

CITY OF MAPLE VALLEY, WASHINGTON

ORDINANCE O-12-492

AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, AMENDING TITLE 18, DEVELOPMENT REGULATIONS, PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING FOR CORRECTIONS.

WHEREAS, periodically the City updates its development code to correct errors and omissions; and

WHEREAS, the Planning Commission deliberated on proposed changes to Title 18 of the municipal code during several public meetings in 2011; and

WHEREAS, the City fulfilled its obligation for notice to the Washington State Department of Commerce under RCW 36.70A.106, and completed “expedited review” on August 23, 2011 after having received no comments on the draft proposed regulations; and

WHEREAS, a State Environmental Policy Act (SEPA) non-project review and Determination of Nonsignificance (DNS), was issued on August 16, 2011; and

WHEREAS, the Planning Commission held a public hearing on October 5, 2011 to receive public testimony on draft proposed code amendments and recommended adoption of the proposed changes to Council; and

WHEREAS, staff introduced the proposed amendments to the City Council on January 17, 2012; and

WHEREAS, the City Council held a public hearing on the proposed amendments on February 27, 2010;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 18.30.015 of the Maple Valley Municipal Code is hereby amended as follows:

18.30.015 Temporary uses.

A. Purpose. The purpose of this section is to make allowances for certain types of temporary uses. Temporary uses are uses that do not require permanent construction and which are approved with a specified time limit.

B. Temporary Uses in All Zones. The Director may authorize temporary uses which do not involve the construction of a permanent structure as a Process 1 decision. Under no circumstance shall such a temporary use be authorized for period exceeding 60 days. The Director must find that the proposed use is not in conflict with the goals and policies of the comprehensive plan and that no material detriment to surrounding properties will occur. In considering such proposals, the Director may:

1. Require modifications to the site plan, signage, lighting, limitations on hours of operation, or other measures to mitigate adverse impacts of the proposal;
2. Require that the proposed use have on-site staff whenever in operation;
3. Require the applicant post a bond or other financial guarantee for the removal of materials and restoration of the site; and
4. Modify certain development standards for the site if they will not serve a substantial purpose during the life of the temporary use.

C. Temporary Residential Structures.

1. The Director may authorize the installation of a manufactured home for use during the construction of a single-family residence, subject to the following:

- a. The temporary dwelling shall be on the same parcel as the house under construction;
- b. The permit shall be valid for the life of the Construction Permit, not to exceed one year;
- c. The applicant shall post a bond or other financial guarantee sufficient to cover the removal of the unit;
- d. The application shall be subject to the procedures for Process 1 decisions.

2. The Director may authorize manufactured homes as accessory to residential uses for the care of an elderly or disabled relative subject to the following:

- a. The initial approval shall be for no more than one year;
- b. The applicant shall post a bond or other financial guarantee sufficient to cover the removal of the unit;

- c. The specific unit to be installed must be generally consistent with architecture and design of the surrounding residential structures;
- d. Renewal may be sought on a year-by-year basis provided the previous criteria are satisfied and the unit is maintained and operated in a clean and safe manner; and
- e. The initial application and any renewal shall be subject to the procedures for Process 1 decisions.

D. Temporary Nonresidential Structures and Uses.

1. The Director may authorize office and retail uses to occur in temporary structures during the period of construction of a permanent facility to house such activity subject to the following:

- a. The approval of such activity shall be only during the life of the Building Permit and shall not exceed one year unless renewed;
- b. The applicant shall post a bond or other financial guarantee sufficient to cover the removal of the unit;
- c. Renewal may be sought on a year-by-year basis not to exceed the life of the Construction Permit;
- d. The temporary structure shall comply with all applicable utility and construction standards; and
- e. The initial application and any renewal shall be subject to the procedures for Process 1 decisions.

2. The Director may authorize the installation of small temporary structures for the use as contractor's offices, construction engineer's offices, real estate offices and other similar activities subject to the approval of the Building Official and City Engineer. If necessary, the Director may require that a bond be posted for the removal and may limit the duration of the approval to a reasonable period (e.g., length of construction, completion of real estate sales).

[3. The Director may authorize the use of temporary storage associated with an active, permitted, municipal construction project and other similar activities. In the event the use becomes inactive for 60 days, the permit shall expire.](#)

Section 2. Section 18.30.040 of the Maple Valley Municipal Code is hereby amended as follows:

18.30.040 Allowed uses by zoning district – Commercial.

A. Table.

| USE | ZONING DISTRICT | | | | | | | | | | | | |
|-------------------------------------|-----------------|-----|------|---------|----------------|----------------------------------|----------------------|-----------------|-------------------|------|-----------------|------------------|--------------------|
| | R-4/6 | R-8 | R-12 | R-18/24 | O | NB ⁴ _{,8,21} | CB ⁹ | MU ⁵ | BP | PU B | PR O | MPC ⁹ | SC |
| Adult Entertainment / Facility | | | | | | | | | P ¹ | | | | P ¹ |
| Family Child Care Home | P | P | P | P | P | | P | P | | | | M | |
| Car Wash | | | | | | C ²⁰ | | | P ¹⁴ | | | M | P ¹³ |
| Child Day Care/ Adult Day Care | C | C | C | C | P | P | P | P | A ⁶ | | | M | |
| Eating/ Drinking Establishment | | | | | A ³ | P | P | P ²⁴ | A ⁶ | | A ²³ | M | P |
| Fueling Station – Retail | | | | | | C ¹⁹ | P ^{7,14,25} | | P ^{7,14} | | | M | P ^{14,25} |
| Fueling Station – Commercial | | | | | | | | | P ^{7,15} | | | | P ¹⁵ |
| Funeral Home | | | | | | | P | P | | | | M | P |
| Hotel/Motel | | | | | P | | P | P | | | | | P |
| Medical/ Dental Clinic | | | | | P | P | P | P | P ⁶ | | | M | P |
| Veterinary Clinic | | | | | P | P ¹⁸ | P | P | P ⁶ | | | M | P |
| Self-Storage | | | | | | | C | | P | | | M | P |
| Office/ Bank/ Financial Institution | | | | | P | P | P | P | A ²³ | | | M | P |
| Graphics/ Reproduction | | | | | P ⁶ | P | P | P ¹¹ | P | | | M | P |
| Personal Services | | | | | P ⁶ | P | P | P | A ⁶ | | | M | P |
| Health Clubs, Fitness Centers, Spas | | | | | P ⁶ | P ⁶ | P | P | P | | A ²² | M | P |
| Retail – General | | | | | | P ⁸ | P | P ¹⁰ | A ¹² | | A ²² | M | P |
| Retail – Vehicle Sales/ Rental | | | | | | | | | P | | | | P |
| Theater/ Bowling Alley/ Arcade | | | | | | | P | P | C | | | M | P |

| | | | | | | | | | | | | | |
|------------------------|--|--|--|--|--|--|--|--|-----------------|--|--|---|---|
| Vehicle Repair – Major | | | | | | | | | P ¹⁶ | | | | P |
| Vehicle Repair – Minor | | | | | | | | | P ¹⁷ | | | M | P |

B. Specific Requirements.

1. Adult uses are subject to the following conditions:

a. No adult use shall be located nearer than 600 feet from any other adult use;

b. No adult use shall be located nearer than 600 feet from any public or private school, church, public park, day care center or residential use or zoning district;

c. Distances shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property or parcel upon which the proposed use is to be located to the nearest point of the parcel or property of the land from which the proposed use is to be separated.

2. Reserved.

3. Allowed as an accessory use, intended primarily for the use of employees of a principally permitted use. Eating and drinking establishments cannot exceed 10 percent of gross leasable floor area (GLFA) of the building in which they are located.

4. Drive-through windows/facilities are subject to the following:

a. Limited to drugstores and banks or accessory to a food and beverage use providing in-store service with at least 500 square feet and not more than 2,000 square feet of gross floor area in the Neighborhood Business zone.

b. One drive-through facility is allowed per contiguous NB zoning district that contains a minimum of 10,000 square feet of GLFA.

c. In the event that a property proposed for a drive-through facility lacks the 10,000-square-foot GLFA, the property owner shall enter into a written agreement with the adjacent property owner to utilize the adjacent property’s GLFA to obtain the required square footage.

d. Drive-through facilities must be used for purposes consistent with the allowed use (e.g., drive-through ATM machines are allowed only in conjunction with a bank).

5. Subject to Multiple Use Master Permit requirements.

6. May occupy no more than 20 percent of the GLFA of the building in which located.

7. A 25-foot setback is required from gas pumps to property lines.

8. No individual use in the Neighborhood Business zone may exceed 10,000 square feet in gross floor area unless through incentives defined in MVMC 18.70.070. The maximum GFA with incentives shall be 15,000 square feet for a single use.

9. The maximum size for an individual use in the Community Business zone is 200,000 square feet. The maximum size for an individual use in the Master Planned Community zone is 100,000 square feet. Any individual use exceeding 60,000 square feet in gross floor area is considered a large commercial use and is subject to, and must comply with, the large commercial use requirements contained within MVMC 18.40.150.

10. One retail structure is permitted up to 60,000 square feet in building footprint area, provided any footprint over 40,000 square feet is single-story. An additional retail structure is permitted up to 40,000 square feet in building footprint area, provided any footprint over 25,000 square feet is single-story. All other retail structures are limited to a maximum building footprint area of 25,000 square feet. An additional 5,000 square feet of building footprint area may be earned for each retail structure through the amenity incentive system.

11. Graphics/reproduction uses will not produce excessive noise, dust, odors, light and glare, heavy vehicular traffic, or contaminants released to the environment.

12. General retail may occupy no more than 10 percent of the GLFA of the primary use to which the accessory use is related. More than one accessory retail use is permitted, provided the cumulative size of several accessory retail uses is limited to 10 percent of the GLFA of the primary use.

13. Car washes are limited to the South BP and SC zoning districts.

14. Retail fueling stations are limited to the South BP, CB and SC zoning districts.

15. Commercial fueling stations are limited to the SC zoning district.

16. Major vehicle repair facilities are not allowed to front on State highways.

17. Minor vehicle repair is limited to the Central and South BP zoning districts.

18. Subject to the following:

a. Limited to small animals.

b. No burning of refuse or cremation of dead animals is allowed.

c. The portion of the building or structure in which animals are kept or treated shall be soundproofed to comply with noise levels defined in WAC 173-60-040.

d. All run areas shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material.

19. Limited to four dispensers (eight fueling points). Propane and natural gas storage tanks may be located outside and above ground. All above ground storage tanks shall be screened.

20. Subject to the following:

a. Allowed only as an accessory use to fueling station – retail.

b. Limited to tunnel car washes.

c. Hours of operation are limited to 7:00 a.m. to 10:00 p.m. on weekdays and 8:00 a.m. to 10:00 p.m. on weekends.

21. Prior to opening for business, the applicant must establish that the facility complies with Chapter 173-60 WAC, Maximum Environmental Sound Levels.

22. All nonresidential accessory uses may occupy no more than 10 percent of the amount of land area dedicated toward the primary use to which the accessory use is related. More than one accessory use is permitted, provided the cumulative size of several accessory uses is limited to 10 percent of the land area of the primary use.

23. Limited to a maximum gross floor area equal to no more than 10 percent of the area of the lot on which the building or buildings are located, up to a maximum of 20,000 square feet.

24. Drive-through facilities are not allowed for food service uses, including coffee. Accessible, walk-up facilities are allowed.

25. a. The fueling station shall be a minimum of 150 feet from any major arterial if more than eight petroleum fueling points.
- b. The fueling station shall include a minimum of four electrical vehicle charging stations pursuant to City EV standards if there are more than eight petroleum fueling points.
- c. The fueling station is allowed a maximum of six petroleum dispensers (12 fueling points).
- d. Internal and up-lit illumination of the canopy and pumps is prohibited.
- e. Lighting on the underside of the canopy shall be full cut off with a maximum of 25 foot-candles and shielded if required to prevent glare and light trespass.
- f. Signage conforming to Chapter 18.50 MVMC may be located on the canopy.
- g. The Fueling station shall conform to the design standards contained in 18.70.040.

Section 3. Section 18.30.060 of the Maple Valley Municipal Code is hereby amended as follows:

18.30.060 Allowed uses by zoning district – Community services and institutions.

A. Table.

| USE | ZONING DISTRICT | | | | | | | | | | | | |
|------------------------------|-----------------|-----|------|---------|-----------------|-------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| | R-4/6 | R-8 | R-12 | R-18/24 | O | NB ^{6,7} | CB ⁸ | MU 2,5 | BP | PUB | PRO | MPC | SC |
| Religious Institution | C | C | C | C | C ¹⁰ | C ¹⁰ | C ¹⁰ | C ¹⁰ | C ¹⁰ | A ¹¹ | A ¹¹ | C ¹⁰ | C ¹⁰ |
| City Hall | | | | | P | | P | P ⁹ | | P | | P | P |
| Courthouse/ Jail | | | | | | | P | P ⁹ | | C | | | C |
| Community College/Vocational | | | | | C | | C | C | P | P ¹ | C ¹ | M | P |
| Community/ Senior Center | | | C | C | | C ¹⁰ | C | C ¹⁰ | | P ¹ | P ¹ | C ¹⁰ | P |
| Elementary School | C | C | C | C | | | | C | | P ¹ | P ¹ | P ¹ | |
| Fire Station | C | C | C | C | C | C | P | P | P | P ¹ | P ¹ | P ¹ | P |
| Junior High/ High School | | | C | C | | | | C | | P ¹ | P ¹ | M | |
| Hospital | | | | | | | | C | | P ¹ | | M | P |
| Correctional Facility | | | | | | | | | C | C | | | C |
| Recreational Use | | | | | | | P | P | P | P | P | P | P |
| Library | C | C | C | C | C | | | P | | P | P | P | P |
| Museum | | | | | | | | P | | P | P | M | P |

| | | | | | | | | | | | | | |
|--|---|---|---|---|----------------|---|----------------|----------------|---|----------------|-----------------|----------------|---|
| Public Park, Passive | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Public Park, Active | C | C | C | C | P | P | P | C | P | P ¹ | P | P | P |
| Performing Arts Center | | | | C | | | | P | | P ¹ | P | M | P |
| Public Transit Facilities | | | | | | | C | C | P | P ¹ | A ¹³ | P ¹ | P |
| Utilities, Major or Regional | C | C | C | C | P ³ | | P ⁴ | P ³ | P | P | P | C | P |
| Utilities, Minor or Local | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Municipal Public Works and Road Maintenance Facilities | C | C | C | C | C | C | C | C | P | P | C | P | P |

B. Specific Requirements.

1. Requires master plan approval.
2. Subject to Multiple Use Master Permit requirements.
3. No storage yard or outdoor storage allowed.
4. Storage yard or outdoor storage allowed with a Conditional Use Permit.
5. Any conditional use in the Multiple Use zone shall be considered a permitted use if submitted with the original Multiple Use Master Permit application. Any conditional use proposed as an amendment to a Multiple Use Master Permit will require a Conditional Use Permit review.
6. Drive-through windows/facilities are limited to drugstores and banks or accessory to a food and beverage use providing in-store service with at least 500 square feet and not more than 2,000 square feet of gross floor area in the Neighborhood Business zone. One drive-through facility is allowed per contiguous NB zoning district that contains a minimum of 10,000 square feet of GLFA.
7. No individual use in the Neighborhood Business zone may exceed 10,000 square feet in gross floor area unless through incentives defined in MVMC 18.70.070. The maximum GFA with incentives shall be 15,000 square feet for a single use.
8. No individual use in the Community Business zone may exceed 60,000 square feet in gross floor area.
9. City Hall/courthouse uses can be considered as office uses for purposes of determining the land use area mix requirements.
10. Religious institutions/community/senior centers with a GFA of less than 2,000 square feet or planned under an approved development subject to the MPC section of MVMC 18.120, do not require a Conditional Use Permit.
11. Religious institutions may be permitted accessory to an existing or allowed PUB use, but must be contained within the structures dedicated toward the primary PUB use and may not occupy separate detached facilities.
12. Must be in association with an allowed PUB or PRO use and occupy no more than 10 percent of land area dedicated to the overall primary use.
13. All nonresidential accessory uses may occupy no more than 10 percent of the amount of land area dedicated toward the primary use to which the accessory use is

related. More than one accessory use is permitted, provided the cumulative size of several accessory uses is limited to 10 percent of the land area of the primary use.

Section 4. Section 18.40.120 of the Maple Valley Municipal Code is hereby amended as follows:

18.40.120 Off-street parking standards.

A. Parking Requirements Generally.

1. Off-street parking facilities shall be required for all land uses in accordance with the standards and requirements of this section. Where existing buildings do not now meet these requirements, the provisions of this code in MVMC [18.80.010](#) through [18.80.090](#) relating to nonconforming uses, structures, and sites shall apply if proposals for enlarging or increasing capacity of the building or use are made.
2. Off-street parking spaces, when provided in accordance with these regulations, shall be paved with a durable, dust-free surface for vehicle parking, maneuvering and storage.
3. All off-street parking shall be located on the premises except as provided for in this section.
4. Lighting of areas provided for off-street parking shall be full cutoff and installed horizontally or shielded so t it does not constitute a nuisance or hazard to adjoining property or passing traffic. Where property used for off-street parking shares a common boundary with any residentially zoned property, the illumination devices shall be directed away from the residentially zoned property.
5. Parking requirements shall be rounded to whole numbers. Fractional requirements less than one-half shall be rounded down. Fractions of one-half or more shall be rounded up.
6. For parking areas with more than 200 spaces, the total number of parking spaces, including reserved employee parking, shall not exceed five percent more than the minimum necessary under this code, except for parking spaces located within a structured parking facility or parking spaces that also serve as park and ride/transit/carpool spaces.
7. Commercial buildings over 5,000 gross square feet shall provide four permanent bicycle spaces and one space for every additional 10,000 gross square feet. For multifamily residential, one space for every two dwelling units. Bicycle parking spaces shall be located within 50 feet of primary entrances; the final location, type and color of bicycle rack shall be determined by the Community Development Department.
8. The Community Development Director may approve modifications to this section based upon a parking analysis by a qualified professional which demonstrates that adequate parking for the proposal is provided. Review criteria include but are not limited

to: land uses, provided parking, landscaping, pedestrian connectivity, ingress and egress, traffic flow, proximity to transit facilities and hours of business operation.

B. The following minimum parking standards shall apply as follows for listed uses:

1. Dwellings.

a. Single-family and townhouse: two parking spaces per single-family dwelling unit.

b. Two-family: two parking spaces per dwelling unit.

c. Multifamily: one parking space per studio or efficiency unit in all sized development. Two parking spaces for each dwelling unit for developments with 49 or fewer dwelling units. For developments of more than 50 units, 1.8 parking stalls per unit.

d. Mobile homes: two parking spaces per mobile home site.

e. Hotels/motels: one parking space for each guest room.

