residential day treatment or workshop facilities primarily oriented to the physically or mentally disabled; or

   d. Senior citizens' service centers or residential facilities with the primary emphasis oriented to senior citizens.

2. Separation Requirements II: Adult businesses are prohibited from locating within two thousand feet (2,000') of the following uses:

   a. Public or private schools from kindergarten to twelfth grade and their grounds;

   b. Daycare centers, preschools, nurseries or other childcare facilities;

   c. Youth cabarets, public parks, playgrounds, libraries or any other area where large numbers of minors regularly travel or congregate; or

   d. Churches, conventions, monasteries, synagogues, temples, chapels or other places of religious worship.

3. Legal Use Status: Adult businesses shall not become nonconforming if a new use as listed under subsection B1 of this section is located closer than six hundred feet (600') from the adult business or if a new use as listed under subsection B2 of this section is located closer than two thousand feet (2,000') of the adult business.

4. Distance Measurement: The distance requirements for this section shall be measured in a straight line from the nearest point of the lot upon which the proposed adult business use is to be located to the nearest point of any lot owned or leased for any of the uses listed in this subsection B.

C. Signage for Adult Businesses:

No descriptive art or displays depicting, describing or relating to any "specified sexual activities" or "specified anatomical areas" shall be allowed on any exterior portion of the building or as window displays visible to the public; otherwise, signage for adult businesses shall comply with the provisions of applicable City ordinances.

19.6.0120 MANUFACTURED OR MOBILE HOME PARKS:

A. Purpose: The purpose of this section is to provide the regulations for the development of manufactured home parks. Manufactured home parks shall be permitted as an Official Site Plan under the provisions of section 19.5.090 of this title and the following:

B. Classifications of Manufactured Housing: Manufactured homes are classified as follows for the purposes of these standards:

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

2. Type A: New manufactured homes certified as meeting U.S. Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards, or used manufactured homes certified as meeting the HUD standards specified above and found on inspection to be in excellent condition and safe and fit for residential occupancy.

3. Type B: Used manufactured or mobile homes, whether or not certified as meeting prior HUD codes, found on inspection by the building official to be in excellent or good condition, as defined by the HUD Manufactured Home Construction and Safety Standards.

C. Manufactured Home Parks:

1. A manufactured home park is a parcel of land at least two acres in size in the R-9,600, R-7,200 or General Commercial

zone districts, under single ownership, on which six or more manufactured homes are occupied as residences.

2. A manufactured home subdivision is designed and/or intended for the sale of lots for residential occupancy by manufactured homes.

D. Standards for Manufactured Housing:

Manufactured housing classified in section 19.6.0120B is an allowable dwelling unit type in those zone districts in which single-family residential land uses are permitted. Such housing is subject to the building code and all standards in this code that apply to residential land uses, including the subdivision regulations contained in this code. Additionally, all manufactured housing shall be installed on permanent foundations before an occupancy permit is issued.

E. Standards for Type A Manufactured Homes:

Type A manufactured homes are allowed in and manufactured home park as defined in Chapter 19.6.0100.C or on their own individual lots as a single-family home.

F. Standards for Type B Manufactured Homes:

A Type B manufactured or mobile home to be moved to a new location must meet the following standards:

1. Approval from the community development department to relocate shall be obtained.

2. Upon inspection by the building official, the Type B manufactured or mobile home shall be found to be in excellent or good condition prior to the move. Criteria for determining condition shall be the same as those applied to housing inspections. After moving or relocation of the Type B manufactured or mobile home, a second inspection shall be required to verify that the manufactured or mobile home remains in no less than good condition. An occupancy permit shall not be issued until such conditions are met.

G. Site Design Criteria: The following criteria shall govern the design of a manufactured home park or mobile home park:

1. Manufactured or mobile home parks are allowed in the R-9,600, R-7,200 and General Commercial zones.

2. Minimum site area for a manufactured or mobile home park is two (2) acres.

3. No manufactured or mobile home park shall be located in a flood plain area or shoreline zone regardless of whether the site can be filled to one foot (1') above the one-hundred year flood elevation as established by FEMA.

4. Density: A manufactured home park or mobile home park shall contain not less than two (2) spaces or lots and shall not exceed the densities established in section 19.3.0130 of this Title.

5. Access: A manufactured home park shall not be established on any site without a minimum fifty foot (50') wide access to a public street.

6. Space Occupancy: Only one manufactured home shall occupy any given lot or space in the park.

7. Use: No building, structure, or land within the boundaries of a manufactured home park shall be used for any purpose other than the following:

   a. Manufactured homes used as a single-family residence only.

   b. Permitted accessory uses.

8. Setbacks: Setbacks and spacing of manufactured homes and accessory structures shall conform to the underlying zoning and building code.

9. Storage: Storage areas comprising not more than ten percent (10%) of the total manufactured home park site for recreational vehicles, boats, and trailers shall be provided. Such areas shall be paved or surfaced with crushed rock and enclosed by a sight obscuring fence, wall or landscape visual buffer.

10. Design Criteria for Manufactured Homes Only: Manufactured housing units intended for use as single-family dwellings must:

    a. Provide a roof of composition, wood shake, shingle or similar material constructed with a slope of not less than three feet (3') in twelve feet (12') of distance.

    b. Provide building exterior siding similar in appearance to siding materials commonly used on conventional site built single-family housing.

c. Provide for at least two (2) fully enclosed parallel sections, each of which is not less than twelve feet (12') wide by thirty six feet (36') long.

H. Phased Development: Proposed manufactured home parks of ten (10) or more acres in size developed after the effective date of this section may be developed in phases. Notwithstanding a change of zone or reclassification of the site which would ordinarily preclude further development, a manufactured home park which has completed the initial phase of development may be continued and developed into all additional phases indicated on the approved site plan; provided, that this exception shall only be applicable to phases which can be substantially completed within five (5) years of the adoption of the change of zone.

I. Park Administration:

1. It shall be the responsibility of the park owner and manager to assure that the provisions of this code are observed and maintained within the manufactured home park. Violations of this code shall subject both the owner and the manager of the facility to any penalties provided for violation of this code.

2. All refuse shall be stored in insect-proof, animal-proof, watertight containers which shall be provided in sufficient number and capacity to accommodate all refuse. Any storage area for refuse containers shall be enclosed by sight obscuring fence or screening and shall be situated on a concrete pad. Refuse shall be collected and disposed of on a regular basis as determined by the City.

3. All yards, roads, and open spaces within the park shall be maintained in a healthy, safe and visually pleasing manner. The City shall inspect each park annually, prior to licensing, and submit to the park owner and manager a written report stating whether or not the park is in compliance and listing any repairs or maintenance which may be required prior to issuance of a license renewal. An extension of time to complete repairs may be granted if no risk to public health or safety is created by such extension.

4. Individual mailboxes shall be provided for each space in the park.

19.6.0130 RV/TRAVEL TRAILER PARKS:

A. Provisions of Facilities: All travel trailer parks must provide, within the boundaries of the park, the following facilities in adequate numbers to provide for the needs of each travel trailer site:

1. City water;
2. Disposal of sewage and garbage shall be through City sewer and refuse disposal vendors;
3. Parking of all motor vehicles used to transport a travel trailer;
4. Electrical services;
5. One or more service buildings;
6. System for storm drainage per the Granite Falls Municipal Code.

B. Supplemental Application Requirements: In addition to other items required by this Title for application, the applicant for an RV/Travel Trailer Park shall also provide the following information:

1. Size, location, and number of travel trailer spaces;
2. Location and width of entrances, exits, driveways and walkways;
3. Number, size, and location of all service buildings and other improvements constructed, or to be constructed, within the travel trailer park;
4. Location and size of recreation or play area(s);
5. Method and plan of garbage disposal;
6. Location and type of fire fighting and fire prevention facilities.

C. Site Area and Space Size Requirements:

1. Maximum Size of Travel Trailer Parks: The maximum allowable acreage for a travel trailer park shall be 5 acres.
2. Size and Identification of Parking Spaces: The minimum size of all travel trailer spaces shall be one thousand (1,000) square feet. Each travel trailer space shall be identified with an individual site number in logical numerical sequence, and shall be shown on the site plan.

3. Location of Spaces: Each travel trailer space shall abut a driveway or other clear area with unobstructed access to a public street. The travel trailers shall be parked in each space so that there will be a minimum of eight (8) feet between the travel trailers and so that no travel trailer will be less than ten (10) feet from the boundary of the trailer park.

4. Open Space: A minimum of twenty (20) percent of the total area of the travel trailer park site must be designated common open space. Up to 50% of this open space may be occupied by community recreational structures. All common open space areas will be accessible and usable by all residents of the park for passive and active recreation. In calculating the twenty (20) percent open space area, neither the surfaced width of the park roads nor the bulk storage, guest, unit parking areas, or service buildings can be included as open space.

5. Layout: Paved access roads shall be provided to each travel trailer space. Each access road shall connect with a public street or highway, have a minimum width of twenty-four (24) feet and shall be well marked in the day time and adequately lighted at night. Traffic patterns shall be reduced to one-way traffic.

D. Service Buildings: Every travel trailer park shall be provided with one or more service buildings adequately equipped with flush-type toilet fixtures, lavatories, showers (separate for the sexes), and laundry facilities. Service buildings shall be located not more than two hundred (200) feet, and not less than eight (8) feet, from any RV/Travel Trailer space. Service buildings shall be of permanent construction with the following design elements:

1. The floor shall be of water impervious material, easily cleanable and sloped to floor drains connected to the sewer system;

2. The buildings shall be well ventilated;

3. Toilet, shower and laundry rooms shall be well lit at all times;

4. Hot water shall be supplied at a minimum of three gallons per hour per travel trailer space for the lavatory, shower and laundry room fixtures;

5. The minimum number of toilet, lavatory, shower, and laundry facilities in each service building shall be two toilets for the females, one toilet for the males, one urinal for the males, two lavatories and one shower for each sex, and one laundry facility. These facilities shall meet all requirements per the Uniform Building Code (UBC) and accessibility requirements;

6. The laundry and toilet rooms shall be separate, and the toilet rooms shall have exterior entrances.

E. Water Supply: All travel trailer parks shall be connected to the City's public water system.

F. Sewage Disposal: Each RV/travel trailer space shall be provided a sewer connection to a public sewer system that meets the standards of the City's Public Works Department. Adapters, allowing for a tight connection shall be available from the RV/travel trailer park operator for the use by tenants.

G. Refuse Disposal: An adequate supply of containers shall be located not more than 200 feet from any travel trailer space. The storage, collection, and disposal of refuse in the travel trailer park shall be managed in a manner so as not to create a health hazards or nuisances.

H. Fire Protection: In every RV/travel trailer park there shall be installed and maintained approved fire hydrants and fire extinguishers in number and location in compliance with the Granite Falls Fire Department regulations.

I. Duration of Stay: No RV/travel trailer shall occupy a single travel trailer park for more than six months within a one (1) year period.

19.6.0140 NONCONFORMING USES AND STRUCTURES:

A. Purpose: The purpose of this section is to provide standards and conditions to regulate lots, structures and uses which were legally established prior to the adoption, revision or amendment of this title and which remain legal, but have become nonconforming as a result of this title's application, or by acquisition of land in public interest. This section provides reasonable alternatives to property owners for the limited expansion and continuance of nonconformities. The provisions of this section shall not be applicable to any discretionary land use action specifically

authorized prior to or after the adoption of this title. Discretionary land uses shall comply with conditions and restrictions set forth in the approval through which it was authorized.

B. Basic Standards: The basic standards apply to all nonconforming uses, structures, developments and lots. These standards provide for actions that are allowed outright. Limited exceptions to the standards in this section are allowed through a nonconforming use permit in section 19.6.0140 of this title.

1. Expansion of Nonconforming Uses and Structures: Nonconforming uses and structures shall not be enlarged, expanded, extended, replaced or altered except as expressly permitted in this section.

2. Expansion beyond Original Parcel: Nothing in this section shall be construed to permit expanding or extending a nonconforming use or structure beyond the confines of the lot or parcel of land upon which it was located on the date the use or structure became nonconforming.

3. Continuation of Use: A nonconforming use may be continued by successive owners or tenants where the use continues un-abandoned (see subsection I of this section).

4. Normal Upkeep, Repairs and Maintenance: Normal upkeep, repairs, maintenance, strengthening or restoration to a safe condition of any nonconforming building or structure or part thereof shall be permitted subject to the provisions of this section.

5. Compliance with Development Regulations: Any additions or expansions of nonconforming uses or nonconforming structures shall comply with the development standards in this chapter for the zone classification in which the nonconformity is located; provided, that portions of nonconformities that legally existed prior to adoption of this section shall not be subject to this provision.

6. Nonconforming Use within Structure: A nonconforming use, within an existing structure, which is nonconforming by reason of zone classification may be extended throughout such structure.

7. Structures and Uses Accessory to Residential: Structures and uses accessory to an existing nonconforming residential use shall be allowed as provided in this title.

C. Expansion Standards for Nonconforming Uses: Expansion of nonconforming uses or replacement of structures occupied by nonconforming uses shall be subject to the following provisions, provided the basic standards of this section are satisfied:

1. Where a nonconforming use of a structure exists, that structure can be replaced, provided the original footprint is not relocated or altered, except as provided in the expansion standards below.

2. An expansion of existing nonconforming uses shall be allowed under one of the following provisions:

   a. The proposed expansion of the nonconforming use or the nonconforming use of a structure does not exceed ten percent (10%) of the floor area of the total existing use or structures, nor create more than ten percent (10%) additional pad sites for manufactured home parks and RV parks; or

   b. The proposed expansion of the nonconforming use or the nonconforming use of a structure does not create impervious cover exceeding twenty five percent (25%) of the existing impervious area of the lot or parcel, nor exceed twenty five percent (25%) of the developed area for manufactured home parks and RV parks.

D. Change of Use Standards: A nonconforming use may change outright to a conforming use allowed within the zone classification in which the use is located. A nonconforming use may change to another use within another nonconforming use only after review and approval using the criteria in section 19.6.0140 of this title; or

E. Nonconforming Structure Standards: A nonconforming structure may be enlarged, altered or replaced, provided the basic standards of this section are satisfied, and provided:

1. When a nonconforming structure is occupied by a nonconforming use it shall comply with the expansion standards of this section;

2. A structure which is nonconforming due to height or yard requirements may be structurally altered, enlarged or replaced, provided the degree of nonconformity is not extended or increased; and

3. The nonconforming portion of the structure shall not be expanded or the footprint of that portion altered, except as specifically authorized through a variance (see chapter 19.5 of this title).

F. Nonconforming Lot Standards: Any permitted uses or structures, including any accessory uses or structures permitted in conjunction with a principal use, shall be allowed to be built or expanded on a nonconforming lot. Applicable development standards in this chapter shall be complied with.

G. Nonconforming Development Standards: Existing uses or structures may be expanded or new uses and structures added, provided the nonconforming development is brought into conformance with the development standards of this chapter for the lot or parcel on which it is located.

H. Restoration Standards for Damaged or Destroyed Nonconforming Structures and Uses: Any nonconforming structure damaged or destroyed by fire, explosion, wind, flood, earthquake or other calamity may be completely restored or reconstructed. Damaged or destroyed nonconforming structures must be restored under the following provisions:

1. Restoration or reconstruction shall not serve to extend or increase the nonconformance of the original structure or use, except as provided by nonconforming structures standards.

2. To the extent reasonably possible, restoration should retain the same general architectural style as the destroyed structure.

3. Permits shall be applied for within one year of damage. Restoration or reconstruction must be substantially completed within eighteen (18) months of permit issuance. When deemed reasonable and necessary, the City may grant a time extension.

I. Discontinuance Standards: Should a nonconforming use of a property or structure be discontinued for more than one year, the use of the property and structure shall be deemed abandoned and shall conform to a use permitted in the zone classification in which it is located. If the intended discontinued use of a property or structure is temporary in nature as opposed to abandonment, then the applicant may apply for a nonconforming use permit to reestablish the nonconforming use.

19.6.0150 PUBLIC WORKS CONSTRUCTION STANDARDS:

A. PURPOSE AND INTENT:

Except as otherwise provided for in this chapter any construction, alteration or repair of any facility located in the public right-of-way or public easement shall comply with the Granite Falls Public Works Standards.

CHAPTER 19.7
ENVIRONMENTAL REGULATIONS

19.7.010 ENVIRONMENTAL REVIEW (SEPA):

A. AUTHORITY:

The City adopts this chapter under the state environmental policy act (SEPA), Revised Code of Washington 43.21C.120, and the SEPA rules, WAC 197-11-904. This chapter contains the City's SEPA procedures and policies. The SEPA rules, WAC chapter 197-11, must be used in conjunction with this chapter.

B. GENERAL REQUIREMENTS:

1. PURPOSE OF SECTION AND ADDITIONS BY REFERENCE: The purpose of this section is to establish a clearly understood and effective set of policies and procedures for implementing the state environmental policy act as set forth in Revised Code of Washington 43.21C. The sections of the SEPA rules hereinafter set forth by number are adopted by reference as if fully set forth. Copies of the statute and the rules (WAC chapter 197-11) shall be kept available for public inspection at City hall. This section contains the basic requirements that apply to the SEPA process. The City adopts chapter 197-11 WAC by reference.

C. SEPA POLICIES:

The City designates the following general policies as the basis for the City's exercise of authority pursuant to this chapter:

1. The City shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources.
2. The City recognizes that each person has a fundamental and inalienable right to a healthful environment, and that each person has a responsibility to contribute to the preservation and enhancement of the environment.
3. The City incorporates by reference all policies in the cited City codes, ordinances, resolutions and plans, and all amendments to them in effect prior to the date of a technically complete application of any building permit or preliminary plat, or prior to issuance of a DNS or DEIS for

any other action. These documents include, but are not limited to, the following: Granite Falls comprehensive plan and incorporated elements, development code, critical area regulations, shoreline master program, uniform building code, uniform fire code, uniform plumbing code, uniform mechanical code, uniform code for abatement of dangerous buildings, floodplain management code, six (6) year transportation improvement program, storm water comprehensive plan, water and sewer utility plans and regulations, park and recreation plan, Public Works Standards, Washington state ventilation and indoor air quality code, Washington state energy code, uniform housing code.

4. Through the project review process:

   a. If the applicable regulations require studies that adequately analyze all of the project's specific probable adverse environmental impacts, additional studies under this chapter will not be necessary on those impacts;

   b. If the applicable regulations require measures that adequately address such environmental impacts, additional measures would likewise not be required under this chapter; and

   c. If the applicable regulations do not adequately analyze or address a proposal's specific probable adverse environmental impacts, this chapter provides the authority and procedures for additional review.

D. ADDITIONAL DEFINITIONS:

In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

1. CLOSED RECORD APPROVAL HEARING: An administrative hearing to approve or deny a project permit that is on the record to the City Council following an open record pre-decision hearing (as defined by WAC 197-11-775 and this section before the Planning Commission or hearing examiner.

2. OPEN RECORD HEARING: An open record hearing (as defined by WAC 197-11-775) which is held before the

Planning Commission or hearing examiner prior to the closed record approval hearing before the City Council.

3. ORDINANCE: The ordinance, resolution or other procedure used by the City to adopt regulatory requirements.

4. SEPA RULES: Chapter 197-11 WAC adopted by the department of ecology.

E. DESIGNATION OF DESIGNATED OFFICIAL:

1. For those proposals for which the City is the lead agency, the Designated Official shall be the administrator or his/her authorized designee.

2. For all proposals for which the City is the lead agency, the Designated Official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the lead agency or Designated Official by those sections of the SEPA rules that were adopted by reference in WAC 173-806-020.

3. The City shall retain all documents required by the SEPA rules (chapter 197-11 WAC) and make them available in accordance with chapter 42.17 Revised Code of Washington.

F. LEAD AGENCY DETERMINATION AND RESPONSIBILITIES:

1. The City shall be the lead agency for any nonexempt action WAC 197-11-050, 197-11-253, and 197-11-922 through 197-11-940, unless the lead agency has been previously determined or the City is aware that another agency is in the process of determining the lead agency.

2. When the City is the lead agency for a proposal, the administrator shall determine the Designated Official designee who shall supervise compliance with the threshold determination requirements, and if an environmental impact statement (EIS) is necessary, shall supervise preparation of the EIS.

3. When the City is not the lead agency for a proposal, all departments of the City shall use and consider, as appropriate, either the determination of non-significance (DNS) or the final EIS of the lead agency in making decisions on the proposal. No City department shall prepare or require preparation of a DNS or EIS in addition to that

prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the City may conduct supplemental environmental review under WAC 197-11-600.

4. If the City receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen (15) days of receipt of the determination, or the City must petition the department of ecology for a lead agency determination under WAC 197-11-946 within the fifteen (15) day time period.

5. When the City is lead agency for a model toxic control act (MTCA) remedial action, the department of ecology shall be provided an opportunity under WAC 197-11-253(5) to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under WAC 197-11-253(6), the City shall decide jointly with ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency.

G. ADDITIONAL TIMING CONSIDERATIONS:

1. For nonexempt proposals, the DNS or final EIS for the proposal shall accompany the City's staff recommendation to the appropriate advisory body, if any.

2. If the City's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the City conduct environmental review prior to submission of the detailed plans and specifications. Sufficient information shall be required from the applicant to enable the Designated Official to adequately fulfill his responsibility under SEPA and this chapter consistent with the provisions of WAC 197-11-100 and 197-11-335, which sections are adopted by reference in this chapter.

H. CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS:

1. PURPOSE OF SECTION: This section contains the rules for deciding whether a proposal has a probable significant, adverse environmental impact requiring an environmental impact statement (EIS) to be prepared. This section also contains rules for evaluating the impacts of proposals not requiring an EIS.

2. Flexible Thresholds for Categorical Exemptions:

   a. The City establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(c) based on local conditions:

   b. For residential dwelling units in WAC 197-11-800(1)(b)(i): Up to four (4) dwelling units, cumulative.

   c. For agricultural structures in WAC 197-11-800(1)(b)(ii): Up to ten thousand (10,000) square feet, cumulative.

   d. For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iii): Up to four thousand (4,000) square feet and up to twenty (20) parking spaces, cumulative.

   e. For parking lots in WAC 197-11-800(1)(b)(iv): Up to twenty (20) parking spaces, cumulative.

   f. For landfills and excavations in WAC 197-11-800(1)(c)(v): Up to five hundred (500) cumulative cubic yards.

3. Whenever the City establishes new exempt levels under this section, it shall send them to the department of ecology, headquarters office, Olympia, WA 98504, under WAC 197-11-800(1)(c).

I. EMERGENCIES:

Actions which must be undertaken immediately, or within a time frame too short to allow full compliance with this chapter, to avoid an immediate threat to public health and safety, to prevent an immediate danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt from the procedural requirements of this chapter. The Designated Official shall determine on a case by case basis emergency actions which satisfy the general requirements of this section.

J. USE OF EXEMPTIONS:

1. In determining whether or not a proposal is exempt, the Designated Official shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the City shall determine the lead agency even if the license application that triggers the City's consideration is exempt.

2. If a proposal includes both exempt and nonexempt actions the City may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:

   a. The City shall not give authorization for:

      (i) Any nonexempt action;

      (ii) Any action that would have an adverse environmental impact; or

      (iii) Any action that would limit the choice of alternatives;

   b. The City may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and

   c. The City may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

K. ENVIRONMENTAL CHECKLIST:

1. A completed environmental checklist (or a copy) in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license certificate, or other approval not specifically exempted in this chapter; except, a checklist is not needed if the City and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The City shall use the environmental checklist to determine the lead agency and, if the City is the lead agency, for determining the Designated Official and for making the threshold determination.

2. For private proposals, the City will require the applicant to complete the environmental checklist, providing assistance as necessary. For City proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

3. The City may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, at the applicant's costs under the current fee schedule, if either of the following occurs:

   a. The City has technical information on a question or questions that is unavailable to the private applicant; or

   b. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

4. For projects submitted as planned actions under WAC 197-11-164, the City shall use its existing environmental checklist form or may modify the environmental checklist form as provided in WAC 197-11-315. The modified environmental checklist form may be prepared and adopted along with or as part of a planned action ordinance; or developed after the ordinance is adopted. In either case, a proposed modified environmental checklist form must be sent to the department of ecology to allow at least a thirty (30) day review prior to use.

L. MITIGATED DNS:

1. As provided in this section and in WAC 197-11-350, the Designated Official may issue a DNS based on conditions attached to the proposal by the Designated Official or on changes to, or clarifications of, the proposal made by the applicant.

2. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

   a. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

   b. Precede the City's actual threshold determination for the proposal.

3. The Designated Official should respond to the request for early notice within fifteen (15) calendar days. The response shall:

   a. Be written;

   b. State whether the City currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the City to consider a DS; and

   c. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

4. As much as possible, the City should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

5. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the City shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen (15) days of receiving the changed or clarified proposal:

   a. If the City indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the City shall issue and circulate a DNS under WAC 197-11-340(2);

   b. If the City indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the City shall make the threshold determination, issuing a DNS or DS as appropriate;

   c. The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent storm water runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate;

   d. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by

reference to agency staff reports, studies or other documents.

6. Any mitigated DNS issued under WAC 197-11-340(2) shall require a fourteen (14) day comment period and public notice, or WAC 197-11-355, which may require no additional comment period beyond the comment period on the notice of application.

7. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the City.

8. The City's written response under subsection B of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications of changes to a proposal, as opposed to a written request for early notice, shall not bind the City to consider the clarifications or changes in its threshold determination.

M. ENVIRONMENTAL IMPACT STATEMENT (EIS):

1. PURPOSE OF SECTION AND ADOPTION BY REFERENCE:

This section contains the rules for preparing environmental impact statements.

2. PREPARATION OF EIS:

a. Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of the Designated Official. Before the City issues an EIS, the Designated Official shall be satisfied that it complies with this chapter and chapter 197-11 WAC.

b. The DEIS and FEIS or draft and final SEIS shall be prepared by City staff, the applicant, or by a consultant selected by the City or the applicant, at the discretion of the Designated Official. If the Designated Official requires an EIS for a proposal and determines that someone other than the City will prepare the EIS, the Designated Official shall notify the applicant immediately after completion of the threshold determination. The Designated Official shall also

notify the applicant of the City's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

c. The City may require an applicant to provide information the City does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (This does not apply to information the City may request under another ordinance or statute.)

3. ADDITIONAL ELEMENTS:

The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under this chapter:

a. Economy;

b. Cost benefit analysis;

c. Social policy analysis.

4. COMMENTING:

a. PURPOSE: This section 19.7.010 contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings.

5. PUBLIC NOTICE:

a. Whenever possible, the City shall integrate the public notice required under this section with existing notice procedures for the City's nonexempt permit(s) or approval(s) required for the proposal.

b. Whenever the City issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360, the City shall give public notice as follows:

(i) If an environmental document is issued concurrently with the notice of application, the public notice requirements for the notice of application in Revised Code of Washington 36.70B.110(4) will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1).

(ii) If no public notice is otherwise required for the permit or approval, the City shall give notice of the DNS or DS by:

(a) Posting the property, and posting in the City hall; and

(b) Publishing notice in the City's newspaper of record;

c. Whenever the City issues a DS under WAC 197-11-360(3), the City shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

6. If a DNS is issued using the optional DNS process, the public notice requirements for a notice of application in Revised Code of Washington 36.70B.110(4) as supplemented by the requirements in WAC 197-11-355 will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1)(b).

7. Whenever the City issues a DEIS under WAC 197-11-455 or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

a. Indicating the availability of the DEIS in any public notice required for a nonexempt license; and

b. Posting the property, for site specific proposals; or posting in City hall, for non-site specific proposals; and

c. Publishing notice in the City's newspaper of record;

8. Public notice for projects that qualify as planned actions shall be tied to the underlying permit as specified in WAC 197-11-172(3).

9. The City may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

N. OFFICIAL TO PERFORM CONSULTED AGENCY RESPONSIBILITIES:

1. The Designated Official shall be responsible for preparation of written comments for the City in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

2. The Designated Official shall be responsible for the City's compliance with WAC 197-11-550 whenever the City is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the City.

O. USING EXISTING ENVIRONMENTAL DOCUMENTS

1. PURPOSE:

This section contains rules for using and supplementing existing environmental documents prepared under SEPA or national environmental policy act (NEPA) for the City's own environmental compliance.

P. SEPA AND AGENCY DECISIONS:

1. PURPOSE:

This section contains rules and policies for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This section also contains procedures for appealing SEPA determinations to agencies or the courts.

2. SUBSTANTIVE AUTHORITY:

a. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the City of Granite Falls.

b. The City may attach conditions to a permit or approval for a proposal so long as:

(i) Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and

(ii) Such conditions are in writing; and

(iii) The mitigation measures included in such conditions are reasonable and capable of being accomplished; and

(iv) The City has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

(v) Such conditions are based on one or more policies in subsection D of this section and cited in the license or other decision document.

c. The City may deny a permit or approval for a proposal on the basis of SEPA so long as:

(i) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this chapter; and

(ii) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

(iii) The denial is based on one or more policies identified in subsection D of this section and identified in writing in the decision document;

d. The City shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural, and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of a renewable resource and approach the maximum attainable recycling of depletable resources;

e. The City recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

f. The City designates and adopts by reference all policies in the cited City codes, ordinances, resolutions and plans, and all amendments to them in effect prior to the date of a technically complete application of any building permit or preliminary plat, or prior to issuance of a DNS or DEIS for any other action.

3. NOTICE; STATUTE OF LIMITATIONS:

a. The City, applicant for, or proponent of an action may publish a notice of action pursuant to Revised Code of Washington 43.21C.080 for any action.

b. The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published pursuant to Revised Code of Washington 43.21C.080.

4. SEPA APPEALS:

a. Purpose: It is the purpose of this chapter to combine environmental considerations with public decisions, and for this reason, any appeal brought under this chapter shall be linked to a specific governmental action. Appeals under this chapter are not intended to create a cause of action unrelated to a specific governmental action.

b. Procedures: The appellate procedures provided for by Revised Code of Washington 43.21C.060, which provides for an appeal to a local legislative body of any decision by a non-elected official conditioning or denying a proposal under authority of SEPA, are

formally eliminated. The administrative appeal procedures provided by this section shall be construed consistently with Revised Code of Washington 43.21.075, chapter 36.70B, and WAC 197-11-680.

c. Limited Actions: Appeals under the provisions of this section shall be limited solely to those actions and/or determinations listed below. No administrative appeals shall be allowed for other actions and/or determinations taken or made pursuant to this chapter (such as lead agency determination, scoping, draft EIS adequacy, etc.).