2. Commercial Activities.

a. Banks: five spaces per 1,000 square feet of gross floor area except when part of a shopping center.

b. Professional and business offices: four spaces per 1,000 square feet of gross floor area except when part of a shopping center.

c. Shopping centers: four and one-half spaces per 1,000 square feet of gross floor area except that restaurants, taverns, and lounges are counted as separate uses when total of such establishments exceed 15 percent of the shopping center gross floor area.

d. Restaurants, taverns and lounges: 10 spaces per 1,000 square feet of gross floor area except when part of a shopping center. For shopping centers exceeding 100,000 square feet, restaurants, taverns and lounges shall be calculated at four parking spaces per 1,000 square feet beyond the 100,000-square-foot threshold.

e. Retail stores, supermarkets, department stores, etc.: four spaces per 1,000 square feet of gross floor area except when part of a shopping center.

f. Other retail establishments; furniture, appliance, hardware stores, etc.: two spaces per 1,000 square feet of gross floor area except when part of a shopping center.

g. Drive-in business: 10 spaces per 1,000 square feet of gross floor area except when part of a shopping center.

h. Motor vehicle repair and services: two and one-half spaces per 1,000 square feet of gross floor area except when part of a shopping center.

i. Recreation instruction/health clubs: 10 spaces per 1,000 square feet of gross floor area.

3. Business Park Activities.

a. Manufacturing, research and testing laboratories, printing, etc.: one space for each 1,000 square feet of gross floor area. For parking requirements for associated office areas, see professional and business office.

b. Warehouses and storage buildings: one-half parking space for each 1,000 square feet of gross floor area.

c. Speculative warehouse and industrial buildings with multiple use or tenant potential: one parking space per 1,000 square feet of gross floor area.

Important Note: This is a minimum requirement and valid for Construction Permit only. Final parking requirements will be based upon actual occupancy and occupancy will be denied for any use that cannot meet the minimum parking requirement.

d. Self-storage facility: a minimum of six parking spaces with additional spaces as required to accommodate accessory uses to the self-storage facility (e.g., office, vehicle rental, caretaker dwelling unit).

4. Recreation and Amusement Activities.

a. Auditoriums, theaters, places of public assembly, stadiums and outdoor sports areas: one parking stall for each four fixed seats or 10 parking stalls for each 1,000 square feet of floor area of main auditorium or of principal place of assembly not containing fixed seats, whichever is greater.

b. Bowling alleys: one parking space for each alley except when part of a shopping center.

c. Dance halls and skating rinks: five parking spaces for each 1,000 square feet of gross floor area, except when located in a shopping center.

d. Golf courses: three parking spaces per hole, plus three and one-half spaces per 1,000 gross square feet of clubhouse facilities.

e. Recreation instruction/health clubs: 10 parking spaces per each 1,000 square feet of gross floor area.

5. Educational Activities.

a. Senior High Schools (Public, Private, and Parochial). The parking requirement shall be determined by the Director based on studies of similar schools. The applicant shall prepare or pay for the preparation of the necessary information and studies. The parameters and required elements of the parking survey and analysis shall be determined on a case-by-case basis by the Director following a preapplication conference.

b. Colleges and Universities, Business and Vocational Schools. The parking requirement shall be determined by the Director based on studies of similar schools. The applicant shall prepare or pay for the preparation of the necessary information and studies. The parameters and required elements of the parking survey and analysis shall be determined on a case-by-case basis by the Director following a preapplication conference.

c. Elementary and Junior High Schools. The parking requirement shall be determined by the Director based on studies of similar schools. The applicant shall prepare or pay for the preparation of the necessary information and studies. The parameters and required elements of the parking survey and analysis shall be determined on a case-by-case basis by the Director following a preapplication conference.

d. Libraries: four spaces per 1,000 gross square feet in office and public use areas.

e. Nursery schools and day care centers: one parking space for each employee plus one space for every five children, plus on-site loading and unloading areas.

6. Medical Activities.

a. Medical and dental offices: five spaces per 1,000 square feet of gross floor area except when part of a shopping center.

b. Convalescent, nursing, and health institutions: one parking space for each two employees plus one space for each three beds.

c. Hospitals: one parking stall for each patient bed.

7. Religious Activities.

a. Religious Facilities. The parking requirement shall be determined by the Director based on studies of similar religious facilities. The applicant shall prepare or pay for the preparation of the necessary information and studies. The parameters and required elements of the parking survey and analysis shall be determined on a case-by-case basis by the Director following a preapplication conference. An applicant may propose to meet peak parking needs through joint parking arrangements or parking management plans.

8. Other Uses. For uses not specifically identified herein, the amount of parking required shall be determined by the Director, based on parking required for similar uses and if appropriate, documentation provided by the applicant.

9. Mixed Occupancies. In the case of two or more uses in the same building, the total requirements for off-street parking facilities shall be the sum of the requirements for the different uses computed separately, except in shopping centers. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as permitted under the shared use provisions of this title.

C. Shared Use. The shared use of parking facilities may be authorized for those uses which have dissimilar peak hour parking demand. The following conditions must be fulfilled before a shared use facility is allowed:

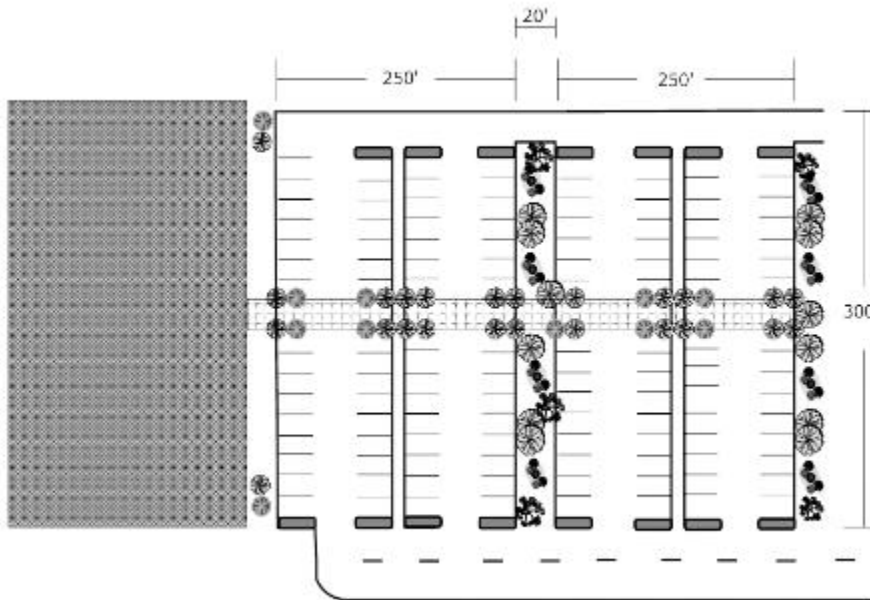
1. The parking lot or facility must be located within a radius of 500 feet of the buildings or use areas it is intended to serve;
2. The lot shall be designed to freely circulate and connect all portions of the shared lot without the need to exit the lot to public right-of-way to reach any other portion of the lot;
3. Documentation of dissimilar peak hour parking demands done by a qualified transportation consultant must be provided by the applicant; and
4. The subject property or properties shall be legally encumbered by a recorded reciprocal parking easement or other appropriate means which provides for continuous shared use of the parking facilities. Documentation shall require review and approval of the City Attorney.

D. Loading Space. For all buildings hereafter erected, reconstructed (see Chapter [18.80](#) MVMC, Nonconforming Provisions), or enlarged, adequate permanent off-street loading space shall be provided if the activity carried on is such that the building requires deliveries to it or shipments from it. Such space shall be shown on the site plan and submitted for approval with other development plans. No portion of a vehicle taking part in loading, unloading or maneuvering activities shall project into a public street, alley or interior pedestrian area. Loading space or maneuvering areas shall be in addition to required off-street parking spaces.

E. Parking Areas. Parking area design and site layout shall limit the size and dimensions of parking areas, and visual impacts associated with large parking areas shall be mitigated to the extent possible, as set forth herein.

1. The maximum size for a single parking area shall be 300 feet by 250 feet. Multiple parking areas on a single site are allowed as long as parking areas are separated pursuant to subsection (E)(3) of this section.

2. Parking Lot Diagram. (Not drawn to scale)



3. Parking Area Separation. Parking area separation and visual buffering shall include the placement of buildings, landscape areas or pedestrian-oriented areas, or any combination thereof, with a linear distance at least equal to 80 percent of the parking area dimension abutting the separation area. Landscape areas must be at least 20 feet in width or 15 feet in width if the landscape area contains at least a three-foot-high berm as depicted in MVMC [18.70.030\(B\)\(3\)\(a\)\(i\)\(B\)](#). Landscape areas may be located within an interior parking area or innovative stormwater treatment and management facilities such as rain gardens (as defined by the City adopted KCSWDM).

F. Size and Design Standards.

1. Standard: nine feet by 19 feet.
2. Compact: eight feet by 17 feet.
3. Parallel: nine feet by 23 feet.
4. Any parking spaces abutting a landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent parking space by a parking space division stripe. The parking space depth may be reduced when vehicles overhang a walkway under the following conditions:
 - a. Wheel stops or curbs are installed; and

b. The remaining walkway provides a minimum of 60 inches of unimpeded passageway for pedestrians.

5. Compact Car Parking.

a. Compact car parking spaces shall be clearly marked or signed.

b. Compact car parking spaces shall not exceed 30 percent of the total spaces in the lot.

6. Reserved Employee Parking.

a. Parking in excess of the minimum number of spaces required by subsection (B) of this section may be reserved for employees.

b. Reserved employee parking shall be clearly identified as such and shall not be used for general public parking.

c. Minimum stall size for reserved employee parking shall be eight and one-half feet by 17 feet.

G. Parking Dimensional Table.

| Off-Street Parking Bay Width Dimensional Standards | | | | | |
|---|-----------------|-----------------|---------------------|-----------------|-----------------|
| Double Loaded Aisle | Min Total Width | Min Paved Width | Single Loaded Aisle | Min Total Width | Min Paved Width |
| Standard | 60.0 | 58.0 | Standard | 42.0 | 40.0 |
| Compact 1-side | 56.5 | 53.0 | Compact | 40.0 | 38.5 |
| Compact 2-sides | 52.0 | 50.0 | | | |
| Reductions | Min Total Width | Min Paved Width | Reductions | Min Total Width | Min Paved Width |
| One-way traffic | -2.0 | -2.0 | One-way traffic | -1.0 | -1.0 |
| 80-degree | -0.5 | -0.5 | 80-degree | -0.0 | -0.0 |
| 70-degree | -1.0 | -1.0 | 70-degree | -0.5 | -0.5 |
| 60-degree | -1.5 | -1.5 | 60-degree | -1.0 | -1.0 |
| 45-degree | -3.0 | -3.0 | 45-degree | -1.5 | -1.5 |
| 30-degree | -5.0 | -5.0 | 30-degree | -2.5 | -2.5 |
| Back-in only | 0.0 | -2.0 | Back-in only | 0.0 | -2.0 |
| Off-Street Bay Width for Parallel Parking | | | | | |
| Both sides | 36.0 | 36.0 | One side | 28.0 | 28.0 |
| One-way traffic | -4.0 | -4.0 | One-way traffic | -4.0 | -4.0 |

H. Paving. All vehicular maneuvering areas, including but not limited to off-street parking, truck and mobile equipment loading, unloading, storage and maneuvering areas, and related accesses to and from public rights-of-way shall be paved with asphalt or equivalent material, to be approved by the City.

I. Lighting. Lighting of a parking lot or storage area shall illuminate only the parking lot or storage area. All lighting shall be full cutoff installed horizontally and/or shielded to prevent glare or light trespass onto adjoining properties or public rights-of-way. Light standards shall not be located so as to interfere with parking stalls, maneuvering areas, or ingress and egress areas. Lighting shall be a minimum of 1.1 foot candles and a maximum of 8 foot candles to provide a reasonable level of safety for vehicles and pedestrians, including sufficient light for vision-impaired pedestrians on walkways connecting the building entrances to the street and handicapped parking stalls.

Section 5. Section 18.40.130 of the Maple Valley Municipal Code is hereby amended as follows:

18.40.130 Landscaping and tree retention.

A. Purpose. The purpose of this section is to:

1. Provide minimum standards for landscaping in order to maintain and protect property values, preserve significant native vegetation, particularly along major transportation corridors, and enhance the general appearance of the City.
2. Encourage creative landscaping designs that utilize native vegetative species, drought-tolerant species, and retain natural vegetation, in order to reduce the impact of development on the water resources of the City.
3. Respond to State-level mandates for action in such areas as water conservation, energy conservation, enhancement of water quality, and improvement of air quality.
4. Reflect City planning goals, urban design standards, and ecological awareness.
5. Provide an appropriate amount and quality of landscaping related to all land use in the City.
6. Establish a minimum level of regulation that reflects the purposes of this code.
7. Provide for design flexibility.

B. Applicability.

1. These provisions shall apply to all development applications in the City, with the exception of individual single-family residential and minor or local utility infrastructure; provided, that single-family residential complies with the soil amendments requirements in subsection (B)(2), and that when the installation of minor and local utility infrastructure requires the removal of significant trees, those trees shall be replaced on a one-to-one basis with trees meeting the requirements of subsection (J)(19) of this section.

2. All portions of a disturbed site not used for buildings, future buildings, parking and storage or accessory uses shall be amended with a City of Maple Valley approved soil amendment.

C. Landscape Plan Approval.

1. Except as set forth in subsection (B) of this section, no permit shall be issued to erect, construct or undertake any development project resulting in a new structure or expanding the footprint of an existing structure without prior approval of a landscape plan by the City.

2. Required landscape plans shall be prepared by a landscape design professional (landscape architect, certified landscaper, certified nursery professional, etc.), certified or registered by the State of Washington.

D. General Landscaping Requirements – All Zones.

1. All portions of a lot not used for buildings, future buildings, parking, storage or accessory uses, and proposed landscaped areas shall be retained in a “native” or predeveloped state or restored to such state with appropriate enhanced plantings as determined by the Director.

2. Slopes in areas that have been landscaped with lawn shall generally be a three-to-one ratio or less, width to height (horizontal to vertical), to assist in maintenance and to allow irrigation systems to function efficiently.

3. Type III landscaping, defined in subsection (E)(3) of this section, shall be placed outside of sight-obscuring fences abutting public rights-of-way and/or access easements.

4. With the exception of lawn areas, at least 50 percent of new landscaping materials (i.e., trees, shrubs and groundcover) shall consist of drought-tolerant species. All developments are required to include native Pacific Northwest and drought-tolerant plant materials for all projects.

5. Deciduous trees shall have a caliper of at least two inches at the time of planting measured four and one-half feet above the root ball or root.

6. Evergreen trees shall be a minimum six feet in height measured from treetop to the ground at the time of planting.

7. Shrubs shall be a minimum of 12 to 24 inches in height (measured from top of shrub to the ground) at the time of planting.

8. Groundcover shall be planted and spaced to result in total coverage of a landscaped area within three years of planting.

9. Areas planted with grass/lawn shall:

a. Constitute no more than 40 percent of landscaped areas; provided, there shall be an exception for biofiltration swales; and

b. Be a minimum of five feet wide at the smallest dimension.

10. Grass and required landscaping areas shall contain at least three inches of compacted topsoil at finish grade.

11. Existing clay or sandy soils where landscaping is to be installed shall be augmented with an organic supplement.

12. Landscape areas shall be covered with at least three inches of mulch to minimize evaporation.

13. Mulch shall be used in conjunction with landscaping in all planting areas to assist vegetative growth and maintenance or to visually complement plant material, except that undisturbed native vegetation need not be mulched. Nonvegetative material shall not be an allowable substitute for plant material.

14. Landscaping and fencing shall not violate the sight distance safety requirements at street intersections and points of ingress/egress for the development.

15. All tree types shall be spaced appropriately for the compatibility of the planting area and the canopy and root characteristics of the tree.

16. All permanent lawn or sod areas shall have permanent irrigation systems.

17. Foundation landscaping is encouraged to minimize impacts of the scale, bulk and height of structures.

18. All loading areas shall be fully screened from public rights-of-way or nonindustrial/manufacturing uses with Type I landscaping.

19. Use of products made from post-consumer waste is encouraged whenever possible.

20. Walkways, decorative paving, fountains, benches, picnic tables and other features or amenities are encouraged in landscaping areas. These features are in addition to the landscaping requirement, not in lieu of such requirement.

E. Landscaping Types.

1. Type I – Solid Screen.

a. Purpose. Type I landscaping is intended to provide a solid sight barrier to totally separate incompatible land uses. This landscaping is typically found between residential and incompatible nonresidential land use zones (e.g., Business Park and Residential, etc.), and around outdoor storage yards, service yards, loading areas, mechanical or electrical equipment, utility installations, trash receptacles, etc.

b. Description. Type I landscaping shall consist of evergreen trees planted no more than 20 feet on center in a triangular pattern; shrubs and groundcover, which will provide a 100 percent sight-obscuring screen within three years from the time of planting; or a combination of approximately 75 percent evergreen and 25 percent deciduous trees (with an allowable five percent variance), planted no more than 20 feet on center in a triangular pattern, with shrubs, and groundcover backed by a sight-obscuring fence. Shrub and groundcover spacing shall be appropriate for the species type, and consistent with the intent of this section.

2. Type II – Visual Screen.

a. Purpose. Type II landscaping is intended to create a visual separation that may be less than sight-obscuring between incompatible land use zones. This landscaping is typically found between Commercial and Business Park zones; High Density Multifamily and Single-Family Residential zones; Commercial/Office and Residential zones; and to screen Business Park uses from the street.

b. Description. Type II landscaping shall be evergreen or a combination of approximately 60 percent evergreen and 40 percent deciduous trees, with an allowable five percent variance, planted no more than 20 feet on center in a triangular pattern, interspersed with large shrubs and groundcover. A sight-obscuring fence may be required if it is determined by the City that such a fence is necessary to reduce site-specific adverse impacts to the adjacent land use. Shrub and groundcover spacing shall be appropriate for the species type and the intent of this section.

3. Type III – Visual Buffer.

a. Purpose. Type III landscaping is intended to provide partial visual separation of uses from streets, and between compatible uses so as to soften the appearance of parking areas and building elevations.

b. Description. Type III landscaping shall be a mixture of evergreen and deciduous trees planted no more than 30 feet on center in a triangular pattern and interspersed with shrubs and groundcover. Shrub and groundcover spacing shall be appropriate for the species type and the intent of this section.

4. Type IV – Open Area Landscaping.

a. Purpose. Type IV landscaping is primarily intended to provide visual relief and shading while maintaining clear sight lines, and is typically used within parking areas.

b. Description. Type IV landscaping shall consist of trees planted with supporting shrubs and groundcover. Shrubs shall be pruned at 40 inches in height, and the lowest tree branches shall be pruned to keep an approximate eight-foot clearance from the ground. Tree, shrub, and groundcover spacing shall be appropriate for the species type and the intent of this section. See subsection (G) of this section for location of Type IV landscaping.

F. Landscaping Requirements by Zoning District.

1. Multifamily Residential, R-8 – R-24.

a. Type III landscaping of a minimum width of 10 feet shall be provided along all perimeter lot lines, except as provided in subsection (F)(1)(b) of this section.

b. Type I landscaping of a minimum width of 10 feet shall be provided along the perimeter abutting single-family zones (R-4 through R-6).

c. The requirements of subsection (G) of this section for parking area and perimeter parking area landscaping shall apply.

2. Office, O.

a. Type III landscaping of a minimum width of not less than 10 feet shall be provided along all property lines abutting public rights-of-way and access easements.

b. Type I landscaping of a minimum width of 20 feet shall be provided along the perimeter of property abutting a Residential zoning district.

c. The requirements of subsection (G) of this section for parking area and perimeter parking area landscaping shall apply.

3. Multiple Use, MU.

a. Reserved.

b. Reserved.

c. Reserved.