(i) "Procedural appeals" which shall consist of an appeal of the Designated Official's compliance with the provisions of SEPA, the SEPA rules, and this chapter with respect to the following:

(a) Determination of non-significance;

(b) Determination of significance;

(c) Adoption or issuance of a final environmental impact statement;

(ii) "Substantive appeals" which shall consist of an appeal of an action or omission with respect to the conditioning or denying of a proposal under the substantive authority set forth in section of this chapter.

5. Consolidation: Except as provided in subsection E of this section, an appeal under this section shall consolidate any SEPA appeal with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before the hearing examiner or body. The hearing or appeal shall be one at which the hearing examiner or body will consider either the agency's decision or a recommendation on the proposed underlying governmental action. If no hearing or appeal on the underlying governmental action is otherwise provided, then no SEPA appeal is allowed under this section, except as allowed under subsection E of this section.

6. Exceptions to Consolidation: The following appeals of SEPA procedural or substantive determinations need not be consolidated with a hearing or appeal on the underlying governmental action:

   a. An appeal of a determination of significance;

   b. An appeal of a procedural determination made by the City when the City is a project proponent, or is funding a project, and chooses to conduct its review under this chapter, including any appeals of its procedural determinations, prior to submitting an application for a project permit;

   c. An appeal of a procedural determination made by the City on a non-project action;

7. Written Notice: All procedural and substantive SEPA appeals provided under this section shall be initiated by filing a written notice of SEPA administrative appeal with the Designated Official, accompanied with the applicable appeal fee. No additional appellate fee shall be charged in conjunction with a hearing on the underlying permit or approval.

   a. The notice of appeal required by this section shall include, at a minimum:

      (i) The name and address of the party or agency filing the appeal;

      (ii) An identification of the specific proposal and specific SEPA actions, omissions, conditions or determinations for which appeal is sought;

      (iii) A statement of the particular grounds or reasons for the appeal;

   b. The Designated Official shall arrange to conduct the SEPA appeal in conjunction with a hearing or appeal on the underlying permit or approval, where required to consolidate the SEPA appeal with a hearing on the underlying governmental action. Where consolidation is not required, the Designated Official shall schedule the hearing to be conducted within ninety (90) days of the date of filing the notice of appeal, and payment of fee.

8. SEPA Procedural Appeals: SEPA procedural appeals shall be initiated and conducted in the manner set forth below:

   a. An appeal to the issuance of a determination of non-significance (DNS), mitigated determination of non-significance (MDNS), may be filed by any agency or aggrieved person as follows:

      (i) For proposals which may be approved by an administrative official without public hearing, an appeal shall be filed within ten (10) calendar days following the last day of the comment period. Such SEPA appeal shall be heard in conjunction with the appeal of the underlying permit or approval, where such appeal is allowed. Provided that, if no administrative appeal of the underlying permit or approval is otherwise provided for, and consolidation is not required by subsection D of this section, an appeal of the DNS/FEIS shall be heard and decided in an open record hearing by the hearings examiner. The decision of the hearing examiner on the SEPA procedural appeal shall be final and not subject to further administrative appeal.

      (ii) For proposals which may only be approved by open record hearing or open record pre-decision hearing (recommendation) before the hearing examiner or Planning Commission, an appeal shall be filed within ten (10) calendar days following the last day of the comment period, or where no comment period is required, then within ten (10) days following the date of issuance or adoption of the DNS/FEIS, and shall be heard and decided in open record hearing by the hearing examiner or Planning Commission in conjunction with the decision or recommendation on the underlying proposal. The decision of the hearing examiner or Planning Commission on the SEPA procedural appeal shall be final and not subject to further administrative appeal.

b. An appeal to a determination of significance (DS) may be filed by the applicant within ten (10) days of the issuance of the DS/scoping notice. The appeal shall be heard in open record hearing and decided by a hearing examiner, whose decision shall be final and not subject to further administrative appeal.

c. An appeal must be filed within ten (10) days of issuance of the final environmental impact statement (FEIS).

d. The SEPA procedural determination of the Designated Official shall be entitled to substantial weight, and the appellant shall bear the burden to establish a violation of SEPA, the SEPA rules, or the provisions of this chapter.

e. A SEPA procedural determination shall be deemed to be conclusively in compliance with SEPA, the SEPA rules, and the provisions of this chapter, unless a SEPA procedural appeal is filed in accordance with this section.

9. SEPA Substantive Appeals: SEPA substantive appeals shall be initiated and conducted in the manner set forth below:

a. For proposals subject to final administrative action, approval, or recommendation by a non-elected administrative official or tribunal for which no administrative appeal is otherwise provided, and for which consolidation is not required by subsection D of this section, any agency or aggrieved person may file a substantive SEPA appeal within ten (10) days of the issuance of the administrative decision approving, conditioning, or denying the proposal on the basis of substantive SEPA authority. Such substantive SEPA appeal shall be heard and decided by the hearing examiner in an open record hearing, unless the proposal is a project permit which has been subject to a previous open record hearing, in which case the SEPA appeal hearing shall be a closed record hearing. The substantive SEPA appeal shall be heard in conjunction with any procedural SEPA appeal. The decision of the hearing examiner on the SEPA substantive appeal shall be final and not be subject to further administrative appeal.

b. For all proposals subject to final administrative action, approval, or recommendation, by a non-elected administrative official, for which an administrative appeal or further approval hearing is otherwise provided or required, any agency or aggrieved person may file a substantive SEPA appeal within ten (10) days of the issuance of the administrative decision approving, conditioning, or denying the proposal on the basis of substantive SEPA authority. Provided that, if the proposal is a project permit, a substantive SEPA appeal shall be filed within ten (10) days after issuance of the notice of decision. Any substantive SEPA appeal shall be conducted in the same manner and with the same process as otherwise provided for the appeal or approval hearing of the underlying administrative action.

c. The SEPA substantive determination to condition or deny a proposal shall be deemed to be conclusively in compliance with SEPA, the SEPA rules, and the provisions of this chapter, unless a SEPA substantive appeal is filed in accordance with this section.

10. How to Appeal: The appeal must be in the form of a written notice of appeal, and must contain a brief and concise statement of the matter being appealed, the specific components or aspects that are being appealed, the appellant's basic rationale or contentions on appeal, and a statement demonstrating standing to appeal. The appeal may also contain whatever supplemental information the appellant wishes to include. The appeal shall also contain the following:

a. The name and mailing address of the appellant and the name and address of his/her representative, if any;

b. The appellant's legal residence or principal place of business;

c. A copy of the decision which is appealed;

d. The grounds upon which the appellant relies;

e. A concise statement of the factual and legal reasons for the appeal;

f. The specific nature and intent of the relief sought;

g. A statement that the appellant has read the appeal and believes the contents to be true, followed by his/her signature and the signature of his/her representative, if any. If the appealing party is unavailable to sign the appeal, it may be signed by his/her representative.

11. Fees: The person filing the appeal shall include with the letter of appeal the fee as established by ordinance.

12. Procedures for Appeal Hearing:

a. Notice of the Appeal Hearing.

(i) Content: The Designated Official shall prepare a notice of the appeal containing the following:

(a) The file number and a brief written description of the matter being appealed.

(b) A statement of the scope of the appeal including a summary of the specific factual findings and conclusions disputed in the letter of appeal.

(c) The time and place of the public hearing on the appeal.

(d) A statement of who may participate in the appeal.

(e) A statement of how to participate in the appeal.

(ii) Distribution: At least fifteen (15) calendar days before the hearing on the appeal, the Designated Official shall send a copy of this notice to each person who received a copy of the threshold determination and any person who submitted written comments on, or an appeal of, the threshold determination.

(iii) Notice of Appeal: The notice of appeal may be combined with the hearing notice for the underlying project permit, if applicable.

13. Participation in the Appeal: Only those persons with legal standing are entitled to appeal the threshold determination and may participate in the appeal. Participation includes the following:

    a. By submitting written testimony to the Designated Official the time line established.

    b. By appearing in person, or through a representative, at the hearing and submitting oral or written testimony directly to the hearing body. The hearing body may reasonably limit the extent of the oral testimony to facilitate the orderly and timely conduct of the hearing.

14. Staff Report on the Appeal:

    a. Content: The Designated Official shall prepare a staff report containing the following:

        (i) The SEPA threshold determination.

        (ii) All written comments submitted to the Designated Official.

        (iii) The letter of appeal.

        (iv) All written comments on the appeal received by the Designated Official from persons entitled to participate in the appeal and within the scope of the appeal.

        (v) An analysis of the specific factual findings and conclusions disputed in the letter of appeal.

    b. Combining of Reports: This report may be combined with the staff report on the underlying project permit, if applicable.

    c. Distribution: Distribution will take place at least seven (7) calendar days before the hearing, the Designated Official shall distribute copies of the staff report as follows:

        (i) A copy will be sent to the hearing body hearing the appeal as specified.

        (ii) A copy will be sent to the applicant.

        (iii) A copy will be sent to the person who filed the appeal.

15. Continuation of the Hearing: The hearing body may continue the hearing if, for any reason, it is unable to hear all of the public comments on the appeal or if it determines that it needs more information within the scope of the appeal. If, during the hearing, the hearing body announces the time and place of the next hearing on the matter, no further notice of that hearing need be given, beyond that required by the open public meeting act.

16. Decision on the Appeal:

    a. General: The hearing body shall consider all information and material within the scope of the appeal submitted by persons entitled to participate in the appeal. The hearing body shall either affirm or change the findings and conclusions of the Designated Official that were appealed. Based on the hearing body's findings and conclusions, it shall either:

        (i) Affirm the decision being appealed; or

        (ii) Reverse the decision being appealed; or

        (iii) Modify the decision being appealed.

    b. Issuance of Written Decision: Within ten (10) working days after the public hearing, the hearing body shall issue a written decision on the appeal. Within four (4) calendar days after the decision is issued, the hearing body shall distribute the decision as follows:

        (i) A copy will be mailed to the applicant.

        (ii) A copy will be mailed to the person who filed the appeal.

        (iii) A copy will be mailed to all other persons of record or agencies who participated in the appeal.

17. Additional Appeal Procedures:

    a. The matters to be considered and decided upon in the appeal are limited to the matters raised in the notice of appeal.

    b. The decision of the Designated Official shall be accorded substantial weight.

    c. All testimony will be taken under oath.

d. The decision of the hearing body hearing the appeal shall be the final decision on any appeal of a threshold determination including a mitigated determination of non-significance.

18. Dismissal of Appeal: The hearing examiner may summarily dismiss an appeal without hearing when such an appeal is determined by the hearing examiner to be without merit on its face, frivolous, or brought merely to secure a delay, or that the appellant lacks legal standing to appeal.

19. Effect of Appeal: The filing of an appeal of a threshold determination or adequacy of a final environmental impact statement (FEIS) shall stay the effect of such determination or adequacy of the FEIS and no major action in regard to a proposal may be taken during the pendency of an appeal and until the appeal is finally disposed of by the hearing examiner or other hearing body. A decision to reverse the determination of the Designated Official and uphold the appeal shall further stay any decision, proceedings, or actions in regard to approval.

20. Withdrawal of Appeal: An appeal may be withdrawn, only by the appellant, by written request filed with the Designated Official who shall inform the hearing examiner or other hearing body of the withdrawal request. If the withdrawal is requested before the response of the Designated Official, or before serving notice of the appeal, such request shall be permitted and the appeal shall be dismissed without prejudice by the hearing examiner or other hearing body, and the filing fee shall be refunded.

21. Standard of Review: The hearing examiner or other hearing body may affirm the decision of the Designated Official or the adequacy of the environmental impact statement, or remand the case for further information; or the hearing examiner or other hearing body may reverse the decision if the administrative findings, inferences, conclusions, or decisions are:

    a. In violation of constitutional provisions as applied; or

    b. The decision is outside the statutory authority or jurisdiction of the City; or

    c. The Designated Official has engaged in unlawful procedure or decision making process, or has failed to follow a prescribed procedure; or

d. In regard to challenges to the appropriateness of the issuance of a DNS clearly erroneous in view of the public policy of the act (SEPA); or

e. In regard to challenges to the adequacy of an EIS shown to be inadequate employing the "rule of reason".

22. Evidence; Burden of Proof: In each particular proceeding, the appellant shall have the burden of proof, and the determination of the Designated Official shall be presumed prima facie correct and shall be afforded substantial weight. Appeals shall be limited to the records of the Designated Official.

23. Judicial Appeal:

a. Any available administrative appeal provided under this section must be utilized by an agency or aggrieved person prior to initiating judicial review of any SEPA action, omission, or determination made or taken under this chapter.

b. A judicial appeal of any SEPA action, omission, or determination made or taken under this chapter must be filed within the time limitations established by any statute or ordinance for appeal of the underlying governmental action.

c. The City shall give official notice of the date and place for commencing a judicial appeal, in accordance with WAC 197-11-680(5), where there is a statute or ordinance establishing a time limit for commencing judicial appeal.

Q. AGENCY COMPLIANCE:

1. PURPOSE:

This section contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating categorical exemptions that do not apply within critical areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities.

2. FEES:

The City shall require the following fees for its activities in accordance with the provisions of this title:

a. Threshold Determination: For every environmental checklist the City will review when it is lead agency, the City shall collect a fee as required by the City fee schedule from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee. Environmental Impact Statement:

(i) When the City is the lead agency for a proposal requiring an EIS and the Designated Official determines that the EIS shall be prepared by employees of the City, the City may charge and collect a reasonable fee as required by the City fee schedule from any applicant to cover costs incurred by the City in preparing the EIS. The Designated Official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.

(ii) The Designated Official may determine that the City will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the City and may bill such costs and expenses directly to the applicant. The City may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the City and applicant after a call for proposals.

(iii) If a proposal is modified so that an EIS is no longer required, the Designated Official shall refund any fees collected under this subsection B which remain after incurred costs are paid.

c. Cost of Notice: The City may collect from the applicant the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal. Performance Fee: The City shall not collect a fee for performing its duties as a consulted agency.

e. Copies: The City may charge any person for copies of any document prepared under this chapter, and for

mailing the document, in a manner provided by chapter 42.17 Revised Code of Washington.

19.7.020 CRITICAL AREAS REGULATIONS:

A. GENERAL PROVISIONS; DEFINITIONS:

1. PURPOSE AND INTENT:

The purpose of this critical areas section is to identify environmentally critical areas and to protect these areas without violating any citizen's constitutional rights. Landslide, erosion, and seismic hazards, wetlands, aquifer recharge areas, critical habitats, and flood hazard areas constitute critical areas that are of special concern to Granite Falls. The City finds that these critical areas perform a variety of valuable and beneficial biological and physical functions that benefit the City and its residents; certain critical areas may also pose a threat to human safety or to public and private property. By limiting development and alteration of these critical areas, this chapter seeks to:

a. Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to flooding, erosion, volcanic eruptions, landslides, seismic events, or steep slope failures;

b. Protect unique, fragile and valuable elements of the environment, including wildlife and its habitat;

c. Mitigate unavoidable impacts to environmentally critical areas by regulating alterations in and adjacent to critical areas;

d. Prevent cumulative adverse environmental impacts to water quality and wetlands;

e. Meet the requirements of the Washington Growth Management Act with regard to the protection of critical area lands;

f. Coordinate environmental review and permitting of proposals to avoid duplication and delay;

g. Assure that best available sciences are incorporated into the following regulations. In order to accomplish this, best available sciences were reviewed in the process of developing the critical areas regulations and used to establish its components.