4. Community Business, CB and Service Commercial, SC.

a. Type III landscaping of a minimum width of 10 feet shall be provided along all properties abutting public rights-of-way and ingress/egress easements.

b. Type I landscaping of a minimum width of 20 feet shall be provided along the perimeter of property abutting a Residential zoning district.

c. The requirements of subsection (G) of this section for parking area and perimeter parking area landscaping shall apply.

5. Neighborhood Business, NB.

a. Type III landscaping of a minimum width of 10 feet shall be provided along the perimeter of parking areas abutting public rights-of-way.

b. Type I landscaping of a minimum width of 20 feet shall be provided along the perimeter of the property abutting a Residential zoning district.

c. The requirements of subsection (G) of this section for parking area and perimeter parking area landscaping shall apply.

6. Business Park, BP.

a. Type II landscaping of a minimum width of 20 feet shall be provided along all property lines abutting public rights-of-way and access easements. An additional five feet of Type II landscaping is required on all Business Park zoned sites north of Lake Wilderness that abut the Cedar River Pipeline Trail and the Lake Wilderness Trail. Reference to this condition is made by placing a “/c” next to the Business Park zoning designation of the zoning map (BP/c).

b. Type I landscaping of a minimum width of 25 feet shall be provided along the perimeter of the property abutting a Residential zoning district.

c. The requirements of subsection (G) of this section for parking area and perimeter parking area landscaping shall apply.

7. Public/Open Space, P/OS. Landscaping requirements are to be determined by the City on a project-by-project basis dependent on the proposed use and surrounding zoning districts.

8. Master Planned Community, MPC – Perimeter Landscape Buffers.

a. The applicant must demonstrate the ability to provide a Type I landscape buffer as defined in MVMC [18.40.130](#) of at least 20 feet in width along the perimeter of the MPC boundary wherever:

i. The applicant proposes to locate a use other than that allowed within a single-family residential zone; and

ii. Such use is within 50 feet of the MPC boundary; and

iii. Adjacent to a single-family or PUB zoning district not separated from the MPC site by a public right-of-way.

b. The applicant must demonstrate the ability to provide a Type III landscape buffer of at least 10 feet in width along the perimeter of the MPC boundary wherever it abuts an existing public right-of-way.

G. Parking Lot Landscaping.

1. Purpose. The purpose of this section is to mitigate adverse impacts created by parking lots which include noise, glare and increased heat, and to improve the physical appearance of parking lots.

2. Type IV Landscaping. Type IV landscaping shall be provided within surface parking areas as follows:

a. All new Commercial, Business Park, Multiple Use, Public/Open Space, MPC and multifamily developments with parking for five or more vehicles, and subdivisions or PUDs with common parking areas for five or more vehicles, shall provide 25 square feet per parking stall.

b. Landscaping along driveways and at building entrances may be counted toward the Type IV landscaping requirement, even if not fully within the parking area.

c. Landscape Islands. Landscape islands shall be a minimum size of 100 square feet with a minimum width of six feet at the narrowest point. At least one tree shall be planted in each landscape island. Islands shall be provided at the ends of all rows of parking, between loading doors or maneuvering areas and parking areas or stalls.

i. Any remaining required landscaping shall be dispersed throughout the interior parking area to create shade, reduce the visual impact of the parking lot, and meet applicable design requirements and guidelines.

ii. Deciduous trees are preferred for landscape islands within interior vehicle use areas.

iii. Lawn shall not be permitted in landscape islands less than 200 square feet in size and shall be used only as an accessory planting material to required trees, shrubs, and groundcover.

d. Curbing. Permanent curbing shall be provided in all landscape areas within or abutting parking areas. Based upon appropriate surface water considerations, other structural barriers may be substituted for curbing, such as concrete wheel stops.

e. Parking Areas/Screening for Rights-of-Way.

i. Parking areas adjacent to public rights-of-way shall incorporate berms at least three feet in height within perimeter landscape areas. Alternatively, the Director may allow the addition of shrub plantings to the required perimeter landscape type, and/or the provision of architectural features of appropriate height with trees, shrubs and groundcover, in a

number sufficient to act as an efficient substitute for the three-foot berm. Any such substitution must reduce the visual impact of parking areas and screen the automobiles from public view; provided, that vehicle display areas at automobile sales lots need not be fully screened.

ii. Parking adjacent to Residential zones shall reduce the visual impact of parking areas and buffer dwelling units from light, glare, and other environmental intrusions by providing Type I landscaping within required perimeter landscape areas.

f. Vehicular Overhang.

i. Vehicular overhang into any landscaping area shall not exceed two feet.

ii. No plant material greater than 12 inches in height shall be located within two feet of the curb or other protective barrier in landscape areas adjacent to parking spaces and vehicle use areas.

H. Performance and Maintenance Standards.

1. Performance.

a. All required landscaping shall be installed prior to final inspection or the issuance of a Certificate of Occupancy (CO), except as provided in subsection (H)(1)(d) of this section.

b. When landscaping is required pursuant to this code, an inspection shall be performed to verify that the landscaping has been installed pursuant to the standards of this code.

c. Upon completion of the landscaping work, the City shall inspect the installation upon request by the applicant.

d. A Temporary Certificate of Occupancy may be issued prior to completion of required landscaping, provided the following criteria are met:

i. An applicant or property owner files a written request with the City prior to a final inspection;

ii. The request shall explain why factors either beyond the applicant's control, or which would create a significant hardship, prevent the installation of the required landscaping prior to issuance of the CO;

iii. The property owner has demonstrated a good faith effort to complete all required landscaping;

iv. The applicant files a performance security in the form of an assignment of savings with the Department in an amount equal to 150 percent of the cost of completing the landscaping work;

v. The applicant files a consent to access form signed by the property owner allowing a City-hired landscaping contractor access to the property to complete the landscaping work in the event of a default by the applicant.

e. The time period extension for completion of the landscaping shall not exceed 90 days after issuance of a Temporary Certificate of Occupancy.

f. Failure to complete landscape installation by an established 90-day extension date shall constitute cause for retrieval of funds by the City from the assigned savings account in order to have the landscaping completed by a City-hired landscaping contractor.

2. Maintenance.

a. Continual maintenance of planted areas shall be the responsibility of the property owner.

b. All portions of any irrigation system shall be continuously maintained in a working condition.

c. The property owner shall also maintain all other aspects of landscaped areas including the removal of trash and debris.

I. Landscape Modification Provisions. The following alternative landscape options may be allowed, subject to approval by the Director, if they accomplish equal or better levels of screening and if they provide an equal or better visual result:

1. The width of the perimeter landscape strip may be reduced up to 25 percent along any portion where:

a. Berms at least three feet in height or architectural barriers at least six feet in height are incorporated into the landscape design; and

b. The landscape materials are incorporated elsewhere on site;

2. When an existing structure precludes installation of the total amount of required site perimeter landscaping, such landscaping material shall be incorporated on another portion of the site;

3. The width of any required perimeter landscaping may be averaged along any individual property line, provided the minimum width is not less than five feet and the landscape area and materials are incorporated elsewhere on site;

4. The width of the perimeter landscaping may be reduced up to 10 percent when a development retains 10 percent of significant trees or 10 significant trees per acre on site, whichever is greater;

5. The landscaping requirement may be modified when existing conditions on or adjacent to the site, such as significant topographic differences, vegetation, structures or utilities, would render application of this chapter ineffective or result in scenic view obstruction.

J. Tree Retention and Replacement.

1. Purpose. The purpose of this section is to preserve and enhance the valuable natural resources and aesthetic character and image of Maple Valley. The intent is to provide incentives for retaining existing trees, to discourage unnecessary clearing and disturbance of land, and to maintain tree-lined corridors along the major arterials.

2. Definitions.

a. "Coverage" is defined as the ratio of the dripline area to the lot area expressed as a percentage.

b. "Dripline area" is the area under the outermost circumference of branches of the tree.

c. "Landmark significant tree" is defined as any significant tree other than alder or cottonwood that is (i) at least 24 inches in diameter at four and one-half feet from grade, or (ii) of specimen quality, i.e., large, well shaped, and healthy for the species.

d. "Large nursery stock" is defined as commercially grown material available at the time of planting that is required to be moved by hydraulic spade and is a minimum size of at least four inches in diameter measured four and one-half feet above grade.

e. "Live crown ratio" is the proportion of length of main stem supporting live branches to the height of the tree.

f. "Planted significant tree" is defined as any of a number of species of trees, defined herein, planted in a landscaping area of sufficient size to support a trunk size at maturity growth of at least 12 inches in diameter following the minimum standards for planted significant trees in this section.

g. "Qualified professional" is defined as an individual who through any combination of knowledge, experience, education, and training demonstrates a professional level of understanding in tree care, arboricultural sciences and urban forestry. Qualified professionals must possess the ability to evaluate the health and hazard potential of existing trees, and the ability to prescribe appropriate measures necessary for the preservation of trees during land development. Qualified professionals may include licensed landscape architects, certified consulting arborists, certified arborists, and certified foresters.

h. "Retained significant tree" is defined as an existing significant tree that is designated for retention in a Tree Preservation and/or Protection Plan and used for demonstrating compliance with canopy coverage requirements or incentives.

i. “Retained tree” is defined as an existing tree designated for retention, excluding cottonwood and alders, that is less than 12 inches in diameter measured four and one-half feet above grade, but greater than six feet tall if evergreen, or two inches in diameter if deciduous, and located in a landscaping area of sufficient size to support a trunk size at maturity growth of at least 12 inches in diameter following the minimum standards for planted significant trees in this section. Retained trees must have a live crown ratio of greater than or equal to 50 percent.

j. “Significant tree” is defined as an existing evergreen or deciduous tree, excluding cottonwoods and alders, that is at least 12 inches in diameter measured four and one-half feet above grade and in good health.

k. “Tree Protection Area (TPA)” is the land area set aside with limitations running with the title of the land that prevent activities that will harm the tree or trees within that area.

3. Applicability. There shall be no cutting of significant trees – retained, planted, or landmark – without prior authorization from the Director of Community Development unless specifically exempted herein. The provisions of this section apply to all sites and development activity, except those specifically exempted herein. Development or installation of utilities and other public facilities also is subject to these provisions whether on private or public property or public right-of-way. The requirements and regulations pertaining to trees located in critical areas and related buffers shall be subject to the requirements for protection of critical areas contained in Chapter [18.60](#) MVMC.

4. Permits Required. Unless specifically exempted herein, application for and prior approval of a Clearing and Grading Permit is required for cutting or removal of any significant tree. To the extent possible, review of a Clearing and Grading Permit shall be integrated into review of any other permit or land use approval required for a proposal, in order to minimize review time required for conformance with this subsection (J).

5. Exemptions. The provisions of this section shall not apply to the following circumstances:

a. Cutting or removal of significant trees on existing single-family lots of two acres or less, provided such trees are not subject to a Tree Retention Plan or Tree Protection Area;

b. Removal of any tree with obvious flaws or disease, or one that is judged to be hazardous by a qualified professional at the owner’s expense;

c. Removal of any tree during an emergency. No limitation on tree removal shall exist during storm conditions when imminent danger exists from trees falling on structures, children’s play areas, or where clear hazard to life is apparent;

d. On existing single-family lots: removal of any existing tree judged to be a hazard or any tree within one and one-half tree lengths of an existing or proposed permitted

building on site. A planted significant tree may be required by the Director as a replacement.

6. Timber Management under Forest Practices Act. Applicants for Forest Practice Permits (Class IV – General Permit) for the conversion of forested sites to developed sites are also required to apply for appropriate permits through the City, and are subject to the provisions of this subsection (J). For all other Forest Practice Permits (Class II, III, or IV – Special Permit) issued by the DNR for the purpose of commercial timber operations, no Clearing and Grading Permit application is required, but no Development Permits will be issued for six years following tree removal under such DNR permit.

7. Application Requires Tree Retention Plan. All development or redevelopment proposals subject to this section that are not specifically exempt shall include a Tree Retention Plan at the time of application for any required Development Permit. Preparation and submittal of the Plan shall conform to specifications provided by the Director. Tree Retention Plans may be prepared by a qualified professional. An owner may submit for a Clearing and Grading Permit without having a qualified professional prepare a significant Tree Retention Plan, provided the plan clearly locates the trees and provides sufficient information for City staff to review the proposal as determined by the Director. The Tree Retention Plan shall analyze:

- a. The number of trees and canopy coverage calculation of trees existing on the site;
- b. The location and species type of existing significant trees or clusters of trees within and adjacent to the proposed area to be cleared and/or graded, including utility corridors;
- c. The species type, size, location, and spot elevation at the base of any landmark tree within the site, unless the requirement is waived by the Director;
- d. Critical areas; and
- e. Areas not proposed for clearing or grading, provided such areas do not require a specific survey location of trees.

8. Canopy Coverage Calculation Requirements and Tree Retention Guidelines.

- a. A canopy coverage calculation shall be prepared by the applicant for the proposal and may be merged with the Tree Retention Plan and/or landscaping plan for the proposal.
- b. The canopy coverage calculation shall be based on the area of the entire development site, including but not limited to future dedications, future rights-of-way and tracts, but excluding existing major utility easements.
- c. The canopy coverage calculation shall show retention and planting of trees at mature canopy coverage of the total site area to equal or exceed: 10 percent for commercial developments within the CB, SC, NB, O, BP, MPC and MU zones meeting the landscape

requirements contained in subsection (F) of this section, and 20 percent for all other developments, calculated as follows:

i. Retained landmark trees shall be calculated at 1,650 square feet each, regardless of canopy coverage or dripline area, or as marked in the field and measured by the proponent;

ii. Retained significant trees shall be calculated at 1,100 square feet each, regardless of canopy coverage or dripline area, or as marked in the field and measured by the proponent;

iii. Retained trees shall be calculated at 900 square feet each, regardless of canopy coverage or dripline area;

iv. Planted significant trees meeting the minimum planting standard (subsections (J)(19)(b) and (c) of this section) shall be calculated at 300 square feet each;

v. Planted significant trees exceeding the minimum planting standard (subsections (J)(19)(b) and (c) of this section) by 50 percent shall be calculated at 550 square feet each; and

vi. Planted significant trees meeting the definition of large nursery stock and exceeding the minimum planting standard (subsections (J)(19)(b) and (c) of this section) by 100 percent shall be calculated at 750 square feet each.

d. For the purposes of meeting the minimum required canopy coverage, all trees used in canopy calculations shall be located on the development site and shall be retained pursuant to the following unranked guidelines, except where determined to be exempt or to constitute a hazard by a qualified professional pursuant to subsection (J)(5) of this section:

i. All trees within critical areas or critical area buffers;

ii. Landmark significant trees, unless a 25 percent canopy coverage calculation is achieved;

iii. Retained trees within the required perimeter landscape buffer width or building setback, whichever is greater;

iv. Retained within an area no less than 20 feet of the right-of-way line of Maple Valley Highway SR-169, Kent-Kangley Road SR-516, and Witte Road arterial corridors except for site access requirements;

v. Trees within required open space; and

vi. For subdivisions during site development, all trees that are not within cut or fill areas, parking areas or streets, utility corridors, site development requirements imposed by the City, or 20 feet distant of any proposed structure, provided permanent Tree Protection Areas are not mandated within single-family lots.

e. Where demonstrated that a site cannot achieve the minimum canopy coverage through retention pursuant to subsection (J)(8)(b) of this section, planted significant trees may be utilized in Tree Protection Areas pursuant to the following guidelines in order of preference where applicable:

i. Inside the site within a distance of 20 feet or greater of the right-of-way line of Maple Valley Highway SR-169, Kent-Kangley Road SR-516, and Witte Road arterial corridors except for site access requirements. At least 25 percent of replanted trees along these arterial corridors must consist of large nursery stock;

ii. Within required perimeter buffers or setback areas;

iii. Within designated recreation and/or open space areas;

iv. Within critical areas or critical area buffers; and

v. Any other locations within the development site.

9. Incentive for Retention of Existing Trees and Increased Canopy Coverage. For development proposals subject to tree retention requirements in any zone, and where the proposal contains greater than 15 percent canopy coverage by retained existing trees; provided, that trees retained in protected critical areas or related buffers may not apply towards the required percentages, the following incentives are available individually or in combination:

a. For any retained landmark tree, the actual dripline area of the tree may be credited toward open space or recreational space requirements irrespective of tree location; or

b. For retained significant trees in excess of 15 percent canopy coverage, one additional dwelling unit is permitted for each additional 10 retained significant trees on the total site; or

c. Additional building height of 10 feet is permitted up to a maximum height of 45 feet; provided, trees must be retained proximate to the proposed building location(s).

d. If any tree that is saved in conjunction with these bonus provisions is lost in the future for whatever reason, it shall be replaced with large nursery stock approved by the Director.

10. Phased Development Plans. For redevelopment and/or phased new development sites, the Director may approve a partial Tree Retention Plan that is applicable only to a phase

of development or redevelopment. A Plan based on phased development does not require a full amount of required trees per acre for each phase individually, provided the Plan for the entire development or proposal meets, or will meet, requirements; provided, however, no incentives may be approved for early phases of construction that rely on trees to be retained in future phases unless the significant Tree Retention Plan is recorded such that future phases are bound by the Plan.

11. Alternative Landscape Option. At the Director's sole discretion, the Director may approve an alternative landscape option for a high-quality landscape design containing native and ornamental species of landscape materials on sites where the proponent demonstrates to the satisfaction of the Director that planting trees at the required canopy coverage would not be feasible given the proposed use of the property, and/or would require planting at a density that would probably require removal of trees in the future due to the ultimate size of required species.

a. The proponent must show that the alternative landscape plan is of a better quality compared to a plan that would meet the requirements in the above subsections, and retains significant trees or provides planted significant trees in accordance with the following:

- i. Existing trees in critical areas and critical area buffers must be retained and/or augmented with trees as appropriate;
- ii. Existing trees in required perimeter landscape buffers must be preserved;
- iii. Street trees are provided on streets adjacent to the site;
- iv. Perimeter buffer areas without existing significant trees include planted significant trees;
- v. Significant trees are provided around any open stormwater detention or pollution control ponding or swale areas;
- vi. Significant tree equivalents are provided internally to parking lot areas;
- vii. Significant trees are planted adjacent to the structure(s);
- viii. Street trees are planted within the development; and
- ix. Street trees are planted in cul-de-sac islands as applicable.

b. Alternative landscape plans must emphasize native plant material and large-scale shrub and small tree species, such as vine maple, as well as ornamental material appropriate and complementary to the proposed use of the site.

12. Utility and Street Easements and Rights-of-Way.

a. For installation or maintenance of major overhead and major underground utilities, such as electrical transmission lines, water or sewer mains or stormwater lines there shall be no requirement that trees be retained or planted within the easement or right-of-way area.

b. For installation or maintenance of minor overhead and underground utilities, including overhead power distribution lines, water or sewer mains, or stormwater lines there shall be no requirement that trees be retained or planted within the easement or right-of-way area. The Director shall give consideration to the approval of planted species so as not to create future conflicts with the overhead or underground utilities.

c. For private properties with existing easements for overhead utilities there shall be no requirement that trees be retained or planted within the private land area affected by the utility easement.

d. For public and private road construction and maintenance within the existing right-of-way or grading easements, there shall be no requirement that trees be retained or planted within existing easement or existing rights-of-way; provided, retained trees within and along the right-of-way of Maple Valley Highway SR-169, Kent-Kangley Road SR-516, and Witte Road arterial corridors shall be accommodated and provided as a requirement of the design engineering for and maintenance of the road.