2. DEFINITIONS:

ALTERATION: Any human induced activity that changes the existing condition of a critical area. Alterations include, but are not limited to: grading; filling; dredging; draining; channelizing; clearing or removing vegetation; discharging pollutants; paving; construction; demolition; or any other human activity that changes the existing landforms, vegetation, hydrology, wildlife, or wildlife habitat of a critical area.

ANADROMOUS FISH: Species, such as salmon, which are born in fresh water, spend a large part of their lives in the sea, and return to fresh water rivers and streams to procreate.

APPLICANT: The person, party, firm, corporation, or other entity that proposes any activity that could affect a critical area.

AQUIFER: A saturated geologic formation that will yield a sufficient quantity of water to serve as a private or public water supply.

AQUIFER RECHARGE AREAS: Areas where the prevailing geologic conditions allow infiltration rates which create a high potential for contamination of ground water resources or contribute significantly to the replenishment of potable ground water. Aquifer recharge areas are classified as follows:

a. High Significance Aquifer Recharge Areas: Areas with slopes of less than fifteen percent (15%) that are underlain by coarse alluvium or sand and gravel.

b. Moderate Significance Aquifer Recharge Areas:

   (i) Areas with slopes of less than fifteen percent (15%) that are underlain by fine alluvium, silt, clay, glacial till, or deposits from the electron mudflow; and

   (ii) Areas with slopes of fifteen percent (15%) to thirty percent (30%) that are underlain by sand and gravel.

c. Low Significance Aquifer Recharge Areas:

   (i) Areas with slopes of fifteen percent (15%) to thirty percent (30%) that are underlain by silt, clay, or glacial till; and

   (ii) Areas with slopes greater than thirty percent (30%).

BASE FLOOD: A flood having a one percent (1%) chance of being equaled or exceeded in any given year, also referred to as the 100-year flood.

BOG/FEN: A wetland with limited drainage generally characterized by extensive peat deposits and acidic waters with a pH of 5 or less for bogs and 5.5 or greater for fens. Vegetation includes sedges, sphagnum moss, shrubs and trees.

BUFFER OR BUFFER AREA: A naturally vegetated and undisturbed or revegetated zone surrounding a critical area that protects the critical area from adverse impacts to its integrity and value, or is an integral part of the resource's ecosystem.

CITY: The City of Granite Falls.

CITY CLERK: The City clerk of the City of Granite Falls or any other City official appointed by the mayor to administer this title.

CLEARING: The removal of timber, brush, grass, ground cover, or other vegetative matter from a site that exposes the earth's surface of the site or any actions that disturb the existing ground surface.

CRITICAL AREAS: Include wetlands, critical habitat areas, moderate and high erosion hazard areas, high seismic hazard areas, moderate and high landslide hazard areas, moderate and high volcanic hazard areas, aquifer recharge areas of moderate and high significance, and flood hazard areas.

CRITICAL GEOLOGIC HAZARD AREAS: Lands or areas subject to high or severe risks of geologic hazard.

CRITICAL HABITAT: Critical habitats are those habitat areas which meet any of the following criteria:

d. The documented presence of species listed by the federal government or state of Washington as endangered, or threatened.

e. Those streams identified as "shorelines of the state" under the City of Granite Falls' shoreline master program.

f. Those wetlands identified as class I wetlands, as defined in this chapter.

DEVELOPMENT RIGHT: Any specific right to use real property which inures to an owner of real property through the common law, statutory law of real property, the United States and Washington constitutions and as further defined and delineated herein.

EPICENTER: The location on the surface of the earth directly above the place where an earthquake originates.

EROSION: A process whereby wind, rain, water, and other natural agents mobilize and transport soil particles.

EROSION HAZARD AREAS: Those lands susceptible to the wearing away of their surface by water, wind or gravitational creep. Erosion hazard areas are classified as low, moderate or high risk based on slope inclination and soil types as identified by the U.S. department of agriculture soil conservation service (SCS):

g. Low: All sites classified with soil types designated by SCS as having no or slight erosion hazard.

h. Moderate: All sites classified with soil types designated as moderate hazard.

i. High: All sites classified with soil types designated as severe or very severe erosion hazard.

EXISTING AND ONGOING AGRICULTURE: Those activities conducted on lands defined in Revised Code of Washington 84.34.020(2), and those existing activities involved in the production of crops or livestock. Activities may include the operation and maintenance of farm and stock ponds or drainage ditches; operation and maintenance of existing ditches or irrigation systems; changes from one type of agricultural activity to another agricultural activity; and normal maintenance, repair, and operation of existing serviceable structures, facilities, or improved areas. Activities which bring a nonagricultural area into agricultural use are not part of an ongoing operation. An operation ceases to be ongoing when the area on which it is conducted is converted to a nonagricultural use or has lain idle for more than five (5) years.

FACULTATIVE WETLAND PLANTS: Plants that occur usually (estimated probability > 67 percent to 99 percent) in wetlands, but also occur (estimated probability 1 percent to 33 percent) in non-wetlands.

FLOOD HAZARD AREAS: Those areas subject to inundation by the base flood. These areas consist of the following components, as determined by the City:

j. Floodplain: The total area subject to inundation by the base flood.

k. Flood Fringe: That portion of the floodplain outside the floodway which is generally covered by floodwaters during the base flood. It is generally associated with standing water rather than rapidly flowing water.

l. Floodway: The channel of the stream and that portion of the adjoining floodplain that is necessary to contain and discharge the base flood flow without increasing the base flood elevation more than one foot (1').

FORESTED WETLAND: A regulated wetland with at least thirty percent (30%) of the surface area covered by woody vegetation greater than twenty feet (20') in height and 4 inches dbh.

GEOLOGIC HAZARD AREAS: Lands or areas characterized by geologic, hydrologic, and topographic conditions that render them susceptible to potentially significant or severe risk of landslides, erosion, or volcanic or seismic activity.

GRADING: Any excavating, filling, clearing, leveling, or contouring of the ground surface by human or mechanical means.

GROUND WATER: All water found beneath the ground surface, including slow moving subsurface water present in aquifers and recharge areas.

GROWING SEASON: The portion of the year when soil temperatures at 19.7 inches below the surface are higher than biological zero (5 C), approximately March 15 to October 15.

HAZARDOUS SUBSTANCE(S): Any liquid, solid, gas or sludge, including any materials, substance, product, commodity or waste, regardless of quantity, that exhibits any of the characteristics of hazardous waste; and including waste oil and petroleum products.

HAZARDOUS SUBSTANCE PROCESSING OR HANDLING: The use, storage, manufacture or other land use activity involving hazardous substances, but does not include individually packaged household consumer products or quantities of hazardous substances of less than five (5) gallons in volume per container.

HAZARDOUS WASTE: All dangerous waste and extremely hazardous waste as designated pursuant to chapter 70.105 Revised Code of Washington, chapter 173-303, WAC.

m. "Dangerous waste" means any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

(i) Have short lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(ii) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means;

n. "Extremely hazardous waste" means any waste which:

(i) Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environment hazard and may be concentrated by living organisms through a food chain or may affect the genetic makeup of humans or wildlife, and

(ii) Is disposed of at a disposal site in such quantities as would present an extreme hazard to humans or the environment;

HAZARDOUS WASTE TREATMENT AND STORAGE FACILITY: A facility that treats and stores hazardous waste and is authorized pursuant to chapter 70.105 Revised Code of Washington, chapter 173-303 WAC. It includes all contiguous land and structures used for recycling, reusing, reclaiming, transferring, storing, treating, or disposing of hazardous waste.

HYDRIC SOILS: A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophytic vegetation. Hydric soils that occur in areas having positive indicators of hydrophilic

HYDROPHYTE: Any plant growing in water or on a substrate that is at least periodically deficient in oxygen during some part of the growing season, from approximately March 15 to October 15, as a result of excessive water content.

HYDROPHYTIC VEGETATION: Any plant growing in water or on a substrate that is at least periodically deficient in oxygen during some part of the growing season as a result of excessive water content. A site may be considered to have hydrophytic vegetation when more than fifty percent (50%) of the dominant plant species on the site are obligate or facultative wetland plants.

IMPERVIOUS SURFACE: Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surfaces include, but are not limited to, roofs and streets, sidewalks and parking lots paved with asphalt, concrete, compacted rock, compacted sand, limerock or clay.

LAHARS: Mudflows and debris flows originating from the slopes of a volcano.

LANDSLIDE: Episodic downslope movement of a mass of soil or rock.

LANDSLIDE HAZARD AREAS: Areas that, due to a combination of slope inclination, relative soil permeability and hydrologic factors, are susceptible to varying risks of landsliding. Landslide hazards are classified as classes I-III based on the degree of risk as follows:

o. Class I/High: Areas of greater than thirty percent (30%) slope with soils designated by SCS as moderate, severe or very severe erosion hazard.

p. Class II/Moderate: Areas of fifteen percent (15%) to thirty percent (30%) slopes with soils designated by the SCS as moderate or severe erosion hazard.

q. Class III/Low: Areas with slopes less than fifteen percent (15%).

LIQUEFACTION: A process by which a water saturated granular (sandy) soil layer loses strength because of ground shaking commonly caused by an earthquake.

LOT SLOPE: A measurement by which the average slope of the lot is calculated as a percentage. The lowest elevation of the lot is subtracted from the highest elevation, and the resulting number is divided by the horizontal distance between these two (2) points. The resulting product is multiplied by one hundred (100).

MAGNITUDE: A quantity characteristic of the total energy released by an earthquake. Commonly, earthquakes are recorded with magnitudes from zero to eight (0 - 8).

MITIGATION: Avoiding, minimizing, reducing, rectifying, eliminating, or compensating for adverse impacts.

NATIVE VEGETATION: Plant species that are indigenous and naturalized to the Granite Falls region and which can be expected to naturally occur on a site. Native vegetation does not include noxious weeds.

NOXIOUS WEED: Any plant which, when established, is highly destructive, competitive, or difficult to control by cultural or chemical practices. The state noxious weed list in chapter 16-750 is the officially adopted list of noxious weeds by the state noxious weed control board.

OBLIGATE WETLAND PLANTS: Plants that occur almost always (estimated probability > 99 percent) in wetlands under natural conditions, but which may also occur rarely (estimated probability << 1 percent) in non-wetlands.

QUALIFIED PROFESSIONAL OR CONSULTANT: A qualified professional or qualified consultant means a person with experience, training and expertise that are appropriate for the relevant sensitive area subject in accordance with WAC 365-195-905 (4). A qualified professional must have obtained a B.S or B.A or equivalent degree in biology, soil science, engineering, environmental studies, fisheries, geology, geomorphology or related field and related work experience and meet the following criteria.

r. A qualified professional for wetlands must have a degree in biology, ecology, soil science, botany or closely related field and a minimum of five years of professional experience in wetland identification and assessment in the Pacific Northwest.

s. A qualified professional for geologically hazardous areas must be a professional engineering geologist or geotechnical engineer, licensed by the state of Washington.

t. A qualified professional for fish and wildlife conservation areas must have a degree in wildlife biology, zoology, ecology, fisheries, or closely related field and a minimum of two years of professional experience.

u. A qualified professional for sensitive aquifer recharge areas means a Washington state licensed hydrogeomorphologist, geologist, engineer or other scientist with a minimum of two years of professional experience in preparing hydrogeologic assessments in Washington.

RECEIVING PARCEL: A parcel of land on which a development right is used.

RECESSIONAL OUTWASH GEOLOGIC UNIT: Sand and gravel materials deposited by melt water streams from receding glaciers.

SEISMIC HAZARD AREAS: Areas that, due to a combination of soil and ground water conditions, are subject to severe risk of ground shaking, subsidence, or liquefaction of soils during earthquakes. These areas are typically underlain by soft or loose saturated soils have a shallow ground water table and are typically located on the floors of river valleys.

SENDING PARCEL: A parcel of land from which a development right has been severed, in accordance with this chapter.

SEVER: The removal or separation of some specified right or use from the "bundle of rights" possessed by an owner of real property. The term connotes a removal or separation in perpetuity as distinguished from a restriction or limitation which may be overridden, deleted or subject to a time limitation.

SLOPE: An inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance.

STREAMS: Streams shall be classified according to the stream type system as provided in WAC 222-16-030, Stream Classification System as amended. Streams are called Type S, Type F, Type Np, and Type Ns.

TEMPORARY EROSION CONTROL: On site and off site control measures that are needed to control conveyance or deposition of earth, turbidity, or pollutants during development, construction, or restoration.

UTILITY LINE: Pipe, conduit, cable or other similar facility by which services are conveyed to the public or individual recipients. Such services shall include, but are not limited to, water supply, electric power, gas, communications and sanitary sewers.

WETLAND: Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, shallow open waters, and similar areas. Wetlands do not include those artificial wetlands purposefully and intentionally created from non-wetland sites by human actions, including, but not limited to, irrigation and drainage ditches, grass lined 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 non-wetland areas created to mitigate conversion of wetlands.

B. APPLICABILITY:

1. Prior to fulfilling the requirements of this title, Granite Falls shall not grant any approval or permission to alter the condition of any land, water or vegetation, or to construct or alter any structure or improvement including, but not limited to, the following:

   a. Building permit.

   b. Conditional use permit.

   c. Shoreline substantial development permit.

   d. Shoreline variance.

   e. Short subdivision.

   f. Subdivision.

   g. Variance.

   h. Rezone.

   i. Any other adopted permit or required approval not expressly exempted by this title.

2. Granite Falls shall perform a critical area review for any Granite Falls permit approval requested for a proposal on a site which includes or is adjacent to one or more critical areas unless otherwise provided in this title. As part of all applications, Granite Falls shall verify the information submitted by the applicant to:

   a. Confirm the nature and type of the critical areas and evaluate any required critical areas study.

   b. Determine whether the development proposal is consistent with this title.

   c. Determine whether any proposed alterations to critical areas are necessary.

   d. Determine if the mitigation plans proposed by the applicant are sufficient to protect the public health, safety and welfare consistent with the goals, purposes, objectives and requirements of this chapter.

C. EXEMPTIONS:

The following activities shall be exempt from the provisions of this chapter:

1. Agricultural Activities: Existing and ongoing agricultural activities, provided no alteration of flood storage capacity or conveyance occurs.

2. Damaged Structures: Remodeling of structures in existence on the effective date hereof. When such structures are damaged by fire, explosion, or other unforeseen circumstances, they may be reconstructed or replaced within one year; provided, that the new construction or related activity does not further intrude into a critical area or established buffer and is subject to flood hazard areas reconstruction restrictions.

3. Artificially Created Wetlands: Activities involving artificially created wetlands or streams intentionally created from non-wetland sites, including, but not limited to, grass lined swales, irrigation and drainage ditches, detention facilities, and landscape features, except wetlands, streams, or swales that provide critical habitat for anadromous fish, and artificial wetlands created as part of a mitigation requirement.

4. Existing Roads: Maintenance, operation and reconstruction of existing roads, streets, utilities and associated structures.

5. Emergency Activities: Emergency activities necessary to prevent an immediate threat to public health, safety, or property.

D. REASONABLE USE EXCEPTION:

1. Allowing Exception: If the application of this chapter would deny all reasonable use of the property, development may be allowed which is consistent with the general purposes of this chapter and the public interest. Application for Exception: An application for a critical areas reasonable use exception shall be filed with the City and shall be heard by the Planning Commission who shall seek legal advice from and consult with the City attorney. The Planning Commission shall make a recommendation to the City Council, and the council shall issue a final decision.Determination; Conditions: The Planning Commission, in recommending approval of the reasonable use exception, and the City Council in acting upon said

recommendation, must determine that:Application of this title would deny all reasonable use of the property; and

b. There is no other reasonable use with less impact on the critical area; and

c. The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site; and

d. Any alterations permitted to these critical areas shall be the minimum necessary to allow for reasonable use of the property.

4. Alterations: Any authorized alteration of a critical area under this section shall be subject to conditions established by the City of Granite Falls and shall require mitigation under an approved mitigation plan.

E. RELATIONSHIP TO OTHER REGULATIONS:

These critical area regulations shall apply as an overlay and in addition to zoning, land use and other regulations established by the City. In the event of any conflict between these regulations and any other regulations of the City, the regulations that provide greater protection to environmentally critical areas shall apply.

Areas characterized by particular critical areas may also be subject to other regulations established by this chapter due to overlap or multiple functions of some critical resources or critical areas. Wetlands, for example, may be defined and regulated according to the wetland and habitat provisions of this title. In the event of any conflict between regulations for any particular critical areas in this title, the regulations which provide greater protection to environmentally critical areas shall apply.

F. VARIANCES:

Variances from the standards of this title may be authorized by the City Council in accordance with the procedures set forth in section 19.5.020D of this code. In granting such a variance, the City Council, after review and recommendation by the Planning Commission, shall find:

1. Because of the special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, or the size or nature of the critical area, the strict application of this title would deprive the property owner of reasonable use of their property;

2. The granting of the variance is the minimum necessary to accommodate the development proposal and will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated, or contrary to the goals and purposes of this title.

G. OTHER GENERAL REQUIREMENTS

1. A record of notice shall be placed on the title of any property subject to these critical areas regulations in the development review process.

2. A notice shall be provided to any adjacent property that may be impacted by critical areas buffers as required in this chapter.

H. CRITICAL AREA DETERMINATIONS:

1. SPECIAL STUDIES REQUIRED:

a. When an applicant submits an application for any alteration proposal, the application shall indicate whether any environmentally critical area or buffer is located on the site. The Designated Official shall visit the subject property and review the information submitted by the applicant along with any other available information. If the Designated Official determines that the site potentially includes, or is adjacent to, or could have probable significant adverse impacts to critical areas, the Designated Official shall notify the applicant that a special study(ies) is required. Any decision to require a critical area study pursuant to this title may be

appealed to the Planning Commission upon filing a notice of appeal with the Planning Commission within ten (10) working days after the date of the Designated Official's decision.

2. WAIVERS FROM STUDY REQUIREMENTS:

   a. The Designated Official may waive the requirement for a special study if there is substantial proof showing that:

   b. There will be no alteration of the critical areas or required buffer; and

   c. The alteration proposal will not impact the critical area in a manner contrary to the purpose, intent and requirements of this chapter; and

   d. The minimum standards required by this chapter are met.

3. EXCEPTIONS TO STUDY REQUIREMENTS:

No special study is required for the following alteration proposals:

   a. Alterations that are exempt from the provisions of this chapter as set forth in subsection C of this title; and

   b. A residential building permit for a lot that was subject to a previous special study of critical areas; provided, that the previous special study adequately identified the impacts associated with the current alteration proposal.

4. CONTENTS OF SPECIAL STUDY:

   a. Best Available Science shall be used in the special study and the Washington Department of Fish and Wildlife PHS database shall be consulted in the preparation of the study.

   b. Wetlands Special Study: Required wetland studies shall be conducted by a qualified wetlands biologist.

      (i) A map, of a scale no smaller than one inch equals two hundred feet

      (ii) (1" = 100'), and five foot (5') contours of the surveyed wetland boundary as determined by following the methods described in the "Washington State Wetlands Identification and

Delineation Manual" (publication #96-94), March 1997.

(iii) The site plan for the proposed activity at the same scale as the wetland map, showing the extent of the proposed activity in relationship to the surveyed wetland.

(iv) A written analysis of the existing wetland type/classification including existing vegetation, soils, and hydrology (source of water in the system, relative water quality, seasonality of presence of water, if applicable). The existing wetland shall be classified according to section I.2 of this title. The written analysis must also classify wetlands according to the adopted ecology's "Washington State Wetland Rating System For Western Washington-Revised" (ecology publication #04-06-025), August 2004, All date forms must be submitted for review.

c. Landslide Hazard Special Study: Required landslide hazard studies shall be prepared by a professional engineer licensed by the state of Washington with expertise in geotechnical engineering.

(i) A contour map of the proposed site, at a scale no smaller than one inch equals one hundred feet (1" = 100') and five foot (5') contours. The site and the extent of the critical landslide hazard area as determined by the criteria in section J.2.h. of this title shall be clearly delineated.

(ii) A discussion of surface and subsurface geologic conditions of the site.

(iii) Review of site history regarding landslides.

(iv) A description of how the proposed development will or will not impact each of the following on the subject area and adjoining property:

(a) Slope stability;

(b) Drainage;

(c) Springs or seeps or any other surface water;

(d) Existing vegetation;

(v) Recommended surface water management controls during construction;

d. Critical Erosion Hazard Area Special Studies: Required critical erosion hazard studies shall be prepared by a professional engineer licensed by the state of Washington.

(i) A map, of a scale no smaller than one inch equals two hundred feet

(ii) (1" = 100'), of the site and the extent of the critical erosion hazard area as determined by the criteria in section J.2.i. of this title.

(iii) Review site history regarding erosion.

(iv) Identification of surface water management, erosion, and sediment controls appropriate to the site and proposal.

e. Seismic Hazard Area Special Studies: Required critical seismic hazard studies shall be prepared by a professional engineer licensed by the state of Washington.

(i) A map, of a scale no smaller than one inch equals two hundred feet

(ii) (1" = 100') and five foot (5') contours, of the site and the extent of the seismic hazard area as determined by the criteria in section J.2.j. of this title.

(iii) Discussion of the potential impacts from the proposed development, and specific measures designed to mitigate any potential adverse impacts of the proposal.

f. Critical Habitat Special Studies:

(i) Required critical habitat studies shall be prepared by a qualified biologist with expertise in wildlife habitats.

(ii) A map of a scale no smaller than one inch equals two hundred feet

(iii) (1" = 100'), of the site and the extent of the critical habitat area as determined by the criteria in section J.2.k. of this title.

g. Aquifer Recharge Area Special Studies:

(i) Required critical aquifer recharge area studies shall be prepared by a geologist or individual with experience preparing hydrogeologic assessments.

(ii) A map of a scale no smaller than one inch equals two hundred feet

(iii) (1" = 100'), of the site and the extent of the high significance aquifer recharge area as determined by the criteria in section J.2.r. of this title.

I. CRITICAL AREA CLASSIFICATIONS

1. SCOPE:

To promote consistent application of the standards and requirements of this title, critical areas within the City shall be rated and classified according to their characteristics, function and value, and/or their sensitivity to disturbance.

2. WETLANDS CLASSIFICATION:

Wetlands shall be designated Category 1, Category 2, Category 3 and Category 4, according to ecology's "Washington State Wetland Rating System For Western Washington-Revised" (ecology publication #04-06-025), August 2004.

3. GEOLOGICALLY HAZARDOUS AREAS:

a. Designation: The following are considered geologically hazardous areas and shall not be altered except as otherwise provided by this chapter;

(i) Slopes of forty percent or greater;

(ii) Landslide hazard areas;

(iii) Seismic hazard areas;

(iv) Erosion hazard areas when associated with other environmentally sensitive areas;

(v) Other areas which the City has reason to believe are geologically hazardous.

b. Protective Requirements

(i) Development proposals on properties which are designated as or which the City has reason to believe are geologically hazardous areas shall have a standard buffer of twenty-five feet from the top, toe and sides of such areas.

(ii) The setback buffer requirement listed in subsection B.1 of this section may be increased by the City when necessary to protect public health, safety and welfare, based upon information contained in a geotechnical report or for other reasons related to the geologically hazardous conditions of the lot.

(iii) The setback buffers required by this subsection shall be maintained in native vegetation to provide additional soil stability and erosion control. If the buffer area has been cleared, it shall be replanted with native vegetation.

c. Permitted Alterations: Unless associated with another environmentally sensitive area, the Designated Official, may allow alterations of an area identified as geologically hazardous area or the standard buffers listed in subsection B of this section if he/she approves a geotechnical report which demonstrates that;

(i) The proposed development will not create a hazard to the subject property, surrounding properties, or rights-of-way, erosion or sedimentation to off-site properties or bodies of water;

(ii) The proposal addresses the existing geological constraints of the site, including an assessment of soils and hydrology;

(iii) The proposed method of construction will reduce erosion potential, landslide and seismic hazard potential, and will improve or not adversely affect the stability of slopes;

(iv) The proposal uses construction techniques which minimize disruption of existing topography and natural vegetation;

(v) The proposal is consistent with the purposes and provisions of this chapter;

(vi) The proposal mitigates all impacts identified in the geotechnical report; and

(vii) All utilities and access roads or driveways to and within the site are located so as to require the minimum amount of modifications to slopes, vegetation or geologically hazardous areas.

d. Additional Requirements: As part of any approval of development on or adjacent to geologically hazardous areas or within the standard buffers required by subsection B of this section, the City may require:

(i) An environmentally sensitive area protective covenant or tract for the area approved for alteration or any geologically hazardous area not approved for alteration;

(ii) The presence of the geotechnical consultant on the site to supervise during clearing, grading, filing and construction activities which may affect geologically hazardous areas, and provide the City with certification that the construction is in compliance with his/her recommendations and has met with his/her approval, and other relevant information concerning the geologically hazardous conditions of the site;

(iii) Vegetation and other soil stabilizing structures or materials be retained or provided.

4. Wildlife Habitat Classification: Wildlife habitat areas shall be classified as critical or secondary according to the criteria in this section. Critical habitats are those habitat areas which meet any of the following criteria:

a. The documented presence of species listed by the federal government, State of Washington and the Washington State Department of Fish and Wildlife Priority Species and Habitats (PHS) database as endangered, threatened, sensitive or critical.

b. Those streams identified as "shorelines of the state" under the Snohomish County shoreline master program.

c. Those wetlands identified as Category I wetlands, as defined in this chapter.

5. Aquifer Recharge Classification: Aquifer recharge areas are classified as high, moderate, or low significance aquifer recharge areas according to the following criteria:

a. High Significance Aquifer Recharge Areas: High significance aquifer recharge areas are areas with slopes of less than fifteen percent (15%) that are underlain by coarse alluvium or sand and gravel.

b. Moderate Significance Aquifer Recharge Areas: Moderate significance aquifer recharge areas are:

(i) Areas with slopes of less than fifteen percent (15%) that are underlain by fine alluvium, silt, clay, glacial till, or deposits from the electron mudflow; and

(ii) Areas with slopes of fifteen percent (15%) to thirty percent (30%) that are underlain by sand and gravel.

c. Low Significance Aquifer Recharge Areas: Low significance aquifer recharge areas are:

(i) Areas with slopes of fifteen percent (15%) to thirty percent (30%) that are underlain by silt, clay, or glacial till; and

(ii) Areas with slopes greater than thirty percent (30%). Low significance aquifer recharge areas are not designated critical areas and are exempt from critical areas review requirements.

6. Flood Hazard Classification: Flood hazard areas consist of the following components, as determined by the City:

a. Floodplain: The total area subject to inundation by the base flood.

b. Flood Fringe: That portion of the floodplain outside the floodway which is generally covered by floodwaters during the base flood. It is generally

associated with standing water rather than rapidly flowing water.

c. Floodway: The channel of the stream and that portion of the adjoining floodplain that is necessary to contain and discharge the base flood flow without increasing the base flood elevation more than one foot (1').

J. PERFORMANCE STANDARDS FOR CRITICAL AREAS:

1. GENERAL REQUIREMENTS:

a. All boundaries of critical areas established by the requirements of this chapter shall be clearly marked prior to any construction activities. All wetland and habitat buffers shall be permanently signed prior to final approval.

2. WETLANDS:

a. Allowed Activities Within Wetlands: The following uses shall be allowed within a wetland, provided they are conducted using best management practices:

(i) Outdoor recreational activities, including fishing, bird watching, hiking, swimming, and canoeing.

(ii) The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops.

(iii) Existing and ongoing agricultural activities, as defined in this chapter.

(iv) The maintenance of drainage ditches.

(v) Nature trails. Trails in wetlands or buffers should be limited to permeable surfaces no more than five feet (5') in width for pedestrian use only. Trails should be located only in the outer twenty five percent (25%) of a wetland buffer, and should be located to avoid removal of significant trees (over 18" diameter).

(vi) Utility lines.

b. Allowed Activities Within Wetland Buffers: In addition to those activities allowed in subsection A of this section, the following activities are allowed within

wetland buffers; provided, that buffer impacts are minimized and that disturbed areas are immediately restored:

(i) Normal maintenance and repair of existing serviceable structures or improved areas. Maintenance and repair does not include modifications that change the character, scope or size of the original structure or improved area.

(ii) Vegetation lined swales designed for storm water management; provided, that they are placed within the outer twenty five percent (25%) of the buffer of category III wetlands, only.

c. Required Buffers:

(i) Buffer Requirements: The following buffers shall be required for wetlands based on the class of wetland as outlined in section I.2 of this title. The City may allow buffer averaging as set forth in subsection C3 of this section.

Table 6
Wetland Buffer Requirements

Wetland Category	Required buffer Width
Category I	100 feet
Category II	75 feet
Category III	50 feet
Category IV	25 feet

(ii) Removal of Vegetation within the Buffer: Removal or alteration of existing vegetation in the buffer areas shall be prohibited or limited as necessary to preserve the wetland. Any disturbance of the buffer area shall be replanted with a diverse plant community of native vegetation appropriate for the site and approved by the City.

(iii) Buffer Averaging:

(a) Buffer width averaging may be allowed where the applicant demonstrates to the City that the wetland contains variations in sensitivity due to existing physical characteristics, that lower intensity land uses would be located adjacent to areas where the buffer width is reduced, and/or that the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.

(b) Buffer width may be reduced by up to twenty five percent (25%) if an applicant undertakes measures approved by the City to enhance the buffer, including, but not limited to, planting of native trees and shrubs or increasing the diversity of plant cover types.

d. Wetland Mitigation and Restoration:

(i) Mitigation: All adverse impacts to wetlands shall be mitigated to the extent feasible and reasonable. Mitigation actions by an applicant or property owner shall occur in the following preferred sequence:

(a) Avoiding the impact altogether by not taking certain actions or parts of actions;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(e) Compensating for the impact by replacing or providing substitute resources or environments; and/or

(f) Monitoring the impact and taking appropriate corrective measures.

e. Monitoring Program and Contingency Plan: A monitoring program shall be implemented by the applicant to determine the success of the mitigation project and any necessary corrective actions. This program shall determine if the original goals and objectives are being met.