13. Decision Criteria. The Director shall review the application for a tree retention plan and/or Clearing and Grading Permit and approve the permit, deny the permit, or approve the permit with conditions based on the following criteria:

a. The site design implements the intent of this subsection (J); and

b. The Tree Retention Plan conforms to the specific requirements of this subsection (J); and

c. The proposal complies with and conforms to all standards and requirements of the underlying permit, if such permit is in addition to the Clearing and Grading Permit.

14. Tree Retention Plan Recording Required. For all nonexempt development and redevelopment sites (except for trees planted or retained within platted single-family residential lots), the Tree Retention Plan shall show Tree Protection Areas (TPAs). Upon approval of the Tree Retention Plan, the plan shall be recorded together with the following restriction upon the land:

Trees indicated on this property within Tree Protection Areas are to be preserved for environmental, aesthetic, and other purposes. No activities are allowed within the Tree Protection Area that could damage or harm the tree, such as storage of material, disposal of drainage, or filling or grading. Tree removal, or site work or landscaping resulting in the loss of a tree, is subject to fines and tree replacement requirements by order of the City of Maple Valley.

15. Tree Retention Standards.

a. Site Design Standards.

i. To qualify as an existing retained tree, a minimum of two-thirds of the dripline area shall be a no disturbance area, and shall be undisturbed by grading, soil disturbance, impervious surfacing, storage of materials, or activity that may compact the soil surface, such as pedestrian use.

ii. Any work within the one-third of the dripline area shall be planned to be done by hand and by methods least disruptive to the tree.

iii. For retained trees where the grade in the vicinity of the tree will be either raised or lowered such that surface or subsurface water flow to the tree will be altered, specific provisions for additional irrigation or drainage shall be included in the tree protection notes and details.

iv. Tree retention details, including protection notes and fencing or staking installation details, shall be included on the applicable site development plans, and reviewed and approved by the Director prior to approval of the Tree Retention Plan.

b. Construction Standards.

i. Tree protection details, dripline fencing, and no disturbance areas shall be part of all construction plans issued for permit.

ii. All dripline areas of retained trees shall be located in the field and confirmed by a City Inspector prior to commencement of construction.

iii. Work within dripline areas specifically authorized by approved construction plans shall be done separately from mechanized mass clearing and grading of the site and shall be fenced to exclude the area from mechanized clearing or grading. Methods for work within such areas shall be detailed on the clearing and grading plans, civil engineering plans, utility plans and landscape plans as may be needed to clarify the methods and responsibilities for construction within the dripline area.

iv. Dripline areas shall be fenced prior to construction with orange plastic mesh fencing or approved equivalent.

16. Maintenance Standards. Maintenance in the form of irrigation, fertilization, clearing of vines and other requirements necessary to assure survival of the retained and planted significant trees is required on the private property in perpetuity. The City may inspect and order maintenance at any time. The property owner is responsible for the replacement of any required trees or approved landscape material due to loss or disease after an initial maintenance period of one year. The developer is responsible for replacement of any dead or dying material within the initial maintenance period of one year or until released.

An assurance device for the initial maintenance period is required in one of the following forms:

- a. A signed maintenance contract for a minimum period of one year from the time of occupancy that includes replacement of any dead or dying material observed at the end of one year; or
- b. A maintenance security in the form of an assigned savings deposit statement from a financial institution in the amount of 20 percent of the landscape installation contract. The security device shall state it may be released after one year only by the City after inspection of the site and replacement of materials as ordered.

17. Contractor Requirements. The contractor shall sign a statement on the significant Tree Retention Plan acknowledging the requirements of the plan prior to commencement of construction. Proof of signature shall be shown to the City at or before the preconstruction meeting. The acknowledgement statement shall provide that the contractor is aware of the tree preservation and retention requirements shown on the plans and in this subsection (J); that it is the responsibility of the contractor to preserve the trees if field conditions show additional measures to assure the survival of the trees may be necessary and to alert the City Inspector to those conditions; and that the contractor is jointly responsible with the developer for any restitution required due to damage to or loss of trees as a result of the construction activities.

18. Preconstruction Meeting. Prior to the commencement of any permitted clearing and grading activity, a preconstruction meeting with the City Inspector shall be held on site with the permittee and contractor. The project site shall be marked in the field as follows:

- a. Limits of clearing and grading;
- b. Location of tree protection fencing;
- c. Delineation of any critical areas and critical area buffers;
- d. Individual trees to be retained;
- e. Property lines.

19. Planting Standards.

a. Planted significant trees shall be a mix of species approved by the Director for the specific application or proposal. A minimum of 60 percent of the planted significant trees shall be native evergreen coniferous species. Species allowable for planting significant trees shall be selected from the following two lists at a ratio of no less than 70 percent from List 1, and no more than 30 percent from List 2:

List 1:

Western Red Cedar (native evergreen coniferous)
Douglas Fir (native evergreen coniferous)
Western Hemlock (native evergreen coniferous)
Alaskan Yellow Cedar
Port Orford Cedar (native evergreen coniferous)
Norway Spruce
Sitka Spruce (native evergreen coniferous)
Incense Cedar (native evergreen coniferous)
Lodgepole Pine (native evergreen coniferous)
Ponderosa Pine (native evergreen coniferous)
Western White Pine (native evergreen coniferous)
Giant Sequoia (native evergreen coniferous)
Big Leaf Maple
Norway Maple, both rounded and columnar forms
Red Maple, both rounded and columnar forms
Other native species as approved by the Director

List 2:

Birch "Jacquemontii"

Sweetgum

Honeylocust

Hornbeam

Marshall Seedless Ash

Summit Ash

Flowering Pear

Pin Oak

Other nonnative ornamental species as approved by the Director

b. Evergreen coniferous trees shall be six feet in height from the top of the root ball, and balled and burlapped in healthy condition at time of planting. Alternatively, trees that are four or more inches in diameter measured at four and one-half feet from planting grade may be transplanted from on site; provided, that an approved method directed by a qualified professional is used. Pruned or sheared evergreen trees intended for Christmas tree use are not acceptable if the leader has been cut.

c. Deciduous trees, evergreen broadleaved trees, or deciduous coniferous trees shall be a minimum two inches in diameter measured four feet above planting ground level, and with the lowest branch no lower than four feet from grade.

d. Staking, soil amendments, and planting details shall be specified by a qualified professional.

e. Planting areas and no disturbance areas shall be free from structures or impervious surfaces a minimum of seven feet in radius from the point the tree is planted, or as designed by a qualified professional to support a minimum size at maturity of 12 inches of trunk diameter measured four and one-half feet above planting ground level. Such designs shall contain a statement signed by the designer estimating the mature size of the tree in the planter area provided.

20. Loss and Replacement. Loss of any retained tree due to wind, disease, or other natural causes shall be replaced by one planted significant tree. Damage to a retained landmark tree shall be documented by a qualified professional at the expense of the owner, and the recommendations of the qualified professional regarding repair or replacement shall be followed. The existing planting area may be used if the tree is replaced in the same location. If the tree is relocated, the standards for a planted significant tree shall be followed and the Tree Retention Plan modified accordingly.

21. Enforcement. Any violation of this chapter shall be enforced through the City of Maple Valley Enforcement Code, which is represented by King County Code Title 23 adopted by reference by the City of Maple Valley. In addition to any applicable penalties set forth in KCC 23.32.010, the penalty for the removal of any tree in violation of this chapter shall be up to \$1,000 per tree in addition to any required planting or mitigation. Nothing herein shall preclude the City from seeking redress, including abatement and the cost thereof, through any lawful means, including the initiation of any suit in law or in equity, and the City shall be entitled to recover all reasonable costs and attorney's fees incurred as a result of bringing such action.

K. Stormwater Pond Landscaping Standards.

1. Purpose. The purpose of this standard is to improve water quality for the protection of endangered species and reduce maintenance costs for stormwater facilities located in residential developments and make them attractive amenities within the neighborhood and the City.

2. Applicability. These provisions shall apply to all development applications within the City, with the exception of individual single-family residential.

3. Landscape Plan Approval. A landscape design professional (landscape architect, certified landscaper, certified nursery professional, etc.), certified or registered by the State of Washington, shall prepare required landscape plans.

4. Guidelines and Design Requirements. An evergreen environment of trees and groundcover will be developed surrounding the water quality and settlement elements of the stormwater pond in compliance with the following guidelines and design standards:

a. The entire area within the drainage facility above the 10-year storm event elevations, outside the water quality and settlement elements, shall be planted with trees and groundcover.

b. The number of trees required within the drainage facility shall be calculated by dividing the perimeter distance of the storm drainage tract by 30.

c. Trees to be planted within the drainage facility shall be a mix of sizes and species comprised approximately of 80 percent evergreen and 20 percent deciduous trees.

d. Placement of trees within the drainage facility shall be grouped in clusters around the drainage facility to provide view corridors into the pond on all sides and not to impair traffic sight distance.

e. Groundcover is to be planted in all bed areas above the 10-year storm event elevation and shall be spaced such that all areas will be covered within five years.

f. Settlement and infiltration cells of the drainage facility shall be planted with a wildflower mix up to the 10-year storm event elevations. This does not include wet cells.

g. Mulch will be provided in all bed areas above the 10-year storm event elevation to assist vegetative growth and maintenance.

h. Wet ponds and stormwater wetlands shall be planted in accordance with the City-adopted surface water manual.

5. Maintenance of the landscaping in the drainage facility shall be the responsibility of the developer or homeowners' association for two years following facility acceptance by the City of Maple Valley. This includes but is not limited to watering, maintenance, replacement and grooming of all plantings.

Section 6. Section 18.60.030 of the Maple Valley Municipal Code is hereby amended as follows:

18.60.030 Definitions.

A. "Critical areas" means any of those areas which are subject to natural hazards or those land features which support unique, fragile or valuable natural resources including fishes, wildlife and other organisms and their habitat and such resources which carry, hold or purify water in their natural state. Critical areas include coal mine hazard areas, erosion hazard areas, flood hazard areas, landslide hazard areas, seismic hazard areas, steep slope hazard areas, critical aquifer recharge areas, streams, wildlife habitat conservation areas, and wetlands.

B. "Critical aquifer recharge areas (CARA)" means those areas with a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2). CARA include:

1. Those areas that have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of ground water resources or contribute significantly to the replenishment of ground water.
2. Wellhead protection areas defined by the boundaries of the 10-year time of ground water travel, or boundaries established using alternate criteria approved by the Department of Health in those settings where ground water time of travel is not a reasonable delineation criterion, in accordance with WAC 246-290-135.
3. Those critical aquifer recharge areas delineated by a hydrogeologic study prepared in accordance with the State Department of Ecology guidelines.
4. Susceptible ground water management areas as designated pursuant to Chapter 173-100 WAC.
5. Special protection areas as defined by WAC 173-200-090.
6. Those aquifer recharge areas meeting the criteria for susceptibility or vulnerability established by the State Department of Ecology.
7. Sole source aquifers as designated by the U.S. Environmental Protection Agency under the Sole Source Aquifer Protection Plan authorized by Section 1424(e) of the Safe Drinking Water Act of 1974.

C. "Director" means the Director of the Community Development Department or designee.

D. "Erosion" means the process by which soil particles are mobilized and transported by natural agents such as wind, rainsplash, frost action or surface water flow.

E. "Erosion hazard areas" means those areas underlain by soils which are subject to severe erosion when disturbed. Such soils include, but are not limited to, those classified as having a severe to very severe erosion hazard according to the USDA Natural Resources Conservation Service. These soils include, but are not limited to, any occurrence of River Wash ("Rh") or Coastal Beaches ("Cb") and the following when they occur on slopes 15 percent or steeper: Alderwood Gravelly Sandy Loam (AgD), Alderwood and Kitsap (AkF), Beausite Gravelly Sandy Loam (BeD and BeF), Ovall Gravelly Loam (OvD and OvF), Ragnar Fine Sandy Loam (RaD), and Ragnar-Indianola association (RdE).

F. "Flood hazard areas" means those areas subject to a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

G. "Hazardous substance processing or handling" means the use, storage, manufacture, or other land use activity involving hazardous substances, but does not include individually packaged consumer products or quantities of hazardous substances less than five gallons in volume per container. Hazardous substances shall not be disposed on-site unless in compliance with Dangerous Waste Regulations, Chapter 173-303 WAC, and any pertinent local ordinances, such as sewer discharge standards.

H. "Hazardous waste" means and includes all dangerous waste and extremely hazardous waste as designated pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC.

1. "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 combinations of such wastes:

- a. Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or
- b. Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

2. "Extremely hazardous waste" means any waste which:

- a. Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic makeup of humans or wildlife; and

b. Is disposed of at a disposal site in such quantities as would present an extreme hazard to humans or the environment.

I. "Landslide" means episodic downslope movement of a mass including, but not limited to, vegetation, soil and rock.

J. "Landslide hazard area" means those areas subject to severe risk of landslides, including the following:

1. Any area with a combination of:

a. Slopes steeper than 15 percent;

b. Impermeable soils, such as silt and clay, frequently interbedded with granular soils, such as sand and gravel; and

c. Springs or ground water seepage;

2. Any area which has shown movement during the Holocene epoch, from 10,000 years ago to the present, or which is underlain by mass wastage debris from that epoch;

3. Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action; or

4. Any area located on an alluvial fan, presently subject to or potentially subject to inundation by debris flows or deposition of stream-transported sediments.

K. "Qualified professional," for purposes of this chapter, means a person with experience and training in the applicable critical area. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology or related field, and two years of related work experience.

1. A qualified professional for watercourses, wetlands, and wildlife habitat conservation areas must have a degree in biology or related field and relevant professional experience.

2. A qualified professional for preparing geotechnical reports and geotechnical design recommendations must be a professional geotechnical engineer, licensed in the State of Washington, as defined under WAC 16-210-010(5). Identification and evaluation of geologic hazards may be performed by geologists or other geology professionals with experience identifying geologic hazards.

L. "Seismic hazard areas" means those areas subject to severe risk of earthquake damage as a result of soil liquefaction in areas underlain by cohesionless soils of low density and usually in association with a shallow groundwater table or of other seismically induced settlement.

M. "Steep slope hazard areas" means those areas on slopes 40 percent or steeper within a vertical elevation change of at least 10 feet. A slope is delineated by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief. For the purpose of this definition:

1. The toe of a slope is a distinct topographic break in slope which separates slopes inclined at less than 40 percent from slopes 40 percent or steeper. Where no distinct break exists, the toe of a steep slope is the lowermost limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet; and

2. The top of a slope is a distinct, topographic break in slope which separates slopes inclined at less than 40 percent from slopes 40 percent or steeper. Where no distinct break exists, the top of a steep slope is the uppermost limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet.

N. "Stream functions" means natural processes performed by streams including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining the availability and quality of water, such as purifying water, acting as recharge and discharge areas for groundwater aquifers, moderating surface and stormwater flows and maintaining the free flowing conveyance of water, sediments and other organic matter.

O. "Streams" means those areas where surface waters produce a defined channel or bed, not including irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses, unless they are used by salmonids or are used to convey streams naturally occurring prior to construction in such watercourses.

For the purpose of this definition, a "defined channel or bed" is an area which demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds and defined-channel swales.

The channel or bed need not contain water year-round.

For the purpose of defining the following categories of streams, "normal rainfall" is rainfall that is at or near the mean of the accumulated annual rainfall record, based upon the water year as recorded at the Seattle-Tacoma International Airport:

1. "Streams with fish" are those used by salmonids;

2. "Streams without fish" are those streams not used by salmonids that flow year-round during years of normal rainfall; and

3. "Intermittent streams" are those streams that are intermittent or ephemeral during years of normal rainfall and that are not used by salmonids.

P. "Wetland edge" means the line delineating the outer edge of a wetland, consistent with the Washington State Wetlands Identification and Delineation Manual (Publication No. 96-94), March 1997.

Q. "Wetland functions" means natural processes performed by wetlands including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining the availability and quality of water, acting as recharge and discharge areas for groundwater aquifers and moderating surface and stormwater flows, as well as performing other functions including, but not limited to, those set forth in 33 CFR 320.4(b)(2), 1988.

R. "Wetland, isolated" means a wetland which has a total size less than 5,000 square feet excluding buffers, which is hydrologically isolated from other wetlands or streams, does not have permanent open water, and is determined to be of low function.

S. "Wetlands" means those areas which are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and 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, or other artificial features intentionally created to mitigate conversions of wetlands pursuant to wetlands mitigation banking.

Wetlands do not include artificial features created from nonwetland areas 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.

Where the vegetation has been removed or substantially altered, a wetland shall be determined by the presence or evidence of hydric or organic soil, as well as by other documentation, such as aerial photographs, of the previous existence of wetland vegetation.

Wetlands shall be rated according to the categorization of wetlands described below. When the areas of any wetlands are hydrologically connected to each other, they shall be added together to determine which of the following categories of wetlands apply:

1. Category I Wetlands. Category I wetlands are those that: (a) represent a unique or rare wetland type; or (b) are more sensitive to disturbance than most wetlands; or (c) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (d) provide a high level of functions. In Western Washington, these include estuarine wetlands greater than an acre in size, natural heritage wetlands, bogs, mature and old growth forested wetlands, wetlands in coastal lagoons, and wetlands that perform many functions very well.

2. Category II Wetlands. Category II wetlands are difficult, though not impossible, to replace and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. In Western Washington, Category II wetlands include estuarine wetlands smaller than an acre in size (or if disturbed, larger than an acre), interdunal wetlands greater than an acre in size, and wetlands that perform functions well.

3. Category III Wetlands. Category III wetlands are (a) wetlands with a moderate level of functions and (b) interdunal wetlands between 0.1 and one acre in size.

4. Category IV Wetlands. Category IV wetlands have the lowest levels of functions and often are disturbed. These wetlands can be replaced and in some cases improved.

T. "Wildlife habitat conservation areas" means those areas that are essential for the preservation of critical habitat and species. All areas within the City of Maple Valley meeting one or more of the following criteria are designated wildlife habitat conservation areas:

1. Areas with which nonaquatic State- or federally designated endangered, threatened, and sensitive species have a primary association.

a. Federally designated endangered and threatened species are those wildlife species identified by the U.S. Fish and Wildlife Service that are in danger of extinction or are threatened to become endangered.

b. State designated endangered, threatened, and sensitive nonaquatic wildlife species are those wildlife species native to the State of Washington identified by the Washington State Department of Fish and Wildlife, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the State without cooperative management or removal of threats. State-designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (State endangered species), and WAC 232-12-011 (State threatened and sensitive species).

2. Habitats and species of local importance. Habitats and species of local importance are those identified by the City Council, including those that possess unusual or unique habitat warranting protection, or land areas found by the City Council to be essential for preserving connections between habitat blocks and open spaces.

Section 7. Section 18.70.020 of the Maple Valley Municipal Code is hereby amended as follows:

18.70.020 Applicability.

A. The design guidelines shall be implemented in the following manner:

1. The design standards shall apply to all new construction in CB, NB, O, R-12, R-18, R-24, MU, MPC, SC and BP zones, nonresidential buildings in all zones throughout the City, and in the R-8 zone for townhouse developments with a total of five or more dwelling units in one or more structures. They shall also apply in the P/OS, R-1, R-4, and R-6 zones, but only to nonresidential structures.

a. Publicly owned buildings and structures used for public purposes do not trigger the requirements of this section when all of the following criteria are met:

- i. The building or structure is no more than 2,000 square feet in total size;
- ii. The building or structure is a single story and does not exceed a height of more than 20 feet;
- iii. The building or structure is visually obstructed by existing or proposed screening, buildings, vegetation or distance from adjacent sites, streets and the public right-of-way; and
- iv. The building or structure complies with all other necessary requirements of the development regulations and building codes.

b. The Department of Community Development shall have the authority to approve, approve with conditions, or deny an exemption from the requirements of this section as a Process 1 decision for buildings and structures not used for commercial purposes within the PUB and PRO zones, such as bus stops, picnic shelters, storage buildings, restroom facilities, and similar buildings, and structures within designated community recreation areas. An exemption may be granted only when all the following criteria are met:

- i. The building or structure is no more than 400 square feet;
- ii. The building or structure is a single story no more than 20 feet in height;
- iii. The building or structure is visually obstructed by existing or proposed screening, buildings, vegetation or distance from adjacent sites, streets and the public right-of-way; and
- iv. The building or structure complies with all other necessary requirements of the development regulations and building codes.

2. The design standards shall apply to buildings within the MU and MPC zones, except for residential developments of less than five units; however, variation may occur when specifically addressed as part of a Multiple Use Master Permit developed and approved pursuant to MVMC [18.110.050](#) or as part of an MPC project approval pursuant to Chapter [18.120](#) MVMC.

3. For all existing structures in the zones as noted in subsection (A)(1) of this section with exterior improvements/additions less than 50 percent of the replacement value of the structure, then only that applicable portion of the structure and associated site improvements shall comply.

4. For all existing structures in the zones as noted in subsection (A)(1) of this section with exterior remodels greater than 50 percent of the replacement value of the structure in any three-year period, then the standards apply to the entire structure and associated site improvements.

B. Interior remodeling or interior tenant improvements do not trigger the requirements of this section. Only those improvements to the exterior of an existing structure, including exterior mounted mechanical equipment, must meet applicable design standards and requirements.

Section 8. Section 18.70.030 of the Maple Valley Municipal Code is hereby amended as follows:

18.70.030 Site design guidelines and requirements.

A. Site Planning – Connectivity.

1. Goal. Provide safe and efficient pedestrian and vehicular connections to existing neighborhoods, commercial areas, public services, and transit. Discourage new development that precludes the opportunity to provide future pedestrian and vehicular connections.

2. Guidelines and Requirements.

a. Wherever possible, developments shall provide interior automobile and pedestrian connections to adjacent properties through the development of appropriate street frontage, and use of cross access easements, common driveways, shared internal roadways and parking lots, and similar techniques. Where connections are not possible, site design shall not preclude possible future connections.

b. Where the adjacent property is vacant or developed and does not provide adequate connections, the configuration and layout of the proposed development shall provide the opportunity for future connections to the satisfaction of the Director.

c. Where demonstrated that vehicular and/or pedestrian connections between adjacent properties are impractical (such as: topography, environmental, or unusual lot configuration), unnecessary or undesirable (such as where uses are not compatible), developments shall provide at least 10 feet of Type III landscaping, as defined in MVMC [18.40.130](#), along the applicable side where no vehicular and/or pedestrian connections are provided.

d. Where abutting developed land provides road stub-outs, easements, or other methods to provide the opportunity for future road connections, the interior network of new development shall be designed to utilize these connections.

e. Avoid dead-end streets to the extent possible.

B. Site Planning – Building/Sidewalk Relationship.

1. Goal. Provide for interesting and walkable streets, provide attractive building facades, reduce the impact of large parking lots on the streetscape, enhance the overall design and layout of developments, retain and enhance the wooded character of Maple Valley.

2. Guidelines and Requirements.

a. Provide an appropriate building/sidewalk relationship based on the combination of zoning and the classification of street or streets fronting on the property.

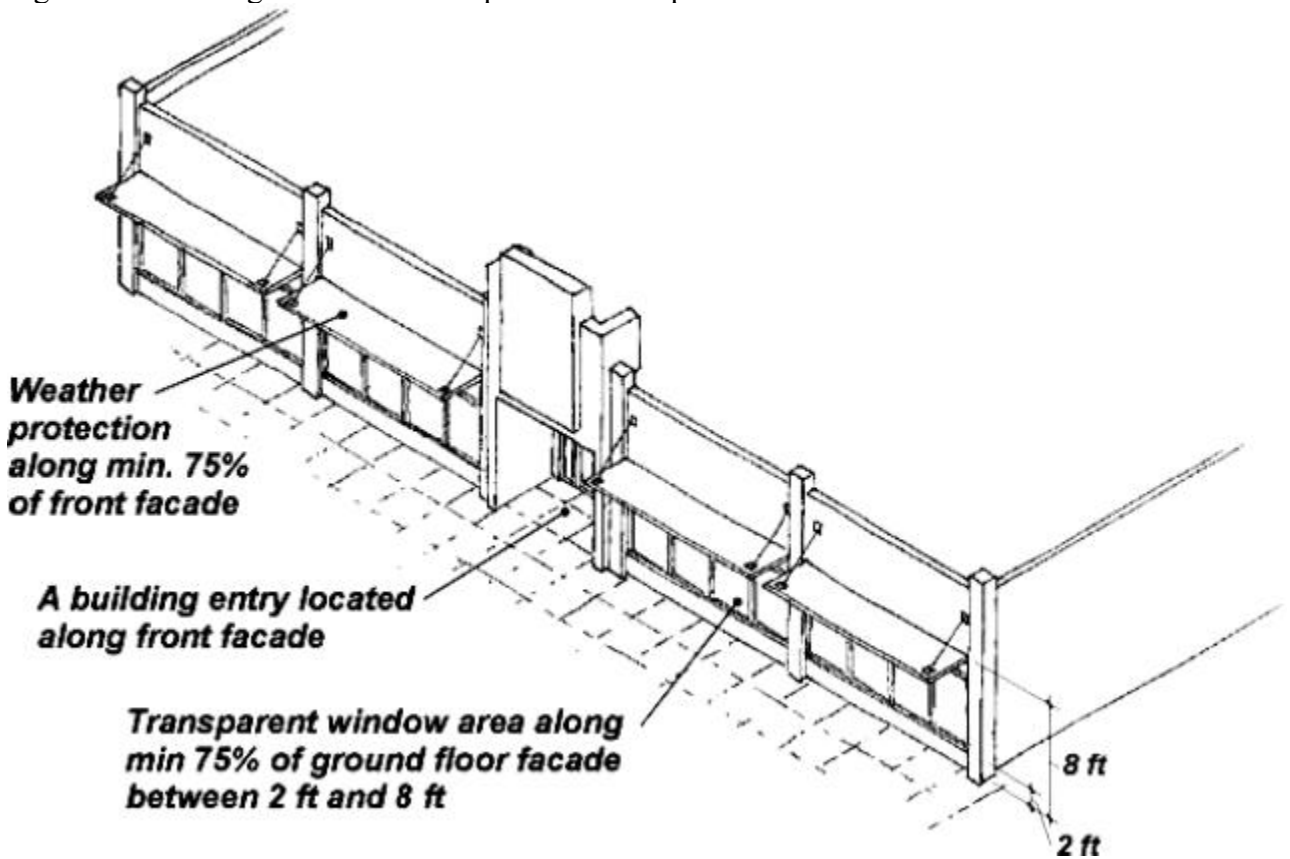
b. To qualify as a “pedestrian-oriented building facade,” the following conditions must be met:

i. Transparent window area or window displays along a minimum of 75 percent of the ground floor facade between a height of two feet to eight feet above the ground;

ii. A building entry must be facing the street; and

iii. Weather protection at least four and one-half feet wide along at least 75 percent of the facade width.

Figure 1. Illustrating the minimum requirements for pedestrian-oriented facades.



c. Table 1 shows the street classification system by zoning and applies the building/sidewalk relationship that must be constructed in the various situations.

| Table 1. Required Building/Sidewalk Relationship per Applicable Zoning and Classification of Street Fronting on the Property. | | | | |
|---|--|--|---|---|
| Applicable Zone | Street Classification | | | |
| | ARTERIAL STREETS(1) | BUSINESS ACCESS STREETS(1) | BUSINESS CONNECTORS(1) | TWO OR MORE DIFFERENT STREET CLASSIFICATIONS(1) |
| CB/NB/MU/ MPC/SC | Pedestrian-oriented building facade(2) Or 20-foot landscape buffer(3) if more than 2 | Pedestrian-oriented building facade(2) Or 20-foot landscape buffer(3) if more than 2 | Pedestrian-oriented building facade(2) Or 6-foot buffer with Type IV landscaping(4) if nonpedestrian-oriented building facade or parking area | Meet applicable requirements for all streets |

| | | | | |
|--------------|---|---|--|--|
| | rows parking Or 10-foot buffer with Type III landscaping(4) if nonpedestrian-oriented building facade or 2 rows or less of parking in front of the building | rows parking Or 10-foot buffer with Type III landscaping(4) if nonpedestrian-oriented building facade or 2 rows or less of parking in front of the building | | |
| O | 20-foot landscape buffer(3) Or Pedestrian-oriented building facade Or 10-foot buffer with Type III landscaping(4) if nonpedestrian-oriented building facade | 10-foot buffer with Type III landscaping(4) Or Pedestrian-oriented building facade | 6-foot buffer with Type IV landscaping(4) if nonpedestrian-oriented building facade or parking area Or Pedestrian-oriented building facade | Meet applicable requirements for all streets |
| R-8/12/18/24 | 20-foot buffer with Type III landscaping(4) | 10-foot buffer with Type III landscaping(4) | 6-foot buffer with Type IV landscaping(4) | Meet applicable requirements for all streets |
| BP | Pedestrian-oriented building facade | Pedestrian-oriented building facade | Pedestrian-oriented building facade Or 6-foot buffer with | Meet applicable requirements for all streets |

| | | | | |
|--------------------|--|--|--|--|
| | Or 20-foot buffer with Type II landscaping(4) | Or 10-foot buffer with Type II landscaping(4) | Type IV landscaping(4) if nonpedestrian-oriented building facade or parking area | |
| All Other Zones(5) | Landscape buffer | Landscape buffer | N/A | Meet applicable requirements for all streets |

Table Notes: (1) Options listed first in the columns are preferred.

(2) Except for entrance lobbies, residential uses are prohibited on the ground floor.

(3) Twenty-foot landscaping buffer requirements are described in MVMC [18.70.030\(B\)\(3\)\(a\)\(i\)\(B\)](#) for both arterial and business access streets.

(4) Type II, III, and IV landscaping requirements are defined in MVMC [18.40.130](#).

(5) Applies to all nonresidential buildings.

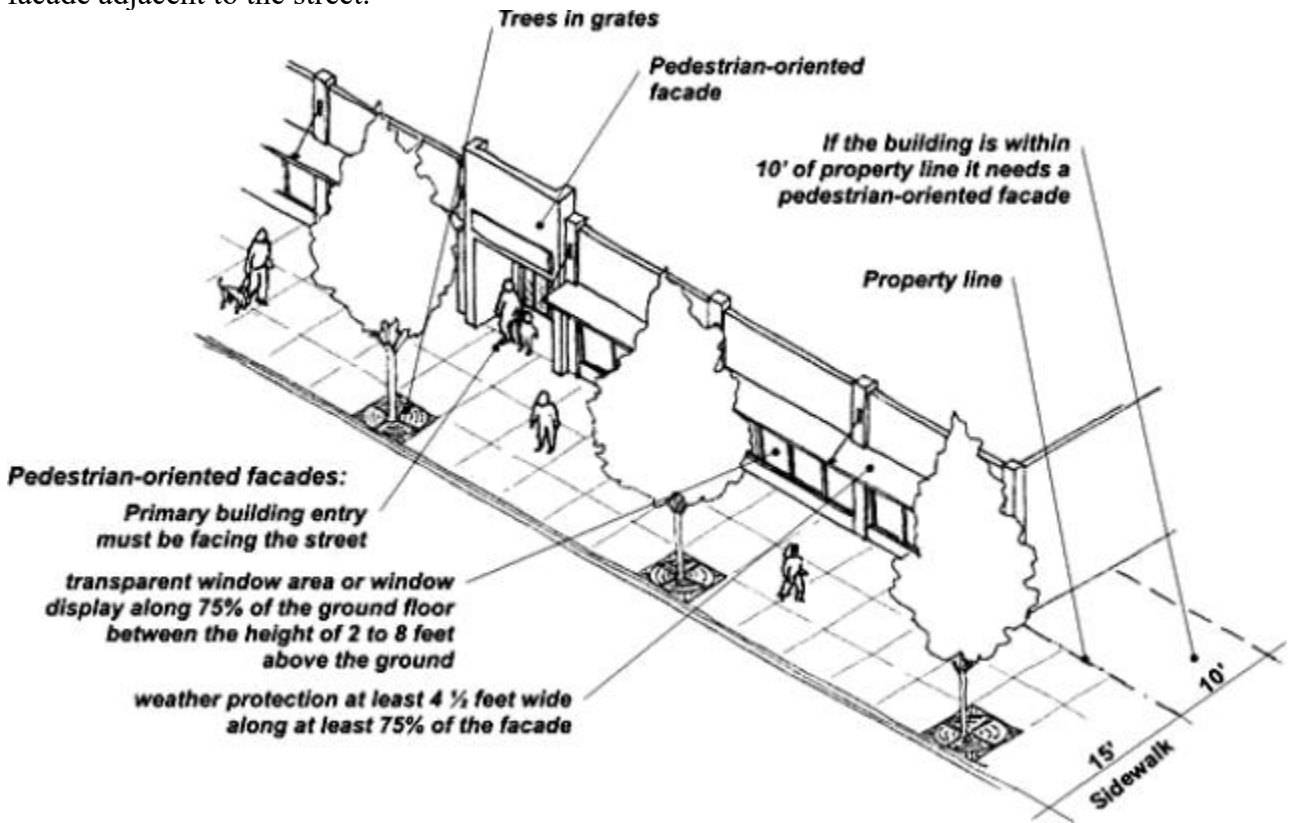
3. Street Types and Building/Sidewalk Relationship Standards.

a. Arterial Streets. These include two categories of arterials: principal arterial streets and minor arterial streets. These are streets that accommodate a relatively high volume of traffic and do not have on-street parking, thereby requiring a buffer for pedestrians. Also, these streets are important to the look of Maple Valley, but may not have the volume of pedestrian activity that other connector streets have.

i. Properties adjacent to arterial streets shall adhere to the following standards unless the Director determines that they prevent viable site development:

(A) Buildings in the CB, NB, MU, O, MPC, SC and BP zones can be located within 10 feet of the street right-of-way if they present a “pedestrian-oriented building facade” to the street (see Figure 2 for illustration).

Figure 2. Illustrating site development option (1) with a pedestrian-oriented building facade adjacent to the street.



(B) For developments in the CB, NB, MU, MPC, SC and O zones, where a parking lot with more than two rows of parking, or equivalent depth of parking, is shown between the building and the arterial street (see Figures 3 and 4 for illustrations), one of the two landscape buffers below shall be provided:

(1) A 20-foot-wide landscape buffer planted per the following:

(a) Trees at an average rate of one tree per 30 lineal feet of street frontage. Permitted tree species are those that reach a mature height of at least 35 feet. To increase visibility, the trees can be clustered and/or staggered. A 30-foot break in the required tree coverage is permitted adjacent to permitted signage.

(b) Shrubs at a rate of one shrub per 20 square feet of landscaped area. Shrubs shall be at least 16 inches tall at planting and have a mature height between three and four feet.

(c) Ground cover shall be planted in sufficient quantities to provide at least 70 percent coverage of the landscaped area within three years of installation.

Figure 3. Site plan illustrating the 20-foot landscaped buffer between large parking lots and arterial streets.

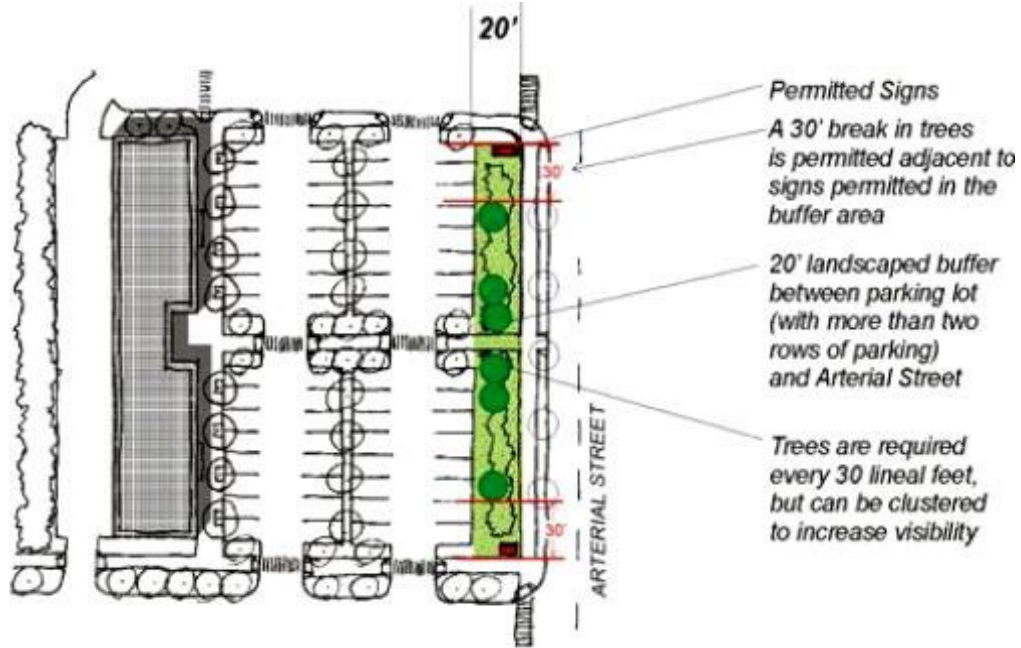
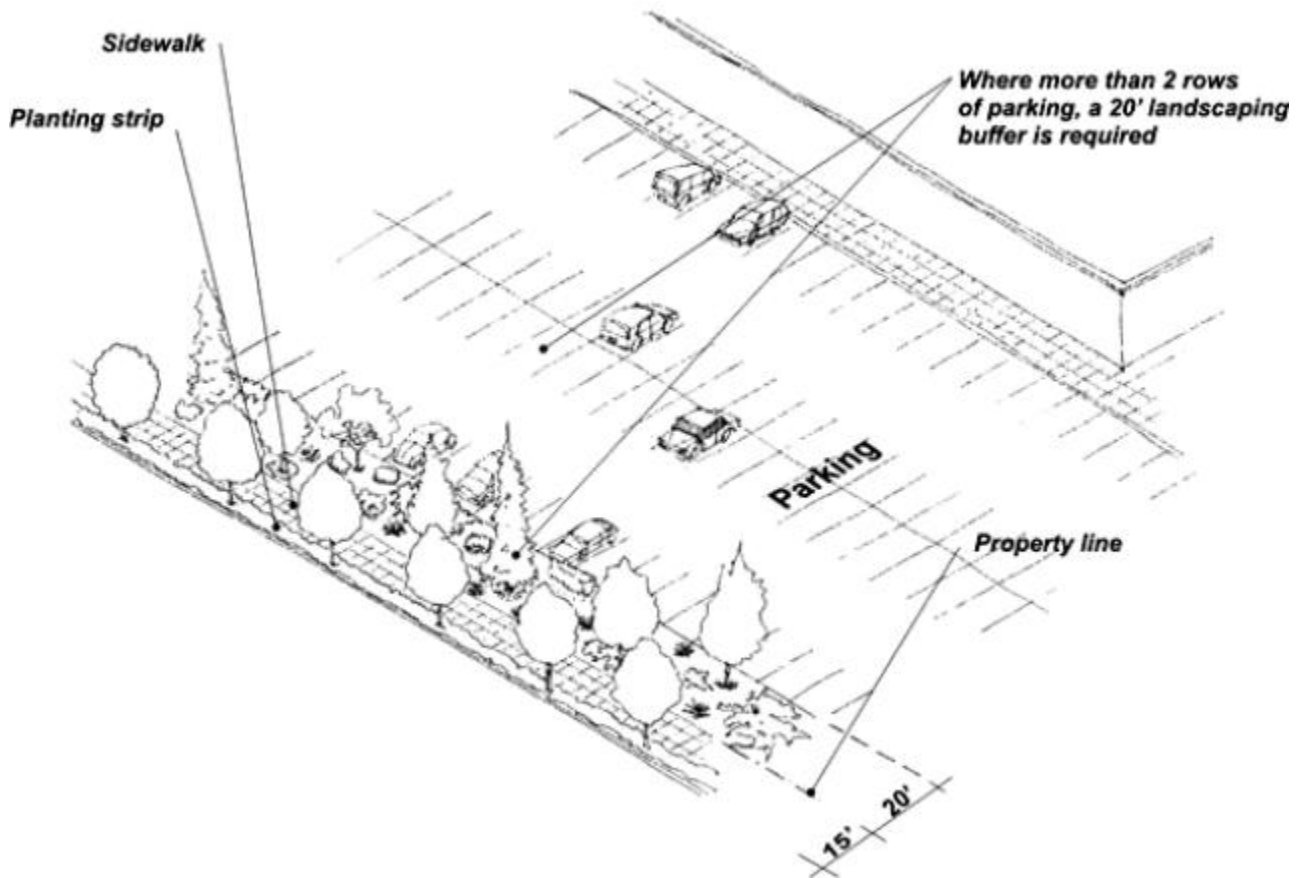
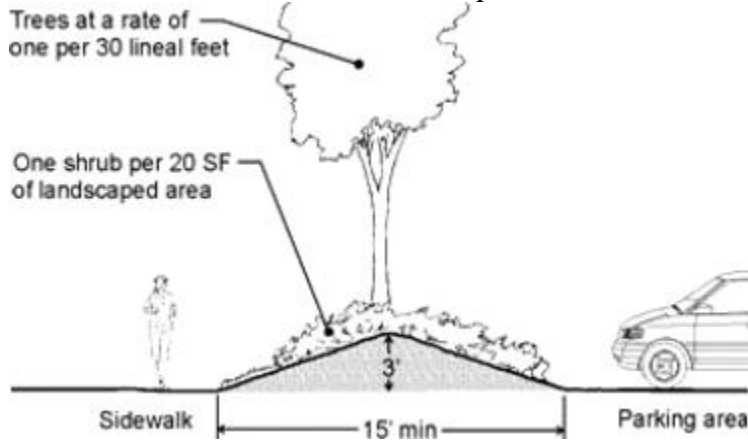