(i) A contingency plan shall be established for indemnity in the event that the mitigation project is inadequate or fails. In addition to the bonding requirements in the Development Guidelines for Public Works Standards the applicant shall submit a performance and maintenance bond or other acceptable security device for financial guarantee(s). These devices are required to ensure the applicant's compliance with terms of the mitigation agreement. The amount of the performance and maintenance bond shall equal one hundred fifty (150%) of the cost of the mitigation project for a minimum of five (5) years. The bond may be reduced in proportion to work successfully completed over the period of the bond if performance standards are meeting or exceeding goals. The bonding period shall coincide with the monitoring period.

(ii) Monitoring programs prepared to comply with this section shall reflect the following guidelines:

(a) Scientific procedures shall be used to establish the success or failure of the project.

(b) For vegetation determinations, permanent sampling points shall be established.

(c) Vegetative success shall, at a minimum, equal eighty percent (80%) survival of planted trees and shrubs and eighty percent (80%) cover of desirable under

story or emergent plant species at the end of the required monitoring period or the performance standards set forth in the mitigation plan. Additional standards for vegetative success, including, but not limited to, minimum survival standards following the first growing season, may be required after consideration of a report prepared by a qualified consultant.

(d) For hydrology determinations, permanent sampling points or wells shall be established.

(e) Hydrology success shall, at a minimum show fourteen (14) consecutive days of saturation to the surface during the growing season or the performance standard set forth in the mitigation plan.

(f) Monitoring reports on the current status of the mitigation project shall be submitted to the City.

(g) The reports are to be prepared by a qualified consultant and reviewed by the City or a consultant retained by the City and should include monitoring information on wildlife, vegetation, water quality, water flow, storm water storage and conveyance, and existing or potential degradation, as applicable, and shall be produced on the following schedule: at the time of construction; thirty (30) days after planting; early in the growing season of the first year; at the end of the growing season of the first year; twice during the second year; and annually thereafter.

(h) Monitoring programs shall be established for a minimum of five (5) years.

(i) If necessary, failures in the mitigation project shall be corrected.

(j) Dead or undesirable vegetation shall be replaced with appropriate plantings.

(k) Damage caused by erosion, settling, or other geomorphological processes shall be repaired.

(l) The mitigation project shall be redesigned (if necessary) and the new design shall be implemented and monitored.

(iii) Mitigation Ratios:

(a) Equivalent Areas: Where wetland alterations are permitted by the City, the applicant shall create or enhance wetland areas to compensate for wetland losses. Equivalent areas shall be determined according to acreage, function, type, location, timing factors and projected success of restoration or creation.

(b) Acreage Replacement Ratio: When creating or enhancing wetlands, the following acreage replacement ratios shall be used where the first number specifies the acreage of replacement wetlands and the second number specifies the acreage of wetlands altered:

Wetland Type	Wetland Creation Replacement Ratio (Area)	Wetland Enhancement Ratio (Area)
Category I	6:1	15:1
Category II	3:1	10:1
Category III	2:1	6:1
Category IV	1.5:1	4:1

f. Increased Replacement Ratios: The City Designated Official may increase the ratios under the following circumstances:

(i) Uncertainty exists as to the probable success of the proposed restoration or creation;

(ii) A significant period of time will elapse between impact and replication of wetland functions;

(iii) Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted;

(iv) The impact was an unauthorized impact; or

(v) Where mitigation is to occur off site.

g. Restoration: Restoration is required when a wetland or its buffer has been altered in violation of this title. The following minimum performance standards shall be met for the restoration of a wetland, provided that if it can be demonstrated by the applicant that greater functional and habitat values can be obtained, these standards may be modified:

(i) The original wetland configuration should be replicated including depth, width, and length at the original location;

(ii) The original soil types and configuration shall be replicated;

(iii) The wetland and buffer areas shall be replanted with native vegetation which

replicates the original in species, sizes and densities; and

(iv) The original functional values shall be restored, including water quality and wildlife habitat functions.

h. Landslide Hazard Areas: Development proposals on sites containing class I and class II landslide hazards shall meet the following requirements.

(i) Essential Public Facilities shall not be sited within a geologically hazardous area or its buffers.

(ii) Buffer Requirement: A buffer shall be established from all edges of landslide hazard areas. The size of the buffer shall be determined by the City Designated Official to eliminate or minimize the risk of property damage, death, or injury resulting from landslides caused in whole or part by the development, based upon review of and concurrence with a landslide hazard special study. The buffer shall be equal to the height of the slope or fifty feet (50'), whichever is greater. The buffer may be reduced when a qualified professional demonstrates to the City Designated Official's satisfaction that the reduction will adequately protect the proposed development, adjacent developments, and uses and the subject critical area. The buffer may be increased where the City Designated Official determines a larger buffer is necessary to prevent risk of damage to proposed and existing development.

(iii) Alterations: Alterations of a landslide hazard area and/or buffer may only occur for activities for which a hazards analysis is submitted and certifies that:

(a) The development will not increase surface water discharge or sedimentation to adjacent properties beyond predevelopment conditions;

(b) The development will not decrease slope stability on adjacent properties; and

(c) Such alterations will not adversely impact other critical areas.

(iv) Impervious Surface Ratio: An impervious surface ratio is a measurement of the amount of the site that is covered by any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surfaces include, but are not limited to, roofs and streets; sidewalks and parking lots paved with asphalt, concrete, compacted sand, rock, compacted rock, limerock or clay. The maximum impervious surface ratios for class I and class II landslide hazard areas are set forth in table 7.

(v) Native Vegetation: Native vegetation is plant species that are indigenous and naturalized to the Granite Falls region and which can be expected to naturally occur on a site. Native vegetation does not include noxious weeds. The minimum percentage of native vegetation that must be retained on sites including class I or class II landslide hazard areas is set forth in table 1 of this section.

Table 7
Impervious Surface and Native Vegetation Requirements for Landslide Hazard Areas

Landslide Hazard Class	Maximum Impervious Surface Ratio	Minimum Percentage of Native Vegetation Retained
Class II	0.30	65%
Class I	0.20	75%

(vi) Development Design:

(a) Structures and improvements shall be clustered to retain as much open space as possible and to preserve the natural topographic features of the site.

(b) Structures and improvements shall conform to the natural contour of the slope.

(c) Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation.

(d) The use of retaining walls which allow the maintenance of existing natural slope area is preferred over graded artificial slopes.

(vii) Additional Standards for Class I Landslide Hazards:

(a) Alteration of class I landslide hazard areas is permitted only if the development proposal can be designed so that the landslide hazard to the project and the adjacent property is eliminated or mitigated and the development proposal on that site is certified as safe by a geotechnical engineer licensed in the state of Washington.

(b) Development or alteration shall be prohibited on parcels with a lot slope of greater than forty percent (40%).

i. Erosion Hazard Areas: Alteration of a site containing a critical erosion hazard area shall meet the following requirements:

(i) All alteration proposals shall submit an erosion control plan consistent with this section prior to receiving approval.

(ii) Clearing on erosion hazard areas is allowed from April 1 to November 1 only.

(iii) Only that clearing necessary to install temporary sedimentation and erosion control measures shall occur prior to clearing for roadways or utilities.

(iv) Clearing limits for roads, water, wastewater, and storm water utilities, and temporary erosion control facilities shall be marked in the field and approved by Granite Falls prior to any alteration of existing native vegetation.

(v) The authorized clearing for roads and utilities shall be the minimum necessary to accomplish project specific engineering designs and shall remain within approved rights of way.

(vi) All trees and under story shall be retained on lots or parcels provided that under story damaged during approved clearing operations may be pruned or replaced.

j. Seismic Hazard Areas: Development proposals on sites containing mapped seismic hazard areas may make alterations to a seismic hazard area only when the applicant demonstrates and Granite Falls concludes that:

(i) Evaluation of site specific subsurface conditions shows that the site is not located in a seismic hazard area; or

(ii) Mitigation is implemented which renders the proposed development as safe as if it were not located in a seismic hazard area, as certified by a professional engineer licensed by the state of Washington.

k. Critical Habitat Areas:

(i) All development sites containing wetlands shall conform to the wetland development performance standards set forth in section J of this chapter.

(ii) All development sites adjacent to the Stillaguamish or Pilchuck Rivers shall retain a one hundred fifty foot (150') buffer of native vegetation measured from the ordinary high water mark of the river.

(iii) Where non-fish species have been classified as endangered or threatened by the federal government or department of wildlife, the applicant shall provide a special study identifying the required habitat and recommending appropriate buffers based on the state department of wildlife priority habitat and species management recommendations.

(iv) For all fish and wildlife habitat areas that have been classified as endangered or threatened by the federal government, the applicant will provide a special study identifying the specified habitat based on the Department of Fish and Wildlife's (DFW) Priority Habitats and Species Program.

(v) For all fish and wildlife that have been identified as "sensitive", the applicant will identify the species and note its presence in the SEPA documents and Critical Area Study.

I. Classification of Fish and Wildlife Habitat Areas:

(i) Streams: Streams shall be classified according to the stream type system as provided in WAC 222-16-030, Stream Classification System, as amended.

(a) Type S Stream: Those streams, within their ordinary high water mark, as inventoried as "shorelines of the state" under Chapter 90.58 RCW and the rules promulgated pursuant thereto.

(b) Type F Stream: Those stream segments within the ordinary high water mark that are not Type S streams, and which are demonstrated or provisionally presumed to be used by the salmonid fish. Stream segments which have a width of two feet or greater at the ordinary high water mark and have a gradient of 16 percent or less for basins less than or equal to 50 acres in size, or have a gradient of 20 percent or less for basins greater than 50 acres in size are

provisionally presumed to be used by salmonid fish. A provisional presumption of salmonid fish use may be refuted at the discretion of the Designated Official where any of the following conditions are met:

- It is demonstrated to the satisfaction of the City that the stream segment in question is upstream of a complete, permanent, natural fish passage barrier, above which no stream section exhibits perennial flow;
- It is demonstrated to the satisfaction of the City that the stream segment in question has confirmed, long-term, naturally-occurring water quality parameters incapable of supporting salmonid fish;
- Sufficient information about geomorphic region is available to support departure from the characteristics described above for the presumption of salmonid fish use, as determined in consultation with the Washington Department of Fish and Wildlife, the Department of Ecology, affected tribes, or others;
- The Washington State Department of Fish and Wildlife has issued a hydraulic project approval pursuant to RCW 77.55.100, which includes a determination that the stream segment in question is not used by salmonid fish;
- No salmonid fish are discovered in the stream segment in question during a stream survey

conducted according to the protocol provided in the Washington Forest Practices Board Manual, Section 13, Guidelines for Determining Fish Use for the Purpose of Typing waters under WAC 222-16-031; provided, that no unnatural fish passage barriers have been present downstream of said stream segment over a period of at least two years.

(c) Type Np Stream: Those stream segments within the ordinary high water mark that are perennial and are not Type S or Type F streams. However, for the purposes of clarification, Type Np streams include intermittent dry portions of the channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, non-technical observations (see Washington Forest Practices Board Manual, Section 23), then said point shall be determined by a qualified professional selected or approved by the City.

(d) Type Ns Stream: Those stream segments within the ordinary high water mark that are not Type S, Type F, or Type Np streams. These include seasonal streams in which surface flow is not present for at least some portion of a year of normal rainfall that are not located downstream from any Type Np stream segment.

m. Fish and Wildlife Habitat Buffer Areas:

(i) The establishment of buffer areas shall be required for regulated activities in or adjacent to habitat areas. Buffers shall consist of an undisturbed area of native vegetation established to protect the integrity, functions

and values of the affected habitat. Activities within buffers should not result in any net loss of the functions and values associated with streams and their buffers.

(a) The following buffer widths are established:

Streams	Buffer
Type S	150 feet
Pilchuck River Stillaguamish River	
Type F	100 feet
Drainage from Lake Gardner below dam	
Type Np	75 feet
To be identified by applicant	
Type Ns	50 feet
To be identified by applicant	

(b) Federal, State and Local Habitats and Species:

- Except for waters subject to subsection (n)(i) of this section, and bald eagles subject to subsection (n)(b) bullet number two of this section, the establishment of buffer areas may be required for regulated activities in or adjacent to federal, state and local species and habitat areas as designated pursuant to Critical Area Chapter. Buffers shall consist of an undisturbed area of native vegetation established to protect the integrity, functions and values

or the affected habitat. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby. Buffers shall be determined by the department based on information in the biological/habitat report, supplemented by its own investigations, the intensity and design of the proposed use, and adjacent uses and activities. Buffers are not intended to be established or to function independently of the habitat they are established to protect. Buffers shall be measured from the edge of the habitat area.

- Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292).

(ii) Where existing buffer area plantings provide minimal vegetative cover and cannot provide the minimum water quality or habitat functions, buffer enhancement shall be required. Where buffer enhancement is required, a plan shall be prepared that includes plant densities that are not less than five feet on center for shrubs and 10 feet on center for trees. Monitoring and maintenance of plants shall be required in accordance with Critical Area Chapter. Existing buffer vegetation is considered "inadequate" and will require enhancement through additional native plantings and removal of nonnative plants when:

(a) Nonnative or invasive plant species provide the dominate cover;

(b) Vegetation is lacking due to disturbance and stream resources could be adversely affected; or

(c) Enhancement planting in the buffer could significantly improve buffer functions. If according to the buffer enhancement plan, additional buffer mitigation is not sufficient to protect the habitat, the City shall require larger buffers where it is necessary to protect habitat functions based on site-specific characteristics.

(iii) Measurement of Buffers:

(a) Stream Buffers: All buffers shall be measured from the ordinary high water mark as identified in the field or, if that cannot be determined, from the top of the bank. In braided channels and alluvial fans, the ordinary high water mark or top of bank shall be determined so as to include the entire stream feature;

(b) Combination Buffers: Any stream adjoined by a wetland or other adjacent habitat area shall have the buffer which applies to the wetland or other habitat area unless the stream buffer requirements are more expansive.

(iv) Buffer widths may be modified by averaging buffer widths as set forth herein:

(a) Buffer width averaging shall be allowed only where the applicant demonstrates to the Designated Official that the average will not impair or reduce habitat, water quality purification and enhancement, stormwater detention, ground water recharge, shoreline protection and erosion protection and other functions of the stream and buffer, that the lower intensity land uses would be located adjacent to areas where the

buffer width is reduced, and that the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.

(b) Notwithstanding the reductions permitted in subsection (n)(iv)(a) of this section, buffer widths shall not be reduced by more than 25 percent of the required buffer.

(v) The buffer width stated in subsection (n)(i)(a) of this section shall be increased in the following circumstances:

(a) When the adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse habitat impacts; or

(b) When the standard buffer has minimal or degraded vegetative cover that cannot be improved through enhancement; or

(c) When the minimum buffer for a habitat extends into an area with a slope of greater than 25 percent, the buffer shall be the greater of:

- The minimum buffer for that particular habitat; or
- Twenty-five feet beyond the point where the slope becomes 25 percent or less.