Figure 4. Sketch illustrating the 20-foot landscaped buffer between large parking lots and arterial streets.



(2) A 15-foot landscape buffer with a three-foot-high berm provided within the buffer area. Trees, shrubs and groundcover requirements are the same as in subsection (B)(3)(a)(i)(B)(1) of this section. See Figure 5 for illustration.

Figure 5. The landscape buffer between parking lots and arterial streets may be reduced to 15 feet if a three-foot-tall berm is provided.



(C) Where buildings in the CB, NB, MU, MPC, SC and O zones have two or less rows of parking between them and the street frontage, a 10-foot buffer of Type III landscaping is required between the street and the parking area (see Figure 6 for illustration). Type III landscaping requirements are defined in MVMC [18.40.130](#).

Figure 6. Illustrating the requirement for a 10-foot buffer of Type III landscaping between the street and a parking lot featuring no more than two rows of parking.

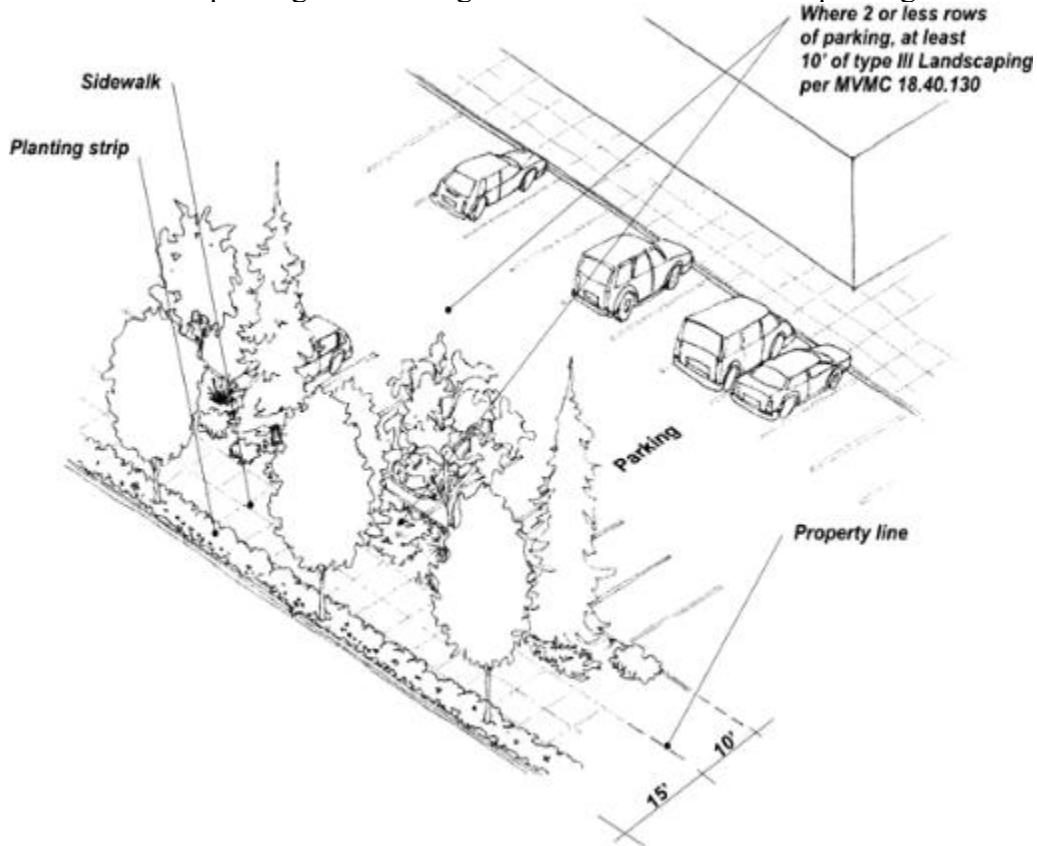
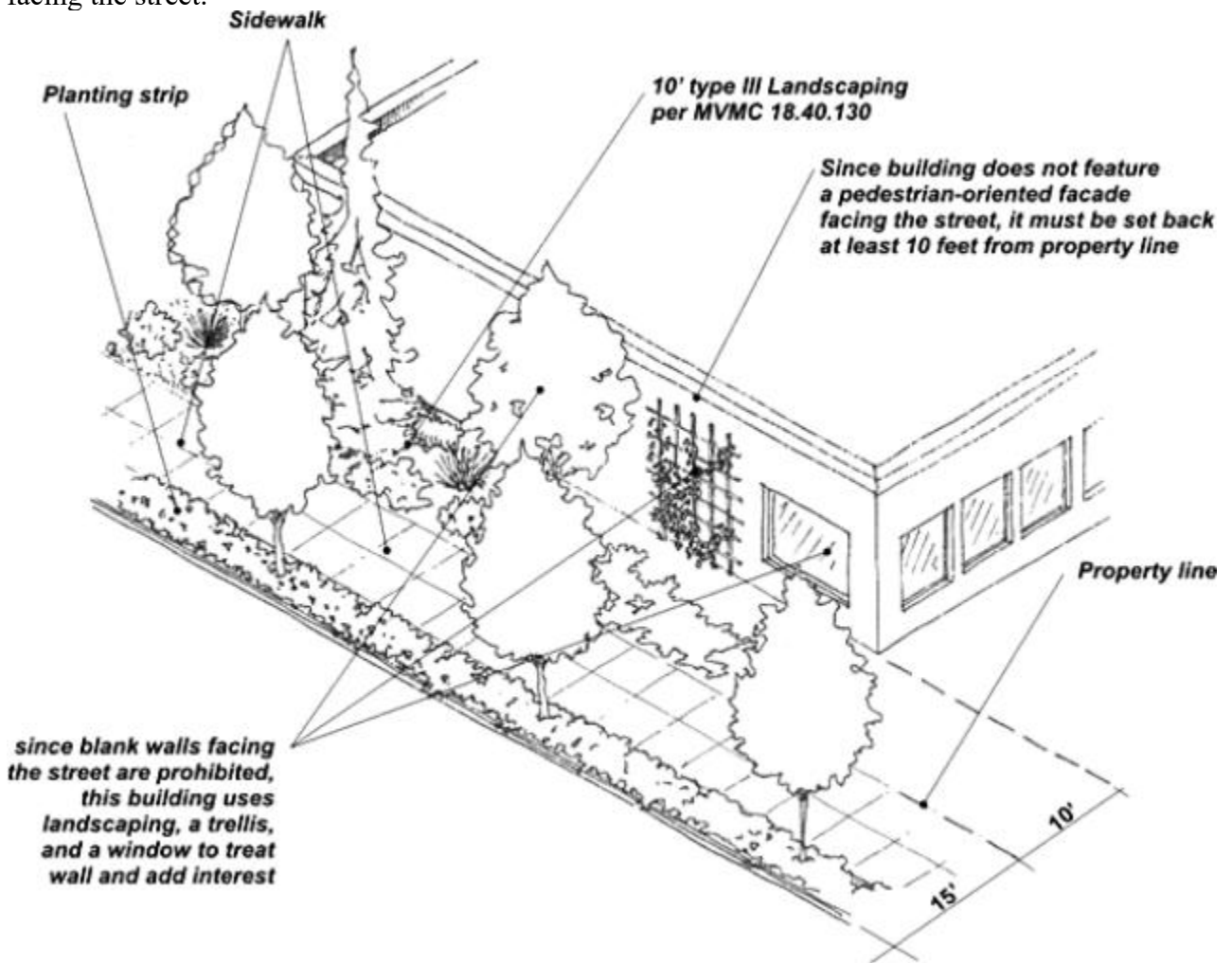


Figure 7. Illustrating the requirement for a 10-foot buffer of Type III landscaping between the street and any building that does not contain a pedestrian-oriented building facade

facing the street.



(D) The 10-foot buffer of Type III landscaping described in MVMC [18.40.130](#) is also required between the street and any building that does not contain a pedestrian-oriented building facade facing the street (see Figure 7 for illustration).

(E) For developments within the BP zone, a 20-foot buffer of Type II landscaping is required adjacent to the street unless a building with a “pedestrian-oriented building facade” is sited within 20 feet of the adjacent arterial street. Type II landscaping requirements are defined in MVMC [18.40.130](#).

(F) Building entries must have direct access to the public sidewalk (entries may be on the side of buildings and connected by a pedestrian pathway).

(G) If the public sidewalk is less than eight feet wide, set the building back sufficiently to provide at least eight feet of uninterrupted walking surface.

b. Business Access Streets. These are all other commercial streets that are public and not classified as arterials. These are local streets for adjacent commercial and business use

and access. These streets carry less traffic, may have on-street parking and are typically important pedestrian routes.

i. Development fronting on business access streets must conform to Table 1 and the requirements below unless the Director determines that they prevent a viable site development.

(A) If the public sidewalk is less than eight feet wide, set the building back sufficiently to provide at least eight feet of uninterrupted walking surface.

(B) Buildings in the CB, NB, MU, MPC, O, SC and BP zones can be located within 10 feet of the street right-of-way if they present a “pedestrian-oriented building facade” to the street (see Figure 2 for illustration).

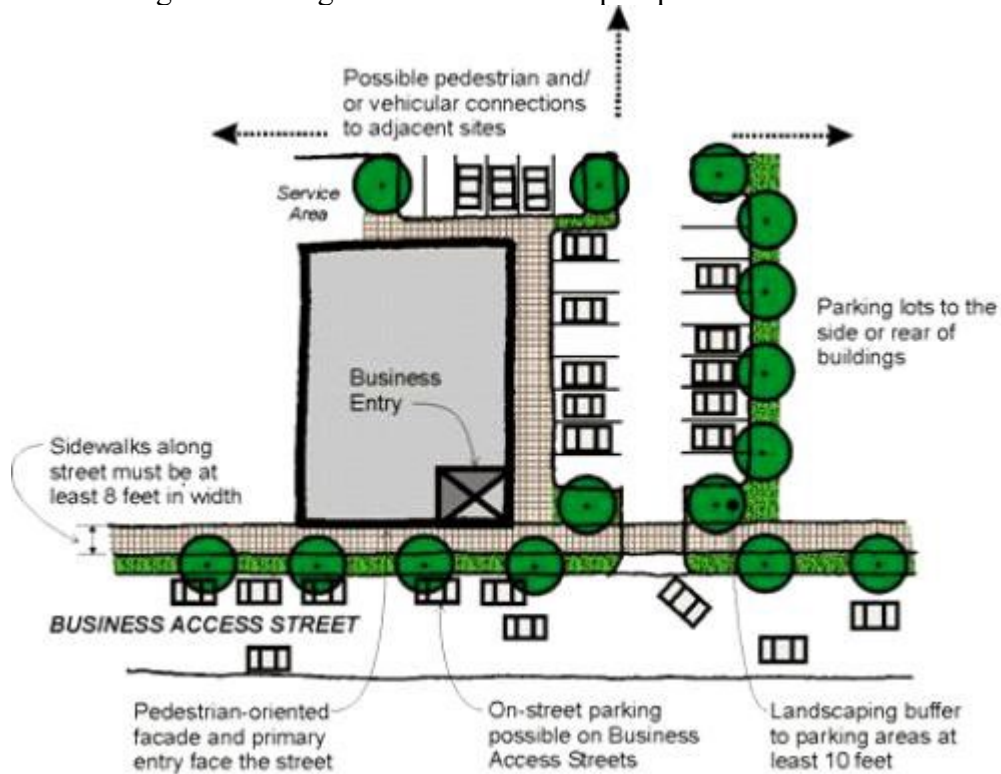
(C) For developments in the CB, NB, MPC, SC and MU zones, where a parking lot with more than two rows of parking, or equivalent depth of parking, is shown between the building and the business access street, one of the two landscape buffers detailed in subsection (B)(3)(a)(i)(B) of this section shall be provided (see Figures 3 through 5 for illustrations).

(D) Where buildings in the CB, NB, MU, MPC, SC and O zones have two or less rows of parking between them and the street frontage, a 10-foot buffer of Type III landscaping is required between the street and the parking area (see Figures 6 and 8 for illustrations).

(E) A 10-foot buffer of Type III landscaping described in MVMC [18.40.130](#) is also required between the street and any building in the CB, NB, MU, MPC, SC and O zones that does not contain a pedestrian-oriented building facade facing the street (see Figure 7 for illustration).

ii. Where properties are adjacent to more than one street, refer to Table 1 for requirements or preferences depending upon applicable zoning.

Figure 8. Illustrating the building/sidewalk relationship requirements of Business Access



Streets.

c. Business Connectors. These are not streets in the technical sense, but are important cross connectors from one business to the next for vehicles and pedestrians. They may connect parking areas for businesses and in some cases provide access or sole access to a tenant or tenants.

i. Development fronting on a business connector must conform to Table 1 and the requirements below unless the Director determines that they prevent a viable site development. Additional requirements:

(A) Buildings can be located within 10 feet of the street if they present a “pedestrian-oriented building facade” to the street. To qualify for this option, only “pedestrian-oriented space” or landscaping can be placed between the building and the street.

(B) If parking is desired between the building and the business connector, a buffer at least six feet in width of Type IV landscaping as required in MVMC [18.40.130](#) is needed.

(C) Developments shall provide pedestrian walkways on at least one side of the connector.

(D) Developments shall provide safe pedestrian access across the connector at least every 150 feet and be coordinated with required parking lot pathways.

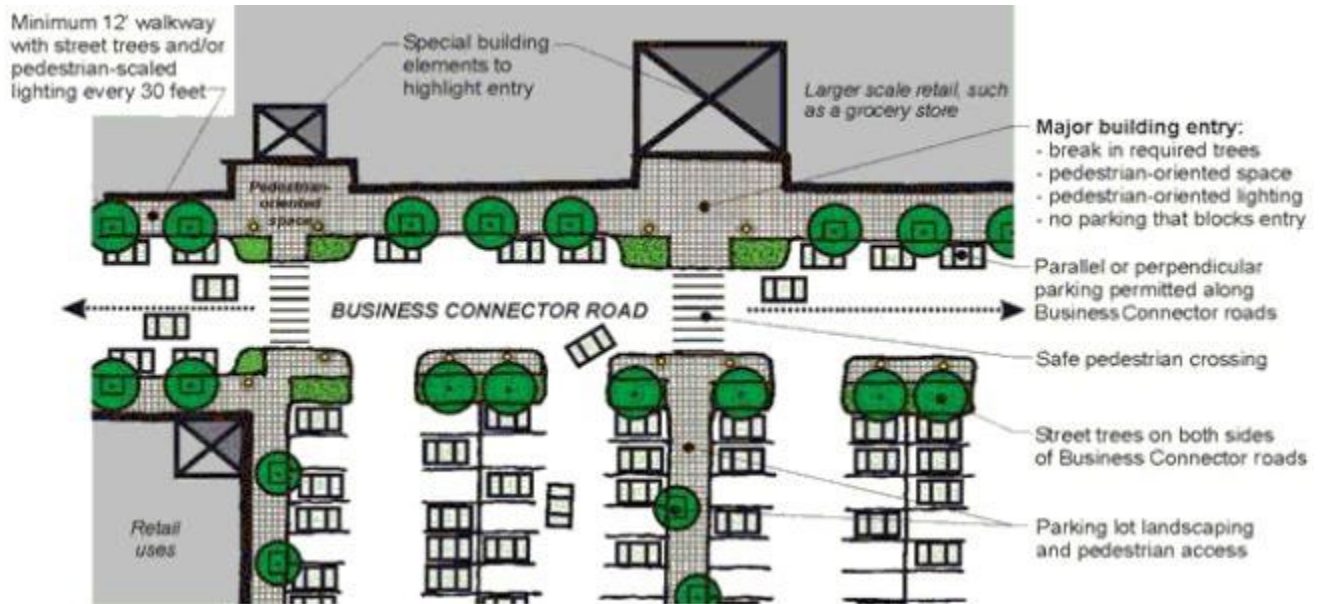
(E) Developments shall provide street trees on both sides of the connector.

(F) Parallel, angled, or perpendicular parking is permitted on one or both sides of the connector.

(G) All buildings fronting on a Business Connector road in the CB, MU, MPC, SC and NB zones with facades longer than 100 feet shall provide a minimum 12-foot walkway along the primary facade of the building(s). The walkway shall include an eight-foot minimum unobstructed walking surface and street trees per MVMC [18.40.130](#) placed no more than 30 feet on center. As an alternative to some of the required street trees, developments can provide pedestrian-scaled light fixtures at the same spacing and no taller than 14 feet in height. However, no less than one tree per 60 lineal feet of the required 12-foot walkway shall be required. To increase business visibility and accessibility, the Director will allow breaks in the required tree coverage adjacent to major building entries.