(vi) The Designated Official may authorize the following low impact uses and activities provided they are consistent with the purpose and function of the habitat buffer and do not detract from its integrity may be permitted within the buffer depending on the sensitivity of the habitat involved. To the extent reasonably practicable, examples of uses and activities which may be permitted in appropriate cases include pedestrian trails, viewing platforms,

interpretive signage, utility easements and the installation of underground utilities pursuant to best management practices. Uses permitted within the buffer shall be located in the outer 25 percent of the buffer.

(vii) Trails and Open Space: For walkways and trails, associated open space in critical buffers located on public property or on private property where easements or agreements have been granted for such purposes all of the following criteria shall be met.

(a) The trail, walkway and associated open space shall be consistent with the comprehensive parks, recreation, and open space master plan. The City may allow private trails as a part of the approval site plan, subdivision or other land use permit approvals.

(b) Trails and walkways shall be located in the outer 25 percent of the buffer, i.e., the portion of the buffer that is farther away from the critical area. Exceptions to this requirement may be made for:

- Trail segments connecting to existing trails where an alternative alignment is not practical. Public access points to water bodies spaced periodically along the trail.

(c) Enhancement of the buffer area is required where trails are located in the buffer. Where enhancement of the buffer area adjacent to a trail is not feasible due to existing high quality vegetation, additional buffer area or other mitigation may be required.

(d) Trail widths shall be a maximum width of 10 feet. Trails shall be constructed of permeable materials; provided, that impervious materials may be allowed if pavement is required for handicapped or

emergency access, or safety, or is a designated non-motorized transportation route or makes a connection to an already dedicated trail, or reduces potential for other environmental impacts.

(viii) Allowed Activity – Utilities in Streams: New utility lines and facilities may be permitted to cross water bodies in accordance with an approved supplemental stream/lake study, if they comply with the following criteria:

(a) Fish and wildlife habitat areas shall be avoided to the maximum extent possible; and

(b) The utility is designed consistent with one or more of the following methods:

- Installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the water body and channel migration zone; or
- The utilities shall cross at an angle greater than 60 degrees to the centerline of the channel in streams perpendicular to the channel centerline; or
- Crossings shall be contained within the footprint of an existing road or utility crossing; and

(c) New utility routes shall avoid paralleling the stream or following a down-valley course near the channel; and

(d) The utility installation shall not increase or decrease the natural rate of shore migration or channel migration; and

(e) Seasonal work windows are determined and made a condition of approval; and

(f) Mitigation criteria of Critical Area Chapter are met.

(ix) Stormwater management facilities, such as biofiltration swales, may be located within the outer 25 percent of buffers only if they will have no negative effect on the functions and purpose the buffers serve for the fish and wildlife habitat areas. Stormwater detention ponds shall not be allowed in fish and wildlife habitat areas or their required buffers.

(x) For subdivisions and short subdivisions, the applicable wetland and associated buffer requirements for any development or redevelopment of uses specifically identified in, and approved as part of, the original subdivision or short subdivision application shall be those requirements in effect at the time that the complete subdivision application was filed; provided, that for subdivisions this provision shall be limited to final plats reviewed and approved under chapter 19.5or as amended at the time of final plat approval. However, at the discretion of the Designated Official a buffer enhancement plan may be required in accordance with subsection (n)(ii)(c) of this section if the wetland or buffer has become degraded or is currently not functioning or if the wetland and/or buffer may be negatively affected by the proposed new development.

(xi) Minor additions or alterations such as decks and small additions less than 120 square feet, interior remodels, or tenant improvements which have no impact on the habitat or buffer shall be exempt from the buffer enhancement requirements.

(xii) Required buffers shall not deny all reasonable use of property. A variance from buffer width requirements may be granted by the City of Granite Falls upon a showing by the applicant that:

(a) There are special circumstances applicable to the subject property or to the intended use such as shape,

topography, location or surroundings that do not apply generally to other properties and which support the granting of a variance from the buffer width requirements; and

(b) Such buffer width variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of special circumstances is denied to the property in question; and

(c) The granting of such buffer width variance will not be materially detrimental to the public welfare or injurious to the property or improvement; and

(d) The granting of the buffer width variance will not materially affect the subject habitat area; and

(e) If a variance application for stream buffers is merged with a pending shoreline development permit application, the applicant shall pay the City a single fee equal to the amount of the shoreline permit; and

(f) No variance from stream buffers shall be granted which is inconsistent with the policies of the Shoreline Management Act of the State of Washington and the master program of the City of Granite Falls.

(g) Best available science, as set forth in Critical Area Chapter shall be taken into consideration in the granting of a buffer width variance.

n. Fish and Wildlife Habitat Alteration and Mitigation

After careful consideration of the potential impacts and a determination that impacts are unavoidable, unavoidable impacts to streams, associated fish buffers and wildlife habitat not exempt

under Critical Area Chapter, granted a variance under Critical Area Chapter, or meeting the criteria for a reasonable use exemption shall be mitigated as follows:

(i) Adverse impacts to habitat functions and values shall be mitigated to the extent feasible and reasonable. Mitigation actions by an applicant or property owner shall occur in the following preferred sequence:

(a) Avoiding the impact altogether by not taking a certain action or parts of actions;

(b) Minimizing impacts by limitating the degree of magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations;

(e) Compensating for the impact by replacing or providing substitute resources or environments;

(f) Monitoring the impact and taking appropriate corrective measures in accordance with Critical Area Chapter.

(ii) Where impacts cannot be avoided, the applicant or property owner shall implement other appropriate mitigation actions in compliance with the intent, standards and criteria of this section. In an individual case, these actions may include consideration of alternative site plans and layouts, reductions in the density or scope of the proposal, and implementation of the performance standards listed in Critical Area Chapter.

(iii) Alteration of habitat and their buffers may be permitted by the Designated Official subject to the following standards:

(a) Type S and F Streams: Alterations of Type S streams shall be avoided, subject to the reasonable use provisions of this chapter and conformance with the City of Granite Falls shoreline management master program. Access to the shoreline will be permitted for water dependant and water-oriented uses subject to the mitigation sequence referred to in subsections (i) and (ii) of this section;

(b) Type F, Np and Ns Streams. Alterations of Type F, Np and Ns streams may be permitted; provided that the applicant mitigates adverse impacts consistent with the performance standards and other requirements of this chapter and provided that no overall net loss will occur in stream functions and fish habitat;

(c) Relocation of a stream may occur only when it is part of an approved mitigation or rehabilitation plan, and will result in equal or better habitat and water quality, and will not diminish the flow capacity of the stream.

o. Fish and Wildlife Mitigation Standards, Criteria and Plan Requirements:

(i) Location and Timing of Mitigation:

(a) Mitigation shall be provided on-site, except where on-site mitigation is not scientifically feasible or practical due to physical features of the property. The burden of proof shall be on the applicant to demonstrate that mitigation cannot be provided on-site.

(b) When mitigation cannot be provided on-site, mitigation shall be provided in the immediate vicinity of and within the same watershed as the permitted activity on property owned and controlled by the applicant, where practical and beneficial to the fish and wildlife habitat resources. When possible, this means within the same watershed as the location of the proposed project.

(c) In-kind mitigation, as defined in Critical Area Chapter shall be provided except when the applicant demonstrates and the Designated Official concurs the greater functional and habitat value can be achieved through out-of- kind mitigation, as defined in this Critical Area Chapter.

(d) Only when it is determined by the Designated Official that subsections (i)(a), (b) and (c) of this section are inappropriate or impractical shall off-site, out-of-kind mitigation be considered.

(e) Any agreed-upon proposal shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule has been approved by the Designated Official.

p. Fish and Wildlife Habitat Performance Standards and Incentives:

(i) The habitat performance standards and criteria contained in this section shall be incorporated into plans submitted for regulated activities. It is recognized that in specific situations, all the listed standards may not apply or be feasible to implement or individual standards may conflict, in which case the standard(s) most protective of the environment shall apply.

(a) Consider habitat in site planning and design;

(b) Locate buildings and structures in a manner that preserves and minimizes adverse impacts to important habitat areas;

(c) Integrate retained habitat into open space and landscaping;

(d) Where possible, consolidate habitat and vegetated open space in contiguous blocks;

(e) Locate habitat contiguous to other habitat areas, open space or landscaped areas to contribute to a continuous system or corridor that provides connections to adjacent habitat areas and allows movement of wildlife;

(f) Use native species in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat or buffers;

(g) Emphasize heterogeneity and structural diversity of vegetation in landscaping, and food-producing plants beneficial to wildlife and fish;

(h) Remove and control any noxious or undesirable species of plants and animals;

(i) Preserve significant trees and snags, preferably in groups, consistent with achieving the objectives of these standards;

(j) Buffers shall be surveyed, staked, and fenced with erosion control and/or clearing limits fencing prior to any construction work, including grading and clearing, that may take place on the site; and

(k) Temporary and erosion sedimentation controls, pursuant to an approved plan shall be implemented during construction.

(ii) A landscape plan shall be submitted consistent with the requirements, goals, and standards of this chapter. The plan shall reflect the report prepared pursuant to this Critical Area Chapter.

(iii) As an incentive to encourage preservation of secondary and tertiary habitat, as those terms are defined in these regulations, the net amount of landscaping required by the City of Granite Falls may be reduced by .25 acres for each one acre of secondary or tertiary habitat and buffer preserved on the site; however, that amount cannot exceed 50 percent of the amount of required landscaping. The reduction shall be calculated on the basis of square feet or habitat preserved or enhanced and square feet of landscaping required. Habitat and habitat buffer that is enhanced by the applicant may also qualify for this reduction. Preservation of secondary or tertiary habitat shall be assured by the execution of an easement or other protective device acceptable to the City of Granite Falls.

q. Fish and Wildlife Habitat Monitoring Program and Contingency Plan:

(i) A monitoring program shall be implemented to determine the success of the mitigation project and any necessary corrective actions. This program shall determine if the original goals and objectives are being met.

(ii) A contingency plan shall be established for compensation in the event that the mitigation project is inadequate or fails. A performance, monitoring, and maintenance bond or other acceptable security device is required to ensure the applicant's compliance with the terms of the mitigation agreement. The amount of the performance, monitoring, and maintenance bond shall equal 125 percent of the cost of the mitigation project for a period of five years; provided, that the Designated Official may agree to reduce the bond in phases, in proportion to work successfully

completed over the period of the bond. Failure to complete any required performance, monitoring, and maintenance shall result in forfeiture of the guarantee. Applicants who have previously defaulted will no longer be allowed to post a bond for performance, monitoring, and maintenance but will instead be required to submit an assignment of bank account to the City of Granite Falls for two times the cost of the mitigation project.

(iii) The monitoring program shall consist of the following:

(a) During monitoring, best available scientific procedures shall be used as the method of establishing the success or failure of the project;

(b) For vegetation determinations, permanent sampling points shall be established;

(c) For measurement purposes, vegetative success shall equal 80 percent survival of planted trees and shrubs and 80 percent cover of desirable understory or emergent species;

(d) Monitoring reports shall be submitted on the current status of the mitigation project to the Designated Official. The reports shall be prepared by a qualified scientific professional and reviewed by the City, shall to the extent applicable include monitoring information on wildlife, vegetation, water quality, water flow, stormwater storage and conveyance, and existing or potential degradation, and shall be produced on the following schedule:

- At time of construction;
- Thirty days after planting;
- Early in the growing season of the first year;

- End of the growing season of first year;
- Twice the second year; and
- Annually thereafter;

(e) Monitoring shall occur three, four or five growing seasons, depending on the complexity of the fish and wildlife habitat system. The monitoring period will be determined by the Designated Official and specified in writing prior to the implementation of the site plan;

(f) The applicant shall if necessary, correct for failures in the mitigation project;

(g) The applicant shall replace dead or undesirable vegetation with appropriate plantings based on the approved planting plan or this Critical Area Chapter.

(h) The applicant shall repair damage caused by erosion, settling, or other geomorphological processes;

(i) Correction procedures shall be approved by a qualified scientific professional and the Designated Official; and

(j) In the event of failure of the mitigation project, the applicant shall redesign the project and implement the new design.

r. Aquifer Recharge Areas:

(i) The following regulations for aquifer recharge areas are consistent with the Department of Ecology's Critical Aquifer Recharge Areas (CARAs) guidance.

(ii) Requirement for Hydrogeologic Assessment: The following uses of land shall require a hydrogeologic assessment of the proposed site if the site is located within a high significance aquifer recharge area:

(a) Hazardous substance processing or handling;

(b) Hazardous waste treatment and storage facility;

(c) Disposal of on site sewage for subdivisions, short plats, and commercial and industrial sites;

(d) Feedlots;

(e) Landfills;

(f) Sludge land application sites over forty (40) acres or with an annual application rate of greater than two (2) dry tons of sludge per acre;

(iii) Contents of the Hydrogeologic Assessment:

(a) The hydrogeologic assessment shall be submitted by a firm with experience in preparing hydrogeologic assessments.

(b) The hydrogeologic assessment must show that the use does not pose a threat to the aquifer system and that the proposed use will not cause contaminants to enter the aquifer.

(c) Uses requiring a hydrogeologic assessment may be conditioned or denied based upon the City's evaluation of the hydrogeologic assessment. Any project denied a permit based on the City's evaluation shall receive a written explanation of the reason(s) for the denial and an explanation of the measures required, if any, to comply with these regulations.

(iv) The hydrogeologic assessment shall include, but is not limited to:

(a) Information sources;

(b) Geologic setting;

(c) Background water quality;

(d) Location and depth to perched water tables;

(e) Recharge potential of the facility site;

(f) Ground water flow direction and gradient;

(g) Currently available data on wells within one thousand feet (1,000') of the site;

(h) Currently available data on springs within one thousand feet (1,000') of the site;

(i) Surface water location and recharge potential;

(j) Discussion of the effects of the proposed project on the ground water resource;

(k) Other information as may be required by the City;

(l) All wellhead zones shall be protected if classified as a sole-source aquifer.

(v) Impervious Surfaces: Uses located within high significance aquifer recharge areas and that are not required to submit a hydrogeologic assessment shall minimize the extent of impervious surfaces on the site.

s. Flood Hazard Areas: Development sites within flood hazard areas shall conform to the requirements of the Snohomish County Shorelines Master Program and to the requirements of 19.7.020I.6, of this code. The requirements for developments in flood hazard areas shall be consistent with the FEMA requirements for the National Flood Hazard Insurance Program.

19.7.030 SHORELINE MANAGEMENT:

A. DEFINITIONS:

Definitions contained in the Washington State Shoreline Management Act of 1971 shall apply to all terms and concepts used in this title; provided that, definitions contained in this chapter

shall be applicable where not in conflict with the Washington State Shore line Management Act of 1971.

Development means a use consisting of the construction or exterior alteration of structures; dredging, drilling, dumping, filling, removal of sand, gravel or minerals, bulkheading, driving of piling, placing of obstructions or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level.

Master Program shall mean the comprehensive shoreline plan for Granite Falls and the use regulations together with diagrams, charts or other descriptive material and text, developed in accordance with the policies enunciated in section 2 of the Shoreline Management Act of 1971 (RCW 90.58.020).

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

Shorelands or shoreland areas means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet (200) from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.