(H) Where properties are adjacent to more than one street, refer to Table 1 for requirements or preferences depending upon applicable zoning.

Figure 9. Illustrating the building/sidewalk relationship requirements of Business Connector roads.



4. Multifamily Development and Building/Sidewalk Relationship Standards.

a. All multifamily developments shall adhere to the following standards unless the Director determines that they prevent viable site development. Where multifamily developments front on a designated arterial street, business access street or business connector, they must also meet those requirements as provided in Table 1 and subsection (B)(3) of this section, Street Types and Building/Sidewalk Relationship Standards. If there is a conflict between any requirements or guidelines, the Director shall decide which requirements or guidelines apply.

i. Parking areas should be located behind or under buildings and accessed from alley-type driveways. No more than 30 percent of the street frontage shall be occupied by parking lots. If parking is provided under the building, habitable building space shall be provided where the building fronts the sidewalk. If driveway access from streets is necessary, minimum-width driveways meeting the fire access standards shall be used.

ii. Locate parking lots so that they do not impose on the ground floor units' privacy. If this is not feasible, locate buildings so they are far enough apart that adequate landscaping can be planted to provide privacy.

iii. Each building shall have direct pedestrian access from the main street fronting the building and from the back where the parking is located.

iv. Another alternative may be to orient the buildings into U-shaped courtyards where the front door/main entry into the building is from a front courtyard. Access to the courtyard from the rear parking area shall be through a well lighted breezeway or stairway. This alternative will work where projects abut an arterial or major collector street where the quality of living could be enhanced with buildings facing into the courtyard. The buildings would still be located between the street and the parking lot.

v. Front and side yards which abut a street shall be visually open to the street. Where fences or walls are necessary to reduce noise, provide buffers, create private yards or provide security, provide one or more of the following options to maintain a pedestrian scale along the street:

(A) Provide art (mosaic, mural, decorative masonry pattern, sculpture, relief, etc.) over at least 50 percent of the blank wall surface.

(B) Employ small setbacks, indentations, stepped fence heights, or other means of breaking up the wall or fence surface and height.

(C) Employ different textures, colors, or materials (including landscape materials) to break up the wall's surface.

(D) Provide special lighting, a horizontal trellis, or other pedestrian-oriented feature that breaks up the size of the blank wall's surface and adds visual interest.

vi. If fencing is required, repeat the use of building facade materials on fence columns and/or stringers.

C. Site Planning – Relationship to Surrounding Properties and Uses.

1. Goal. Enhance connectivity between uses, when desirable and practical. New development should be sensitive to adjacent uses. Protect and enhance a wooded character.

2. Guidelines and Requirements.

a. Developments shall provide landscaping buffers per Table 2 and MVMC [18.40.130](#) to minimize visual impacts of incompatible uses. Where substantial existing vegetation is in place in the required buffer areas, the Director may waive the required landscaping as long as the existing vegetation achieves site planning goals.

b. Developments shall retain significant trees per MVMC [18.40.130](#) to retain the wooded character and emphasize a natural setting.

c. Developments shall be configured to enhance vehicular and pedestrian connections between compatible uses per subsection (A) of this section, Site Planning – Connectivity.

| Table 2. Required Landscape Buffer Widths and Types(1) for Developments for Side and Rear Yards. | | | | | | |
|--|-------------|---|-------------------------|-------------------------|-------------------------|-------------------------|
| | | Zoning of Applicable Property (Buffer Must Occur Within) | | | | |
| | | CB/NB/SC | BP | O | MU | R-8 to R-24 |
| Zoning of Adjacent Property | CB/NB/SC | – | 10-foot buffer Type III | – | – | 10-foot buffer Type III |
| | BP | – | – | 10-foot buffer Type III | 10-foot buffer Type III | 10-foot buffer Type III |
| | O | 10-foot buffer Type III | 15-foot buffer Type II | – | 10-foot buffer Type III | 10-foot buffer Type III |
| | MU | 10-foot buffer Type III | 20-foot buffer Type II | – | – | 10-foot buffer Type III |
| | R-8 to R-24 | 20-foot buffer Type I | 25-foot buffer Type I | 20-foot buffer Type I | 15-foot buffer Type III | 10-foot buffer Type III |
| | P/O | 10-foot buffer Type III | 20-foot buffer Type II | 10-foot buffer Type III | 15-foot buffer Type III | 10-foot buffer Type III |
| | R-1 to R-6 | 20-foot buffer Type I | 25-foot buffer Type I | 20-foot buffer Type I | 20-foot buffer Type I | 10-foot buffer Type I |

Notes: (1) Landscaping types are defined in MVMC [18.40.130](#).

(2) Nonresidential developments in the P/O or R zones must use the above standards applicable to the R-8 zone or those standards established through the Conditional Use Permit, whichever are greater.

(3) Landscape buffers in the MU zone may be modified through the approved Multiple Use Master Permit. Landscape buffers in the MPC zone may be modified through the master planned community project approval pursuant to Chapter [18.120](#) MVMC.

D. Site Planning – Pedestrian Elements.

1. Goal. To improve the pedestrian environment by making it easier, safer and more comfortable to walk between businesses, to the street sidewalk, to transit stops, and through parking lots. Pedestrian facilities such as sidewalks, crosswalks and bus shelters should connect all modes of transportation. Provide the pedestrian, disabled person and transit user with a safe and clear path to the entry door of a building and maintain safe pedestrian routes across busy streets by a variety of means, including signalized intersections at cross streets and distinctively marked crosswalks where feasible. Provide safe and continuous pedestrian access in commercial areas making them more accessible and convenient by allowing people to walk between businesses and to safely walk and bike to commercial nodes from adjacent residential areas. Use the architectural elements of a building and landscaping to highlight and define the entrance, enhance the visual character of buildings, and improve the pedestrian environment.

2. General Pedestrian Access – Guidelines and Requirements. All pedestrian walkways must correspond with federal, State and local codes for barrier-free access, and the Americans with Disabilities Act. Excluded from this requirement would be trails in on-site greenbelts or undeveloped natural areas.

3. On-Site Pedestrian Circulation – Guidelines and Requirements.

a. Provide pedestrian pathways per Table 3.

| Table 3. Required Pedestrian Pathways. | | | |
|--|--------------------|--|---|
| Pedestrian Pathways | Unobstructed Width | Applicable Code Section(s) for More Pathway Details | Landscaping and Design Features and Applicable Code Section(s) |
| Arterials | 8 feet | MVMC 18.70.030(B)(3)(a) , Arterial Streets | 7-foot planting strip or street trees in grates between street and sidewalk |
| Business Access Streets | 8 feet | MVMC 18.70.030(B)(3)(b) , Business Access Streets | 7-foot planting strip or street trees in grates, where possible, between street and sidewalk |
| Business Connectors | 8 feet(1) | MVMC 18.70.030(B)(3)(c) , Business Connectors | Trees, shrubs, and groundcover per MVMC 18.40.130 , particularly in subsection (G), Parking |

| | | | |
|--|-----------|---|---|
| | | | Lot Landscaping |
| Walkways along the primary facades of buildings longer than 100 feet in the CB/NB/SC zones | 8 feet | MVMC 18.70.030(D)(3)(e) , pedestrian elements | Street trees in grates |
| Walkways along the primary facades of buildings less than 100 feet in the CB/NB/SC zones | 6 feet(2) | MVMC 18.70.035(G) , blank walls | Trees, shrubs, and groundcover per MVMC 18.40.130 and 18.70.035(G) , blank walls |
| Pathways to building entries from street | 8 feet(1) | MVMC 18.70.030(D)(3)(b) , pedestrian elements | Trees and shrubs; also see MVMC 18.40.130(G) , Parking Lot Landscaping |
| Pathways through parking lots (required every 150 feet) | 8 feet | MVMC 18.70.030(D)(3)(d) , pedestrian elements | Trees, shrubs, and groundcover per MVMC 18.40.130 , particularly in subsection (G), Parking Lot Landscaping |
| Pathways connecting buildings within individual development | 8 feet(1) | MVMC 18.70.030(D)(3)(c) , pedestrian elements | Trees, shrubs, and groundcover per MVMC 18.40.130 , particularly in subsection (G), Parking Lot Landscaping |
| Pathways connecting compatible developments on different sites | 6 feet(1) | MVMC 18.70.030(D)(5) , pedestrian paths to adjacent uses and transit facilities | Trees, shrubs, and groundcover per MVMC 18.40.130 , particularly in subsection (G), Parking Lot Landscaping |
| Pathway connecting from business or multifamily to trail | 6 feet(1) | MVMC 18.70.030(D)(5) , pedestrian paths to adjacent uses and transit facilities | Trees, shrubs, and groundcover per MVMC 18.40.130 |

Notes: (1) The Director may require wider pathways where significant pathway use is anticipated. An eight-foot pathway, which accommodates three persons walking abreast, will be required for major routes. Pathways that are expected to accommodate more than 1,000 persons per hour should be at least 12 feet in width, which will accommodate four persons walking abreast.

(2) The Director may allow landscaped areas in place of the walkway where it is demonstrated that a walkway along the facade is not necessary.

b. Provide paved pedestrian path from the street sidewalk to the main entry of all buildings. Where a use fronts two streets, access shall be provided from the road closest

to the main entrance, preferably from both streets. Buildings with entries not facing the street should have a clear and obvious pedestrian accessway from the street to the entry. Canopies that only serve as fueling stations are not to be considered buildings for purposes of this chapter.

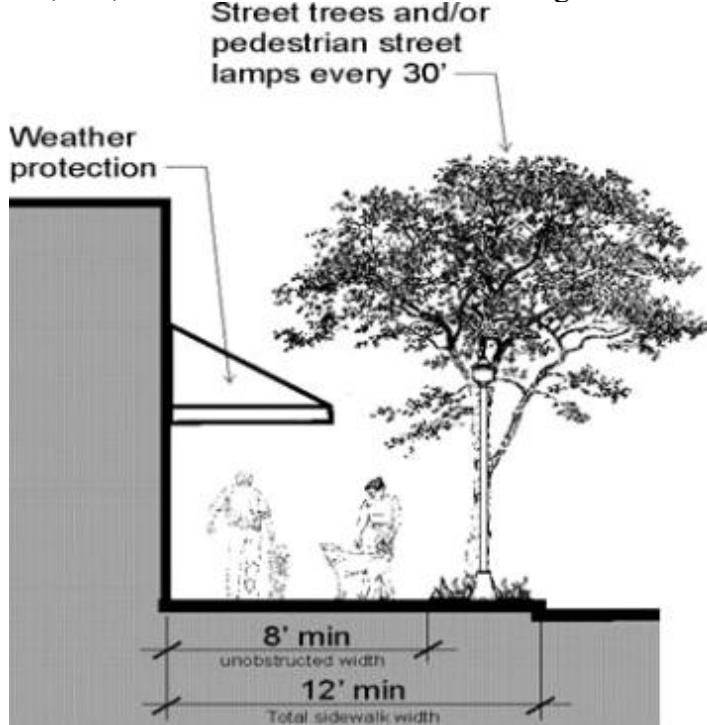
c. Provide pedestrian paths or walkways connecting all businesses and the entries of multiple commercial buildings frequented by the public on the same development site.

d. Provide pathways through parking lots. A paved walkway or sidewalk must be provided for safe walking areas through parking lots greater than 150 feet long (measured either parallel or perpendicular to the street front). Walkways shall be provided every four parking rows and a distance of less than 150 feet shall be maintained between paths. Such access routes through parking areas shall be separated from vehicular parking and travel lanes by use of contrasting paving material which may be raised above the vehicular pavement. Speed bumps may not be used to satisfy this requirement.

e. All applicable buildings in the CB, NB, MPC, SC and MU zones with facades longer than 100 feet and not located adjacent to a public street must provide a minimum 12-foot walkway along the primary facades of all buildings. The walkway shall include an eight-foot minimum unobstructed walking surface and street trees per MVMC [18.40.130](#) placed no more than 30 feet on center. As an alternative to some of the required street trees, developments can provide pedestrian-scaled light fixtures at the same spacing and no taller than 14 feet in height. However, no less than one tree per 60 lineal feet of the required 12-foot walkway shall be required. To increase business visibility and accessibility, the Director will allow breaks in the required tree coverage adjacent to major building entries.

f. Access and stacking lanes for drive-through services and/or drop-off areas shall not pass over required or designated sidewalks or pedestrian paths or walkways.

Figure 10. Illustrating the required walkway along the primary facades of buildings in the CB, NB, MPC and MU zones with building facades longer than 100 feet.



4. Pedestrian Amenities – Guidelines and Requirements.

a. All nonresidential development, excluding Business Park developments, shall provide at least one of the following pedestrian amenities near the sidewalk or required walkway:

i. Pedestrian furniture such as seating space, drinking fountains, and decorative garbage receptacles.

ii. Perimeter landscaping in addition to that required in MVMC [18.40.130](#).

iii. Artwork.

iv. Space for covered transit stop with seating.

v. Special window display areas consisting of a minimum 25 percent of the required window area of the front facade.

vi. Decorative screen wall, trellis or other building or site feature.

vii. Other element that encourages pedestrian activities as approved by the Director.

b. Provide pedestrian weather protection.

i. All development in the CB, MPC, SC and NB districts shall provide pedestrian weather protection at least four and one-half feet wide along 75 percent of the building's front face where a pedestrian walkway is present. The weather protection may be in the form of awnings, marquees, canopies or building overhangs.

ii. Canopies or awnings shall not be higher than 15 feet above the ground elevation at the highest point nor lower than eight feet at the lowest point.

iii. The color, material and configuration of the pedestrian coverings shall be as approved by the Director. Coverings with visible corrugated metal or corrugated fiberglass are not permitted. Fabric and rigid metal awnings are acceptable if they meet the applicable standards. All lettering and graphics on pedestrian coverings must conform to the City of Maple Valley's sign code.

5. Pedestrian Paths to Adjacent Uses and Transit Facilities – Guidelines and Requirements.

a. All developments shall provide interior automobile and pedestrian connections to adjacent properties per subsection (A) of this section, Site Planning – Connectivity.

b. Where possible, provide steps and ramps across retaining walls and slopes in accordance with Maple Valley City ordinances.

c. Gates should be provided to breach fences if they impede pedestrian movement to shopping and other common activities, including to transit.

d. Where a fence, wall or landscaped area separates a sidewalk from a multifamily building or one multifamily development from another, pedestrian breaks and/or crossings shall be placed at frequent intervals.

e. Adjacent landscaping shall not block visibility to and from a path, especially where it approaches a roadway or driveway.

f. In consultation with the appropriate transit agency, where appropriate, integrate transit stops into the development of adjacent site improvements. This may be done by providing extra space for waiting areas, incorporating bus pull-outs or stops into the site's circulation scheme and/or providing a walkway (preferably covered) directly from the transit stop into the project's entrance. Pavement for expanded waiting areas and connecting walkways may be located within required setbacks and may count as landscape areas. To act as an incentive, parking requirements may be reduced if convenient connections to transit are provided.

g. Encourage pedestrian paths from all transit stops through commercial areas to residential areas within 1,200 feet of the site.

h. Multifamily developers shall consult with the appropriate transit agency to determine whether the site is, will, or could be served by transit, and with the school district to see whether it is served by school bus. If the site is located on an existing or future transit or school bus route, the multifamily walkway network shall provide convenient pedestrian access to the nearest transit stop.

i. Easements for pedestrian access shall be recorded for the benefit of the City to facilitate the future extension of these paths as adjoining properties are improved.

6. Pedestrian Areas at Building Entries – Guidelines and Requirements.

a. Developments should avoid locating parking in such a way that interferes with visibility and access of major building entries.

b. The primary public entries of all buildings shall be enhanced by two or more of the following:

i. Provide at least 200 square feet of landscaping at or near the entry.

ii. Provide bicycle racks or pedestrian facilities, such as benches, kiosks, special paving, etc.

iii. Provide a trellis, canopy, porch, arbor or other building element that incorporates landscaping.

iv. Provide special pedestrian-scaled lighting.

v. Provide adjacent window displays.

vi. Provide building ornamentation such as mosaic tile, relief sculpture, ornamental wood or metal trim, etc.

vii. Provide artwork or special pedestrian-scaled signs.

E. Site Planning – Open Space Elements.

1. Goal. To provide a variety of pedestrian-oriented areas to attract shoppers to commercial areas and enrich the pedestrian environment. To create gathering spaces for the community. Provide usable open space in a multifamily development for all the residents of the development. (Refer to each zoning district for specific open space requirements.)

2. Guidelines and Requirements.

a. To qualify as a “pedestrian-oriented space,” an area must have:

- i. Pedestrian access to the abutting structures from the street, connector or a nonvehicular courtyard.
 - ii. Paved walking surfaces of either concrete or approved unit paving.
 - iii. On-site or building-mounted lighting.
 - iv. At least three feet of seating area (bench, ledge, etc.) or one individual seat per 60 square feet of plaza area or open space.
- b. The following features are encouraged in “pedestrian-oriented space” and may be required by the Director:
- i. Spaces should be positioned in areas with significant pedestrian traffic to provide interest and security, such as adjacent to a building entry.
 - ii. Provide “pedestrian-oriented building facades” on some or all buildings facing the space.
 - iii. Movable seating.
- c. The following features are prohibited within “pedestrian-oriented space”:
- i. Asphalt or gravel pavement.
 - ii. Adjacent unscreened parking lots or parking areas not separated through the use of curbing, landscape areas, elevation, decorative walls or other components creating a physical separation.
 - iii. Adjacent chain link fences.
 - iv. Adjacent “blank walls.”
 - v. Adjacent dumpsters or service areas.
 - vi. Outdoor storage or retail sales that do not contribute to the pedestrian environment.
- d. All developments in the CB, NB, O, MPC, SC and MU districts must provide “pedestrian-oriented space” per Table 4. For the purposes of this section, all required walkways per Table 3, when applicable, shall not count as pedestrian-oriented space. However, the Director may allow those portions of walkways widened beyond minimum requirements to count towards the required pedestrian-oriented space as long as such space meets the definition of pedestrian-oriented space.