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

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

Shorelines of State-Wide Significance in the Granite Falls area means those lakes, whether natural artificial or a combination, with a surface acreage of one thousand acres or more measured at the ordinary high water mark, and those natural rivers or segments

thereof downstream of a point where the annual flow is measured at one thousand cubic feet per second or more.

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

Substantial Development shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars ($2,500), or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the types of development shall not be considered substantial developments for the purpose of this chapter.

Wetlands mean areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined 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 non-wetland areas to mitigate the conversion of wetlands.

B. ADMINISTRATION:

1. Map: Shorelines of the state located within Granite Falls shall be designated on an official map to be kept in City Hall.

2. Administration: The Planning Manager is vested with the duty of administering the rules and regulations relating to shoreline management and may prepare and require the use of such forms as are essential to such administration.

3. Compliance with other Laws: Nothing in this title shall be construed as excusing a developer from compliance with any other local, state, or federal statute, ordinance or regulation applicable to a proposed development.

4. Enforcement: The Granite Falls City Attorney shall bring such criminal injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the City located within the City in conflict with provisions,

policy, or intent of this Chapter or the Shoreline Management Act of 1971.

5. Penalty: In addition to whatever civil liabilities may be incurred, any person found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of this chapter or of the master program, rules or regulations adopted, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one thousand dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment; provided, that the third and all subsequent violations in any five year period shall be a gross misdemeanor punishable by a fine of up to five thousand dollars or imprisonment of up to one year, or by both such a fine and imprisonment.

C. DEVELOPMENT EXEMPTED FROM THE SHORELINE DEVELOPMENT PERMIT REQUIREMENT:

The following types of development shall not be considered substantial developments for the purpose of this chapter and shall not be required to obtain a shoreline development permit:

1. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements.

2. Construction of the normal protective bulkhead common to single family residences.

3. Emergency construction necessary to protect property from damage from the elements.

4. Construction or modification of navigational aids such as markers and anchor buoys.

5. Construction by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or City government having jurisdiction, other than requirements imposed pursuant to this chapter.

6. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences, when the fair market value of the dock does not exceed ten thousand

dollars ($10,000.00), but if subsequent construction having a fair market value exceeding two thousand five hundred dollars ($2,500.00) occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

7. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

8. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

9. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

10. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

    a. The activity does not interfere with the normal public use of the surface waters;

    b. The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

    c. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

    d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

    e. The activity is not subject to the permit requirements of RCW 37 90.58.550;

11. The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department jointly with other state agencies under chapter 43.21C RCW.

D. REQUIREMENTS FOR EXEMPTED DEVELOPMENTS:

Any development or substantial development exempted from obtaining a shoreline development permit by 19.7.3.030.C Development Exempted from the Shoreline Development Permit Requirement shall be consistent with the policy and intent of the Shoreline Management Act of 1971 and of City of Granite Falls this chapter and with any master program

E. SUPPLEMENTAL APPLICATION REQUIREMENTS FOR A SHORELINE DEVELOPMENT PERMIT:

In addition to the application requirements of the administrative guideline entitled "Information Required with Applications," any person applying for a shoreline development permit shall submit with their Master Permit Application the following information:

1. The name and address of the applicant;
2. The location and legal description of the proposed substantial development;
3. The present use of the property;
4. The general description of the property and the improvements;
5. A description of the proposed substantial development and the intended use of the property;
6. The following information will be provided on a site plan map:
    a. Land contours, using five-foot contour intervals, if project includes grading, filling or other alteration of contours, then either;
        (i) Show both existing and proposed contours on a single map, clearly indicating which is which, and include items b-j following, or
        (ii) Provide two maps, one showing existing contours, including items b-e below, and the

other showing proposed contours, including items f-j below.

b. Size and location of existing improvements that will be retained;

c. Existing utilities;

d. Ordinary high water mark;

e. Beach type: sand, mud, gravel, etc.;

f. Size and location of proposed structures;

g. Maximum height of proposed structures;

h. Width of setback, side yards;

i. Proposed fill areas; state type, amount and treatment of fill;

j. Proposed utilities;

7. Vicinity map, indicating relationship of site to adjacent lands: Show adjacent lands for at least 400 feet in all directions from the project site; and owner of record within 300 feet of project site;

8. Total value of all construction and finishing work for which the permit will be issued, including all permanent equipment to be installed on the premises;

9. Approximate dates of construction initiation, and completion;

10. Short statement explaining why this project needs a shoreline location and how the proposed development is consistent with the policies of the Shoreline Management Act of 1971.

11. Of any other permits for this project from state, federal or local government agencies for which the applicant has applied or will apply.

12. Any additional material or comments concerning the application that the applicant wishes to submit may be attached to the application on additional sheets.

F. FEES:

The fees for each proposed substantial development, conditional use, or variance permit shall be set by resolution.

G. NOTICE REQUIREMENT:

A notice of application and hearing for shoreline development shall be given for all Shoreline Development Permit hearings, conforming to the requirements of section 19.7.020J.2.s. I.

H. POLICIES:

1. A permit shall be granted only when the proposed development is consistent with the Granite Falls Master Shoreline program.
2. A permit shall be granted only when the proposed development is consistent with the policy of section 2 of the Shoreline Management Act of 1971 (RCW 90.58.020)
3. Surface drilling for oil and gas is prohibited in the waters of Granite Falls from the ordinary high water mark on all lands within one thousand feet landward from said mark.
4. A permit shall be denied if the proposed development is not consistent with the above-enumerated policies.
5. The granting of any Shoreline Development Permit by the City shall be subject to the conditions imposed by the Shoreline Hearings Board.

I. PUBLIC HEARING:

Whenever a Shoreline Substantial Development permit is required, the permitting process shall be combined with the permitting process of the underlying land use permit and the most restrictive process shall apply. If a public hearing is required for the underlying land use permit, then that hearing, before the appropriate decision-making body pursuant to section 19.4.080C, shall incorporate the hearing on the Shoreline Substantial Development permit. If a public hearing is not required for the underlying land use permit, a public hearing shall nevertheless be held before the Hearing Examiner to meet the requirements for a Shoreline Substantial Development permit. Such hearings shall comply with the requirements of section 19.7.020J.2.s. (Shoreline Management).

J. DUTIES OF THE DECISION – MAKING AUTHORITY:

The decision-making authority shall consider the proposed substantial development based on information from: the application; written comments from interested persons; the advice of the various City departments; independent study of the decision-making authority; and views expressed by the public. The decision-

making authority may request an applicant furnish information concerning a proposed substantial development in addition to information required in an application. The decision-making authority shall formulate findings of fact and a decision, based on the policies. The decision-making authority shall transmit its recommendations in writing, together with a statement setting forth the factors considered, and an analysis of the findings considered by him to be controlling, to the Shoreline Hearings Board within fourteen (14) days following the public hearing.

K. NOTIFICATION OF DECISION:

The decision-making authority shall notify the following persons in writing of its final approval or disapproval of a shoreline development permit:

1. The applicant;
2. The Department of Ecology;
3. The Attorney General;
4. Any person who has submitted written comments on the application;
5. Any person who has written the decision-making authority requesting notification;

L. EFFECTIVE DATE OF PERMIT:

No person shall begin substantial development of any part of the shorelines of the state located within the City of Granite Falls until thirty (30) days after being granted a Shoreline Development Permit pursuant to the provisions of this chapter or until all review proceedings initiated within such thirty (30) day period are terminated.

M. VARIANCES AND CONDITIONAL USES:

The City's master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances to insure that strict implementation of the master program will not create unnecessary hardships or thwart the policy enumerated in this chapter or in section 2 of the Shoreline Management Act of 1971 (RCW 90.58.020). Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect.

N. APPEALS:

Any person aggrieved by the granting, denying or rescinding of a Shoreline Development permit may seek review by filing a request for review with the Shoreline Hearings Board, the Department of Ecology, and the Attorney General within thirty (30) days of receipt of the final order. The City may appeal to the Shorelines Hearing Board any rules, regulations, guidelines, designations, or master programs for shorelines of the state adopted or approved by the Department of Ecology within thirty (30) days of the date of adoption or approval.

O. RESCISSION:

Whatever decision-making authority issues the permit shall retain continuing jurisdiction over such permits. It may modify or rescind any shoreline development permit if it finds that a permittee has not complied with the conditions of a permit. The decision-making authority shall hold a public hearing and make findings of fact relating to a permit in question before it may take action to modify or rescind the permit.

A shoreline development shall become void one year from the date of its issuance when substantial work on the authorized shoreline development has not been initiated within that period.

P. REAPPLICATION:

After the final action regarding the denial of a shoreline development permit, a reapplication for such a permit involving substantially the same development on the same property shall not be accepted for consideration for a period of six (6) months.

19.7.040 PENALTIES AND ENFORCEMENT:

A. ENFORCEMENT; PENALTIES:

1. Site Inspections: The City Clerk or designee is authorized to make site inspections and take such actions as necessary to enforce this Title. A City representative shall present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.

2. Order Remedial Action: The City shall have the authority to order restoration, rehabilitation or replacement measures to compensate for the destruction or degradation of critical area lands at the owner's expense, and may force compliance by suit filed in a court having jurisdiction.

3. Penalty Imposed: Any person who fails to comply with the provisions of this Title shall be subject to a penalty as provided in section 19.7.040 of this Code per day for each day of noncompliance, measured from the date the violation begins until the person complies with the requirements of this Title.

B. APPEALS:

1. Filing: An appeal of the City Clerk's decision to require a critical area study must be filed with the City Clerk/Treasurer within ten (10) working days after said decision. The Planning Commission shall initially hear the appeal and shall thereafter forward its findings and recommendations to the Council for final decision.

2. Procedure: Any decision to approve, condition or deny a development or alteration proposal based on the requirements of this Title may be appealed in accordance with the procedures and standards applicable to the subject development or alteration proposed.

CHAPTER 19.8
SITING ESSENTIAL PUBLIC FACILITIES

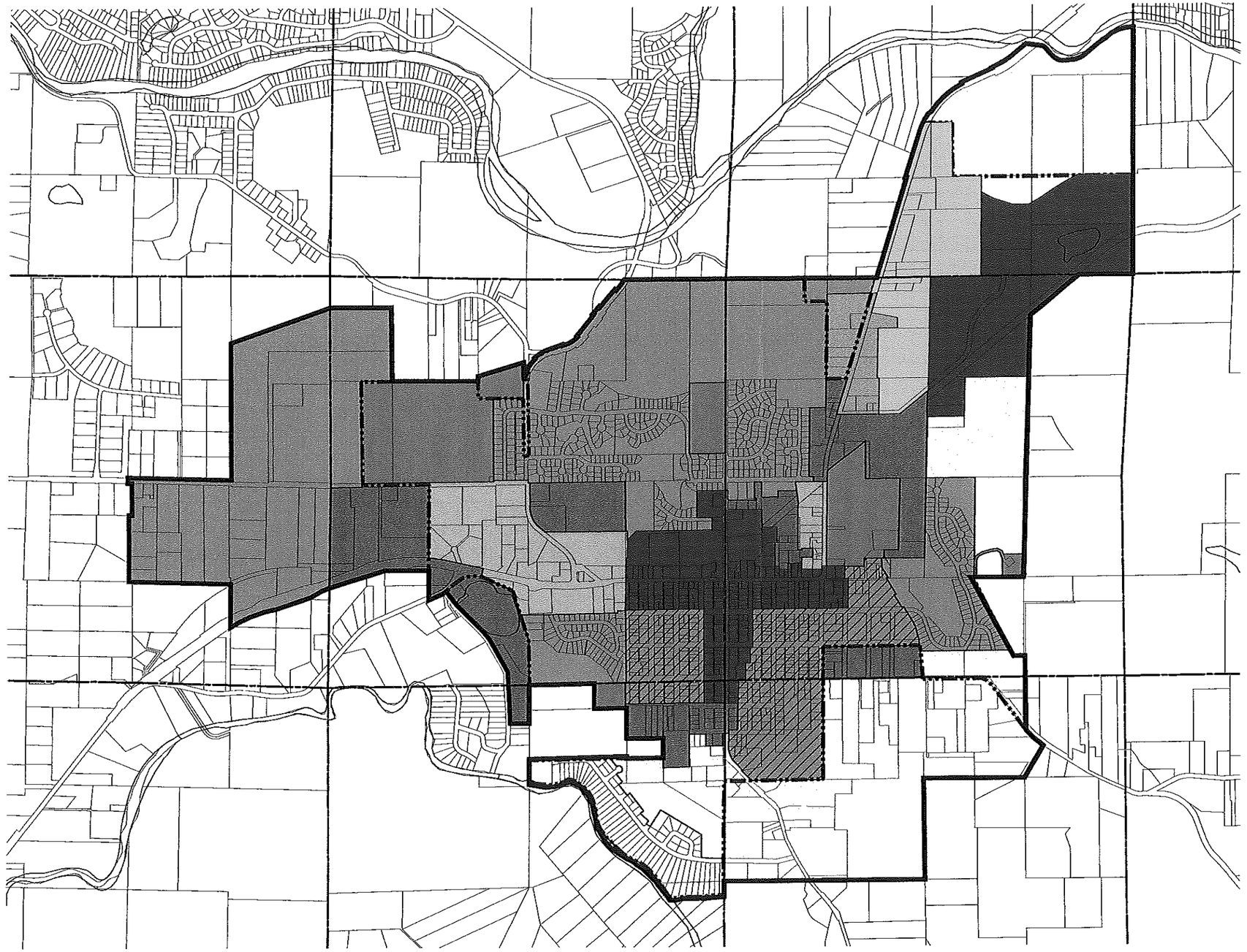
19.8.010 PURPOSE:

A. ADOPTION BY REFERENCE:

In accordance with the requirements of the Growth Management Act, Snohomish County Tomorrow and the County Council has adopted a guide for siting essential public facilities (see Snohomish County General policy Plan Appendix B, adopted February 1, 2006).

The process described in that document outlines a County wide approach to siting essential public facilities. The City of Granite Falls addressed the general goal of siting essential public facilities in its Comprehensive Plan, adopted November 2005 (Pages EPF-1-EPF-2).

By reference this Unified Development Code adopts the County process for siting essential public facilities in the General Policy Plan effective date February 2006.



LEGEND

- EXISTING UGA BOUNDARY
- PROPOSED UGA BOUNDARY
- RURAL 2.3 (R–2.3)
- RESIDENTIAL 9,600 (R–9,600)
- RESIDENTIAL 7,200 (R–7,200)
- MULTIPLE RESIDENTIAL (MR)
- DOWNTOWN RESIDENTIAL (DT 2,500)
- CENTRAL BUSINESS DISTRICT (CBD)
- GENERAL COMMERCIAL (GC)
- LIGHT INDUSTRIAL (LI)
- INDUSTRIAL (I)
- INDUSTRIAL/RETAIL (IR)
- SCHOOLS, PARK, WWTPS, MISC.

100 ACRES
50 ACRES
25 ACRES

NORTH

hba DESIGN GROUP
land use planning + civil engineering

WASHINGTON
425.353.2835 phone
425.352.9551 fax
1721 Hewitt Avenue
Fourth Floor
Everett, WA 98201

OREGON
541.588.1851 phone
541.588.1853 fax
150 North 7th Street
Springfield, OR 97477

GRANITE FALLS

GRANITE FALLS
UNIFIED DEVELOPMENT CODE

ZONING MAP