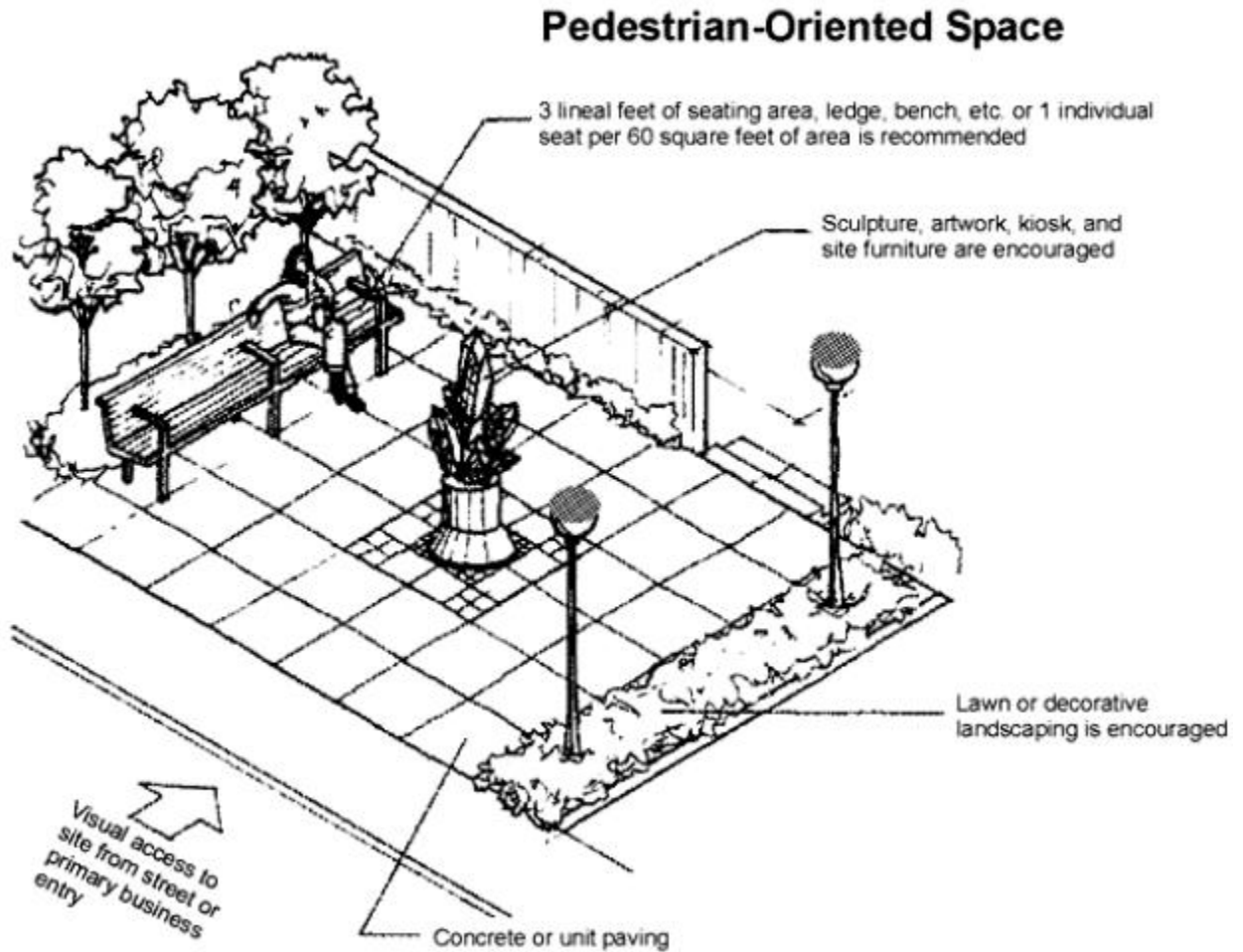
| |
|---|
| <p>Table 4. Required Pedestrian-Oriented Space for Developments in the CB, NB, O, MPC, SC and MU Districts.</p> |
|---|

| Building Footprint (square feet) | Minimum Pedestrian-Oriented Space |
|----------------------------------|---|
| Less than 10,000 square feet | 1 square foot/100 square feet building footprint |
| 10,000 – 25,000 square feet | 1.25 square feet/100 square feet building footprint |
| 25,000 – 60,000 square feet | 1.5 square feet/100 square feet building footprint |
| More than 60,000 square feet | 1.75 square feet/100 square feet building footprint |
| More than 100,000 square feet | 2 square feet/100 square feet building footprint |

e. Children’s play areas shall be clearly visible between and from the multifamily buildings.

f. Open spaces within multifamily developments shall connect with multifamily buildings, parking areas, and adjacent neighborhoods.

Figure 11. Illustrating pedestrian-oriented space guidelines and requirements.



F. Site Planning – Street Corner Elements.

1. Goal. To enhance the appearance of highly visible sites. To upgrade the character and identity of Maple Valley.

2. Guidelines and Requirements.

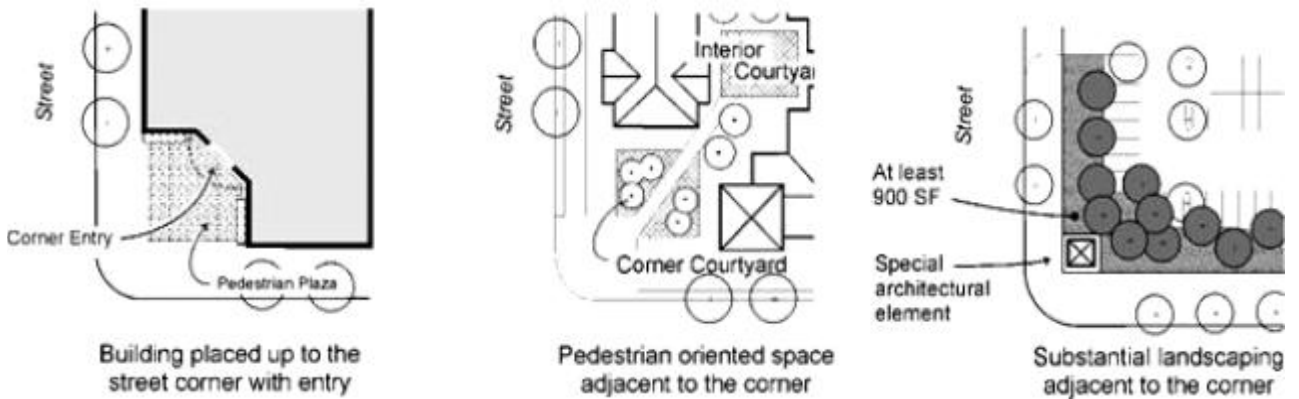
a. All applicable development proposals for sites at street corners containing one or more arterial streets or two or more business collector streets must include at least one of the design treatments described below.

i. Locate a building towards the street corner (within 15 feet of the corner property line). Buildings located here must feature cropped or cut-out corners with “pedestrian-oriented building facades” and “pedestrian-oriented space.” Corner buildings are encouraged to include a special architectural element, such as a raised roofline, towers, or an extended parapet, along the most visible views of the structure.

ii. Provide a “pedestrian-oriented space” at the corner leading directly to a building entry or entries. The space may include a special architectural element such as a trellis to add identity or demarcation of the area.

iii. Install substantial landscaping (at least 30 feet by 30 feet or 900 square feet of ground surface area with trees, shrubs, and/or groundcover). The space may include a special architectural element such as a trellis to add identity or demarcation of the area. Such an architectural element may have a sign incorporated into it in addition to any other such signage permitted under MVMC [18.50.010](#) (as long as such sign does not identify an individual business or businesses).

Figure 12. Illustrating street corner options.



Section 9. Section 18.70.040 of the Maple Valley Municipal Code is hereby amended as follows:

18.70.040 Business Park – Auto-related business design standards.

A. Goal. Business Park developments shall minimize the visual impacts on surrounding developments through appropriate design standards and requirements.

B. Guidelines and Requirements.

1. Retail fueling stations located in the BP and NB zones shall adhere to the design guidelines and requirements otherwise applicable to the CB zone.
2. Canopies for automobile fueling stations, storage and repair and maintenance businesses shall have a pitched roof that contains a slope of at least four feet vertical to 12 feet horizontal and no taller than 25 feet.
3. Internal and up-lit illumination of the canopy and pumps shall be prohibited. Lighting on the underside of the canopy shall be full cut off, recessed into the canopy and shielded if required to prevent glare and light trespass. Signage conforming to Chapter [18.50](#) MVMC may be located on the canopy.
4. Commercial and retail fueling stations shall be limited to a maximum of six dispensers (12 fueling points). Liquid fuel storage tanks greater than 300 gallons in size must be enclosed within the structure or located underground. Propane and natural gas storage tanks may be located outside and above ground. All above ground storage tanks shall be screened.
5. Automobile fueling stations, storage, repair and maintenance businesses with street frontage on streets designated as collectors and above should comply with CB landscape standards as specified in MVMC [18.40.130](#).

Section 10. Section 18.80.020 of the Maple Valley Municipal Code is hereby amended as follows:

18.80.020 Regulations applicable to nonconforming uses.

A. Continuance. Any legally established nonconforming use may be continued. Uses that have been continuously in existence since prior to 1974 shall be considered legally established even though they would not be allowed under the current City code. Other uses may be required to present evidence such as a copy of the then applicable zoning regulations and proof that the use existed at the time in question to be considered legally established.

B. Changes. Nonconforming uses may be changed to other uses that are allowed by this code. Alternatively, an applicant may apply for a Conditional Use Permit using Process 3 to change a nonconforming use to another less nonconforming use if a showing can be made that the new use will have fewer detrimental effects on the surrounding neighborhood and properties than the existing use.

C. Abandonment. If a nonconforming use is abandoned or discontinued for a period of 12 consecutive months, the nonconforming status of the use is terminated. Any future use of the land or structures shall be in conformity with the provisions of this code. The presence of a structure, equipment, or material shall not constitute the continuance of a nonconforming use unless the structure, equipment, or material is actually being occupied or employed in maintaining such use.

D. Expansion. A nonconforming use may not be expanded.

Section 11. Section 18.80.030 of the Maple Valley Municipal Code is hereby amended as follows:

18.80.030 Structures housing nonconforming uses.

A. Improvements.

1. No structure housing or containing a nonconforming use shall be enlarged or extended.
2. A structure housing or containing a non-conforming use may be repaired or structurally altered only if repairs or structural alterations do not result in an increase in floor area.

B. Restoration. A structure housing a nonconforming use that is accidentally destroyed may be fully restored in its former location despite noncompliance with use or bulk regulations if a Building Permit application is submitted to the Department of Community Development within one year of the destruction.

Section 12. Section 18.80.040 of the Maple Valley Municipal Code is hereby amended as follows:

18.80.040 Nonconforming structures.

A. Continuance. Any legally established nonconforming structure is permitted to remain in the form and location in which it existed on the effective date of the nonconformance. Structures that have been continuously in existence since prior to 1974 shall be considered legally established. Other structures may be required to present evidence such as a copy of the then applicable zoning regulations and proof that the structure existed at the time in question to be considered legally established.

B. Improvements.

Nonconforming structures may be structurally altered, enlarged, repaired or improved only if the degree of nonconformance is not increased and only if all new structural alterations, enlargements, repairs or improvements meet the requirements of this code.

C. Restoration. A nonconforming structure that is accidentally destroyed may be fully restored in its former location despite noncompliance with the bulk regulations if a Building Permit application is submitted to the Department within one year of the destruction.

Section 13. Section 18.90.060 of the Maple Valley Municipal Code is hereby amended as follows:

18.90.060 Short plats.

A. Application and Procedure. A preapplication conference is required. Submittal requirements for the application may be obtained from the Department. Short plat applications are reviewed using Process 2. Environmental review pursuant to the State Environmental Policy Act (SEPA) and Maple Valley’s SEPA policies may be required.

B. Decision Criteria.

1. The Director may approve, approve with conditions, or deny a short plat only if: Appropriate provisions are made in the short subdivision for, but not limited to, the public health, safety, and general welfare, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary and/or septic sewer systems, fire protection, parks and recreation, playgrounds, schools, sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school. The Director shall consider all other relevant facts. If the Director finds that appropriate provision is made for the specified items and that the public interest is served by the short plat, then it shall be approved upon the entry of written findings that the short plat conforms to all applicable zoning and land use requirements and appropriately mitigates adverse impacts. Dedication of land to the City, provision of public improvements to serve the short subdivision, and/or impact fees imposed pursuant to State law and City ordinances may be required as a condition of approval. Dedications shall be clearly shown on the final short plat. If the Director finds that the proposed short plat does not make provisions as outlined in this section, or that the public use and interest will not be served, the preliminary short plat will then be disapproved;

2. The proposed short plat appropriately considers the physical characteristics of the site and each lot in the proposal can reasonably be developed in conformance with this code without requiring a variance or critical areas reasonable use exception;

3. All necessary utilities, streets or access roads, drainage and other improvements are planned to accommodate the potential use of the entire property; and

4. The proposal is in accord with the comprehensive plan, this land use code, and serves the public interest.

C. The Director, in rendering a decision regarding the short subdivision application, shall consider comments received from special districts, citizens and other departments, and

affected agencies or jurisdictions. A written report of the decision shall be prepared with supporting facts and reasons, including any conditions imposed as part of an approval.

Dedication of land to the City, provision of public improvements to serve the short subdivision, and/or impact fees imposed pursuant to State law and City ordinances may be required as a condition of short subdivision approval. Dedication shall be clearly shown on the final plat.

D. Preliminary Approval. The preliminary approval of a proposed short subdivision is effective for three years, unless extended by the Director for a period not more than one additional year. If all specified requirements are not completed or bonded as specified below within the approval period, preliminary approval shall expire and a new application in conformity with then current regulations shall be required. If the preliminary short subdivision is approved by the City, any specified requirement shall be completed within three years, plus any authorized extension, or preliminary approval shall expire. In the event of such an expiration a new application in conformity with the then current regulations shall be required before preliminary approval is again granted.

E. Final Approval.

1. Approval Criteria. The Director shall approve a final short plat if the application conforms to all conditions and requirements of the preliminary short plat approval.

2. Completion or Bonding.

a. Final approval of a short subdivision shall require the signature of the City's Public Works Director stating that all improvements specified as part of the preliminary approval have been satisfactorily completed. Alternatively, final approval may be granted by the Director subject to applicant's filing of a performance bond or other suitable surety in a form approved by the City Attorney and in an amount equal to 150 percent of the estimated cost of the improvements as determined by the Public Works Director. The surety shall provide that the specified improvements must be completed within one year from the date of approval or that the City may, after 10 days' written notice to the applicant, execute on the bond or surety. The City may also, but shall not be obligated to, complete all or any part of the specified improvements which are not completed within one year and may execute upon the bond or other surety in order to pay the cost of such completion. The applicant shall be liable for any cost of completion in excess of the bond or surety amount.

b. The performance bond required by this section shall remain in effect until released in writing by the City. The performance bond shall not be released until the Public Works Director is satisfied that all improvements have been satisfactorily completed and until the applicant files a maintenance bond or other suitable surety, in a form approved by the City Attorney and in an amount equal to 20 percent of the actual construction cost of the improvements, as determined by the Public Works Director, guaranteeing the repair or replacement of any improvements which proves defective or fails to survive within two

years after final acceptance of the improvements or landscaping by the City. The maintenance bond or surety shall be executed upon, and the applicant shall be liable for repair costs in excess of the maintenance bond or surety, in the same manner as set forth above with respect to the performance bond or surety.

F. Recording of Approved Short Subdivisions. After the date of the final approval and cessation of all appeal periods, the applicant shall record the short plat, short plat certificate, and covenants with the County Auditor. Recording fees shall be paid by the applicant. The short subdivision shall be approved when all necessary documents have been recorded. The applicant shall provide one paper and one reproducible copy of the recorded short plat to the City prior to building or other permits being issued for the property.

G. Resubdivision Restricted.

1. Land within an approved short subdivision shall not be resubdivided for a period of five years from the date of approval of the short subdivision without the submission and approval of a final subdivision pursuant to all provisions of this chapter concerning the subdivision of land into five or more lots, tracts or parcels.

2. When the original short subdivision contains less than four lots, the stipulation described in subsection (G)(1) of this section shall not apply to the creation of additional lots, not exceeding a total of four. In that case, a new application consistent with the then current short subdivision regulations shall be required. After five years, further division may be permitted when otherwise consistent with the then current regulations of the City.

3. Where there have been no dedications to the public and no sales of any lots in a short subdivision, nothing contained in this section shall prohibit an applicant from completely withdrawing the entire short subdivision and thereafter presenting a new application.

Section 14. Section 18.90.080 of the Maple Valley Municipal Code is hereby amended as follows:

18.90.080 Binding site plan.

A. Purpose. The purpose of this chapter is to create a permit for dividing commercially and Business Park zoned property, as authorized by RCW 58.17.035. On sites that are fully developed, the binding site plan merely creates or alters interior lot lines. In all cases the binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access; interior circulation; open space; landscaping and drainage; facility maintenance; and coordinated parking.

B. Procedure. A binding site plan creating four or fewer lots may be reviewed by the Director using Process 2. A binding site plan creating five or more lots shall be reviewed by the Hearing Examiner using Process 3. A binding site plan reviewed in conjunction

with any Process 3 or Process 4 application shall be reviewed and decided by the Hearing Examiner using Process 3 or by the City Council using Process 4, respectively.

C. Applicability.

1. Any applicant seeking the use of a binding site plan to divide his or her property for the purpose of sale, lease or transfer of ownership of commercially or Business Park zoned property is required to apply for, complete and have approved a binding site plan prior to any property division, as provided in Chapter 58.17 RCW and as required by this chapter.
2. The site which is subject to the binding site plan shall consist of one or more contiguous lots legally created.
3. The site which is subject to the binding site plan may be reviewed independently for fully developed sites or in conjunction with a valid commercial site Development Permit. Binding site plans shall not be approved for an undeveloped site unless in conjunction with approval of a commercial site development plan.
4. The binding site plan process merely creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon.

D. Decision Criteria.

1. The Director or Hearing Examiner shall consider and may approve with or without conditions, deny or return the application for modifications, based on:
 - a. A finding that the newly created lots will continue to function and operate as one site, for fully developed sites; or
 - b. Conformity of the proposed site plan with the adopted rules and regulations as represented in the approved commercial site plan, if the binding site plan is being considered with a commercial site plan.
2. If the Director or Hearing Examiner denies the application or otherwise orders the site plan returned, the plan shall be returned to the applicant.
3. The binding site plan shall contain applicable inscriptions or attachments setting forth limitations and conditions to which the plan is subject, including any applicable irrevocable dedications of property and containing a provision requiring that any development of the site shall be in conformity with the approved site plan.
4. The Director or Hearing Examiner may modify lot-based or lot line requirements contained within the building, fire and other similar uniform codes adopted by the City.

5. The Director or Hearing Examiner may authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan. Conditions of use, maintenance and restrictions on redevelopment of shared open space, parking, access and other improvements shall be identified on the binding site plan and enforced by covenants, easements or other similar mechanisms.

6. The decision may be appealed to the Hearing Examiner for a Process 2 action..

E. Recording and Binding Effect.

1. Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a professional land surveyor, licensed in the State of Washington. Surveys shall include those items prescribed by RCW 58.09.060, records of survey, contents – record of corner, information;

2. The approved binding site plan recording forms shall include information in the format prescribed by the Director in the submittal requirements;

3. Upon approval of the binding site plan, the applicant shall cause the recording of the binding site plan and covenants with the County Auditor. Recording fees are to be paid by the applicant. The applicant shall provide the City with one paper and one reproducible copy of the recorded binding site plan;

4. Lots, parcels, or tracts created through the binding site plan procedure shall be legal lots of record. All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan;

5. Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the binding site plan, that does not conform to the requirements of the binding site plan or without binding site plan approval, shall be considered a violation of this chapter and Chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in this chapter and Chapter 58.17 RCW.

F. Amendment, Modification and Vacation. Amendment, modification and vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application, as set forth in this chapter. If a portion of a binding site plan is vacated, the property subject to the vacated portion shall constitute one lot unless an approved subdivision or short subdivision subsequently divides the property.

Section 15. Severability. If any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the

validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 16. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five days after adoption and publication.

Section 17. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this resolution, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or resolution numbering and section/subsection numbering.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY,
WASHINGTON ON THIS 26th DAY OF MARCH, 2012.

William T. Allison, Mayor

ATTEST:

Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

Christy A. Todd, City Attorney